

Monday
7 November 2016

Volume 616
No. 58



HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 7 November 2016

House of Commons

Monday 7 November 2016

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

NEW WRIT

Ordered,

That the Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the County Constituency of Sleaford and North Hykeham in the room of Stephen James Phillips, who since his election for the said County Constituency, has been appointed to the Office of Steward and Bailiff of Her Majesty's Manor of Northstead in the County of York.—(*Gavin Williamson.*)

Mr Speaker: Before we get under way with proceedings, I am sure that the whole House will wish to join me in offering our warmest congratulations to Andy Murray on becoming the men's singles world No. 1—the first British man to do so since the inception of the ATP rankings in 1973. It is a tribute to his talent, to his big-match temperament and to his tireless endeavour over many years.

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Procurement Programmes: Supply Chain

1. **Mark Pawsey** (Rugby) (Con): What steps he is taking to ensure that SMEs are included in the supply chain for defence procurement programmes. [907088]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): May I add my congratulations to Andy Murray? Having said those remarks, I am sure that Mr Speaker will be able to watch many more matches played by the world's No. 1 tennis player. It is absolutely fantastic news.

Small businesses are vital for growth and innovation, whether they work directly with the Ministry of Defence or through our prime contractors. We have committed to increase our direct and indirect procurement spending with small and medium-sized enterprises from 19% to 25% by 2020.

Mark Pawsey: It is good to hear from the Minister that our armed forces can benefit from the innovation and entrepreneurship of small businesses. However, one such business in my constituency tells me that dealing with the Department can sometimes be overly bureaucratic,

including the need to apply to remain on a list of approved suppliers. Can the Minister take any steps to simplify the process and encourage even more small businesses to come forward?

Harriett Baldwin: We recognise that processes are overly bureaucratic. We have got rid of the idea of an approved suppliers list, and we are working hard to reduce red tape. We are introducing a shorter contract and a network of supply chain advocates. May I suggest that any businesses in my hon. Friend's constituency or any other contact the relevant supply chain advocate? I look forward to sending my hon. Friend those details later today.

Mr John Spellar (Warley) (Lab): Will the Minister outline what steps are being taken to help British businesses? In that context, will she tell us why the Department decided to procure combat garments for the Army from a Spanish company rather than a Scottish one?

Harriett Baldwin: We welcome competition in procurement for all our contracts. We also recognise that our £178 billion equipment budget is being spent with more than 5,000 businesses here in the UK.

Marcus Fysh (Yeovil) (Con): SMEs make up a large part of the helicopter manufacturing industry in my constituency and they are worried that the potential local closure of GKN foreshadows an erosion of that. What support can my hon. Friend provide to keep a full helicopter manufacturing capability in the Yeovil area?

Harriett Baldwin: I pay tribute to my hon. Friend's fantastic work representing his constituents in Yeovil and the magnificent work that they do. We took delivery of the most recent Wildcat helicopter just in the last month. We look forward to working with Leonardo in Yeovil as part of a major strategic partnership agreement. It is important that my hon. Friend puts such issues about helicopter manufacturing forward as part of the industrial Green Paper that the Department for Business, Energy and Industrial Strategy will produce later this year.

Mr Kevan Jones (North Durham) (Lab): Last week's announcement on the Type 26 frigate was good news for Scotland. What steps have been put in place to ensure that UK SMEs and larger companies, for example those based in the north-east of England, will gain work from this contract?

Harriett Baldwin: The hon. Gentleman is right to highlight this fantastic news for companies up and down the country, including our shipbuilders on the Clyde. We have already announced contracts worth some £1.9 billion which are related to this programme right across the UK. Importantly, we will be publishing, alongside our prime contractor, the opportunities for the British steel industry to bid into this manufacturing opportunity.

Michael Fabricant (Lichfield) (Con): One reason we have bureaucracy, which was mentioned by my hon. Friend the Member for Rugby (Mark Pawsey), is to ensure that SMEs stay in business during the whole course of a contract. The biggest enemy of any SME is a poor cash flow. What is the Department doing to ensure that SMEs are paid promptly?

Harriett Baldwin: My hon. Friend is right to highlight that this is an important issue, which is why the Ministry of Defence is so committed to being able to pay our invoices promptly. We give that guidance to our prime contractors, and I would certainly like to hear of any examples from Members of where prime contractors are not passing on that prompt payment from the MOD to their suppliers.

Douglas Chapman (Dunfermline and West Fife) (SNP): The Minister will be aware of the fabulous job being done by SMEs and large companies to deliver the Royal Navy carriers at Rosyth, both of which are on time and on budget. How does she plan to reward Rosyth and its highly skilled workforce after the carriers are gone? What good news has she got for Rosyth today?

Harriett Baldwin: I would have thought the hon. Gentleman might have started by welcoming Friday's announcement about the shipbuilding jobs on the Clyde, but he is absolutely right that it is a wonderful national moment as we complete these two fantastic carriers at Rosyth. I am sure he and I are both looking forward to seeing the Queen Elizabeth sail down the Forth some time next year. Given the ambitious shipbuilding strategy that we have and the national shipbuilding strategy that will be announced nearer to the autumn statement, I am sure that there will be great news for shipbuilding across Scotland and the whole of the UK.

Iraq and Syria: RAF Campaign

2. **Mr Jim Cunningham** (Coventry South) (Lab): What assessment he has made of the effectiveness of the RAF's campaign in Iraq and Syria. [907089]

The Secretary of State for Defence (Sir Michael Fallon): The RAF's significant contribution to the fight against Daesh is second only to that of the Americans. To date, we have conducted 1,048 airstrikes in Iraq and 67 in Syria. In Iraq, the RAF has helped Iraqi security forces to halt and push back Daesh, with about three quarters of the current strikes now supporting operations to retake Mosul. In Syria, the RAF has struck oilfields and supported the liberation of al-Shaddadi and Manbij.

Mr Cunningham: What further support is the Secretary of State going to give to the Iraqi Kurdish forces in recapturing Mosul? He has outlined an up-to-date version of events, but what further support can he give them?

Sir Michael Fallon: We are supporting the Mosul operation through airstrikes, through surveillance and reconnaissance from the air and, above all, through the training that we have supplied to Iraqi and Kurdish forces. I can tell the House that British troops have now trained more than 30,000 Iraqi soldiers, including Kurdish.

Mr James Gray (North Wiltshire) (Con): The Secretary of State will recall that the decision to launch airstrikes, both in Iraq and latterly in Syria, was taken not under the royal prerogative, but by resolution of this House. Does he agree that that precedent might well be useful in discussions in the months ahead?

Sir Michael Fallon: My hon. Friend tempts me into a matter to be considered by this House a little later this afternoon.

Ruth Smeeth (Stoke-on-Trent North) (Lab): Reports at the weekend suggest that the deployment and moves into Raqqa are imminent. Can the Secretary of State give us any update on what is going to happen and what support we will be providing to the efforts against Daesh in Raqqa?

Sir Michael Fallon: Yes, I can tell the House that we expect operations to first isolate, then encircle and then liberate Raqqa to begin shortly. Our forces—the RAF—will be involved in a similar role there, providing intelligence and reconnaissance from the air, but they will also be providing close air support to troops on the ground.

Bob Stewart (Beckenham) (Con): The Royal Air Force is world renowned for the accuracy of its missile strikes. Will my right hon. Friend confirm what I think is still happening, which is that innocent casualties are at an absolute minimum when the RAF strikes in Iraq and Syria?

Sir Michael Fallon: I hope that I can reassure my hon. Friend on that, because we take great care to plan our missions in a way that will minimise the risk of civilian casualties in accordance with the rules of engagement that I laid down at the beginning of the campaign. In more than 1,000 airstrikes now conducted by the RAF as part of the campaign, we have found no evidence yet of civilian casualties, and we do carry out an assessment after each of the British strikes.

Nia Griffith (Llanelli) (Lab): In the run-up to Remembrance Day, we think of all those who have served our country as well as those who are currently serving it around the world, and we remember the immense sacrifices that have been made to defend our freedoms.

We support the RAF's involvement in the campaign to liberate Raqqa. Daesh has used the city as its headquarters to plot attacks against British citizens, and it is vital that that evil organisation is routed for good. Before launching the operation to free Mosul, the Iraqi Government made careful plans about exactly which groups would be allowed to enter the city to avoid the real risk of sectarian violence. Will the Secretary of State tell us whether similar plans have been made in respect of Raqqa?

Sir Michael Fallon: I am grateful to the hon. Lady for her question. Let me formally welcome her and her team to Defence questions, and echo the tributes that she paid—and that we will all be paying over the next few days—to the work of our armed forces here and around the globe.

The hon. Lady is right that a lot of work went into the preparation of the Mosul campaign to ensure that there was sufficient reassurance for its predominantly Sunni population that the way that it was to be isolated, encircled and eventually liberated would not further exacerbate the tensions in that already complex city. Raqqa is predominantly an Arab city, and it is the coalition's view that its encirclement and liberation should be accomplished by a predominantly Arab force.

Nia Griffith: We are also all deeply concerned about Russia's corrosive role in the Syrian conflict. Its planes have hit schools and aid convoys and now, as we understand it, the signs are that it is preparing for a devastating

assault on Aleppo. I am sure that the Secretary of State agrees that what the people of Aleppo want is an immediate cessation of hostilities. What is the Government's strategy for achieving a meaningful ceasefire agreement?

Sir Michael Fallon: I think there is agreement across the House that Russia's actions speak far louder than its words. The key is to stop the violence and return to the cessation of hostilities as originally agreed. There have been a number of these ceasefires and, in each case, they have been broken by the Assad regime and its Russian supporters. It really is time now that Russia called a halt to the slaughter and got engaged with us in finding a political settlement so that Syria can finally live in peace.

Mosul: Reconstruction and Governance

3. **Natalie McGarry** (Glasgow East) (Ind): What plans the Government have to help support the reconstruction and governance of Mosul once Daesh has been removed from that city. [907091]

The Secretary of State for Defence (Sir Michael Fallon): We encourage the Iraqi Government's efforts to protect civilians, minimise the humanitarian impact, and support political reconciliation. A successful military operation must be followed by sustained stabilisation and reconstruction. The UK is providing £15 million to help secure liberated areas, clear explosives and support the renovation of power networks, clinics and schools. This year, we are also providing £90 million of humanitarian assistance to help people across Iraq, including those affected by the military operations in and around Mosul.

Natalie McGarry: The Government spent £320 million on bombing Libya and only £25 million on its reconstruction when the campaign ended. Libya is now fragmented and lawless. In Mosul governorate, towns have been destroyed and people such as my Yazidi friend Elias Qirani have been displaced to camps in Sinjar, freezing and without adequate food this winter. Will the Secretary of State assure the House that the lessons of Sinjar and Libya have been learned and that this Government have planned for peace and reconstruction in Mosul and Raqqa?

Sir Michael Fallon: Yes, I think it is fair to say that we learn the lessons from each of these successive campaigns. This is a campaign being helped by the international coalition and led by Iraqi forces, but yes, we have made our contribution to the United Nations effort to ensure that there are sufficient tents, food aid and medical supplies for those towns that are liberated. I hope the hon. Lady supports the overall aim of the campaign, which is to allow the Yazidi people to return to their homes and to live in peace.

Mr Philip Hollobone (Kettering) (Con): Given the complex ethnic make-up of Mosul and the split between Sunnis and Shi'as, what plans are there for some kind of international observer force to be on the ground in the city once it is liberated?

Sir Michael Fallon: It is for the Iraqi Government in the first instance to determine the future local government of Mosul. It is, as my hon. Friend says, a very complex

city and not entirely a Sunni city, and it is important that the administration there after liberation can command the confidence of all groups represented in that city. We have made our views on this known to the Government and military commanders of the operation.

Nia Griffith (Llanelli) (Lab): We welcome the progress in the operation to liberate Mosul and we fully support this important offensive. I recently met the Iraqi ambassador, who reiterated the need to defend the border between Iraq and Syria to ensure that Daesh cannot return to re-establish itself in Mosul or anywhere else. What role will the UK play in securing the border and defending the territorial integrity of Iraq?

Sir Michael Fallon: It is not for us in the west to question the territorial integrity of Iraq. In the end it is for the Iraqi people to decide their borders. One of the aims of the counter-Daesh coalition, which I shall be chairing at its next meeting next month in London, is to focus on the period after the liberation of Mosul and after the final mopping-up operations along the Tigris and in the Euphrates river valley, to see what more can be done by the coalition countries to help Iraq to reinforce its border and ensure that Daesh does not come back through it.

Yemen

4. **Dr Philippa Whitford** (Central Ayrshire) (SNP): What recent support the armed forces have provided to the military campaign of the Saudi-led coalition in Yemen. [907092]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): The UK is not a member of the Saudi Arabian-led coalition. British armed forces personnel are therefore not involved in selecting targets, carrying out strikes, or directing or conducting operations in Yemen.

Dr Whitford: The UK continues to supply arms to Saudi Arabia, despite repeated bombing of civilian targets and non-governmental organisation hospitals in Yemen. The most conservative figures from the United Nations Human Rights Council demonstrate that there have been at least 10,000 casualties and 4,000 confirmed dead in a country facing humanitarian disaster. Will the Minister and the Secretary of State heed the previous call by the Business, Innovation and Skills and the International Development Committees to end export licences for these arms, or are these casualties just considered a fair price to pay?

Harriett Baldwin: We will be responding to those reports imminently, but I want to put on record that we have one of the most robust arms export control regimes in the world. We are aware of the alleged violations that the hon. Lady mentions and we take alleged violations in this conflict extremely seriously.

Kevin Foster (Torbay) (Con): I am sure the Minister will agree that in this situation we have to be careful what we wish for, given the alternatives. Will she outline what support the UK Government are giving to the parties involved to ensure compliance with international humanitarian law?

Harriett Baldwin: My hon. Friend is right to say that in this situation the UK particularly supports a political solution. We believe that this is the best way to bring long-term stability to Yemen and to end the conflict. With respect to ongoing support, the UK backed UN resolution 2216, as my hon. Friend knows, and we have an ongoing defence engagement relationship with the Saudi Arabian Government.

Keith Vaz (Leicester East) (Lab): Last Monday, the Security Council discussed Yemen for the first time in six months. I observed the proceedings. There was unanimous support for an immediate ceasefire and the four-point plan put forward by Matthew Rycroft, our ambassador. Will the Minister speak to the Foreign Secretary in person or through the Defence Secretary to ensure that a new resolution is tabled as soon as possible so that it can be discussed and passed, and the humanitarian and military crisis can be dealt with?

Harriett Baldwin: The right hon. Gentleman, who pays such close interest to this subject, will be aware that the UK continues strongly to support the work of the UN special envoy, Ismail Ould Cheikh Ahmed, and we strongly support a political solution. I will certainly pass on the sentiments he has just expressed to colleagues in the Foreign Office.

Armed Forces Covenant

5. **Lilian Greenwood (Nottingham South) (Lab):** What steps his Department is taking to ensure that the provisions of the armed forces covenant are being implemented effectively in the UK. [907093]

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): The implementation of the covenant is overseen by the covenant reference group, chaired by the Cabinet Office. Next month's annual report will detail the fact that considerable progress has been made across Government and with the wider public, private and third sectors, including on key areas of education, healthcare, accommodation and access to commercial services.

Lilian Greenwood: I thank the Minister for that answer. The head of the forces charity SSAFA has warned that the armed forces covenant

“provides excellent guidance but there is no guarantee of enforcement.”

Forces families often find themselves in real difficulty when seeking housing or school places. In this week, when our thoughts are with those forces families who have made the ultimate sacrifice, what are the Government doing to make it clear to service providers that the guarantees contained in the covenant are legal duties, not just optional extras?

Mark Lancaster: The hon. Lady is right to raise that, because it was this Government who enshrined the covenant in law. We have made substantial progress in recent years, not least through the £22.5 million that has now been spent on the service pupil premium or the £20 million that has been invested in veterans' accommodation. However, I do recognise that more needs to be done, and I feel that I have a duty to ensure that local authorities across the country are doing their bit to enforce the covenant.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): Does the Minister agree that the recent report published by the Royal United Services Institute on the corporate covenant is a really important step in highlighting where the Government need to do much more to reach out to a much wider group of companies to get them to support those who are leaving the service and those families who need support.

Mark Lancaster: Of course we recognise that the covenant is very much a partnership between Government, the third sector and the corporate world, which is why I was delighted to see that we recently passed 1,200 signatures on the corporate covenant.

Jim Shannon (Strangford) (DUP): What discussions has the Minister had with the Secretary of State for Northern Ireland to see the armed forces covenant enforced in Northern Ireland? What steps has his Department taken in the interim to work with veterans' services in Northern Ireland until the scheme is fully implemented?

Mark Lancaster: Of course, we have unique challenges in Northern Ireland, but I am pleased to report that we estimate that 93% of covenant issues are being enforced in Northern Ireland. Clearly, we need to do better, and that is going to be my focus for the year.

Fabian Hamilton (Leeds North East) (Lab): While there are many examples of good practice across the United Kingdom, it is clear that not everyone in the forces community is experiencing the benefits of the covenant. A recent report by the Local Government Association found that nearly 40% of those who served in the armed forces felt that their service left them disadvantaged. What are the Government doing to ensure that the covenant becomes a reality for every serviceman and woman across the country?

Mark Lancaster: I welcome the hon. Gentleman to his post, and I encourage him to look at the last four covenant reports, which detail the progress we have made over the last four years. However, his point is well made, and it is precisely why, earlier this year, I commissioned the Forces in Minds Trust to do a review so that we can ensure that best practice from the various local authorities across the United Kingdom is shared.

Mental Health Services: Veterans

6. **Andy Slaughter (Hammersmith) (Lab):** What recent discussions he has had with the Secretary of State for Health on the provision of mental health services for veterans. [907095]

13. **Karl Turner (Kingston upon Hull East) (Lab):** What recent discussions he has had with the Secretary of State for Health on the provision of mental health services for veterans. [907104]

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I will meet the Under-Secretary of State for Health, my hon. Friend the Member for Warrington South (David Mowat), shortly. I had several such meetings with his predecessor at which we discussed mental health.

Andy Slaughter: Part of the problem is that only about 50% of veterans who have mental health issues come forward with them because of culture, stigma, or whatever. What are the Government doing to reach out to those who do not seek treatment to ensure that they also do so?

Mark Lancaster: The hon. Gentleman makes a valuable point. The problem is not specific to veterans; for some time, we have had problems in society whereby mental health has been a stigma and people are reluctant to come forward. We are working closely with the Department of Health, because ultimately this is its responsibility, but we also have a number of programmes within the Ministry of Defence, not least the veterans and reserves mental health programme, which ensures that veterans are contacted one year after they leave the service to be encouraged to seek support if they need it.

Karl Turner: Servicemen and women are able to access defence mental health services for up to six months after they leave the military, but poor mental health can kick in at any time. Given that the NHS is frankly on its knees in relation to mental health services, will the Minister consider extending the access period to allow veterans proper priority in mental health services? That would also take the pressures off the NHS.

Mark Lancaster: This is an interesting area. Ultimately, the national health service is responsible for our veterans because, as a society, we do not have a specialist veterans department; I think that is the right approach. Nevertheless, we have invested over £13 million of LIBOR money in this specialist area. We do indeed allow people access for up to six months, and I am happy to look at the hon. Gentleman's suggestion to see how we can perhaps do more.

Sir Hugo Swire (East Devon) (Con): The provision of a psychologist specialising in trauma services would be of huge benefit to the many veterans in Devon, particularly in East Devon, suffering from post-traumatic stress disorder. Will my hon. Friend commit to having an early discussion with the Secretary of State for Health to make such a provision available to my constituents and others?

Mark Lancaster: As I mentioned in my original answer, I have a regular meeting with my counterpart at the Department of Health, and I am happy to add my hon. Friend's suggestion to the agenda.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con) *rose—*

Mr Speaker: While it is always a pleasure to hear from the hon. Member for Berwick-upon-Tweed (Mrs Trevelyan), she has already had a substantive question. She can have another go in topicals, but Members cannot speak twice in substantives, I am afraid.

18. [907111] **Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): Analysis by Combat Stress has found that reservists who have served in recent military campaigns were more likely to develop post-traumatic stress disorder than regular service members. What are the Minister

and the Government doing specifically to ensure that those who volunteer for the reserves will have the necessary mental health treatment and support options once they have returned to civilian life?

Mark Lancaster: I should declare my interest as a serving reservist. From my own experience of being mobilised on three occasions over recent years, I can say that it has been interesting to see the extra support I have had on returning from mobilised service latterly compared with when I first did it in 1999 to 2007. Progress is definitely being made. As I said, we have the veterans and reserves mental health programme, which ensures that extra support is given to reservists. I fully recognise that when reservists are demobilised they do not always have the same support as those returning to a regular unit.

19. [907112] **Rushanara Ali** (Bethnal Green and Bow) (Lab): The armed forces covenant makes it clear that veterans have distinct health needs and should receive priority treatment, but given the fragmentation in the health service, what monitoring is being done to make sure that they actually receive the treatment that they require?

Mark Lancaster: In certain circumstances, veterans should have priority treatment. That is precisely why, on 13 July, I announced the new integrated high dependency care system, which is a partnership between the Ministry of Defence and the Department of Health to ensure that those who need specialist support can continue to get it from Defence Medical Services.

Defence Spending

7. **Karl McCartney** (Lincoln) (Con): What estimate he has made of the increase in defence spending over the course of this Parliament. [907096]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): This Government put our security first. The spending review confirmed that the Ministry of Defence's budget will rise by 0.5% above inflation in every year to 2020. We will spend 2% of GDP on defence each year, and the defence budget will rise to almost £40 billion by the end of the decade.

Karl McCartney: Sentinel aircraft based at RAF Waddington in my constituency play a vital role in the fight against Daesh, so may I welcome the Department's announcement of £130 million support contract funding from our growing defence budget? Will the Minister confirm how many jobs that will sustain?

Harriett Baldwin: My hon. Friend is absolutely right to highlight the important role played by Sentinel aircraft based in his constituency. The contract is good news for the UK defence industry and it will sustain about 120 jobs at RAF Waddington in Lincolnshire, and about 40 jobs at Hawarden airfield in Broughton in north Wales.

Nick Smith (Blaenau Gwent) (Lab): The pound has dropped nearly 20% in value and the price of vital military kit that we buy abroad is set to sky-rocket,

so will the Minister confirm that we have enough contingency to pay for the F-35 fighters planned for the new aircraft carriers?

Harriett Baldwin: The hon. Gentleman will know that there is a double lock in terms of the budget and that it is based not just on 2% of our economy, which I am pleased to say grew again in the third quarter. There is also a lock in terms of a rise of 0.5% above inflation every year to 2020.

Mr Julian Brazier (Canterbury) (Con): Will my hon. Friend confirm that this issue arose from the first review for about 30 years to result in an increase, rather than a reduction, in the size of the armed forces? Does she agree that, as the world gets more dangerous, it is all the more important that we get more bang for the buck from every pound spent?

Harriett Baldwin: May I pay tribute to my hon. Friend for his efforts during his time at the Department? They resulted in the settlement in the 2015 autumn statement, which I mentioned earlier. He is absolutely right to say that defence spending is going up every year, and that is so that we can invest in the new Type 26 frigates, aircraft carriers, attack helicopters, fast jets, armoured vehicles and, as we heard last week, our cyber-defences.

Brendan O'Hara (Argyll and Bute) (SNP): May I begin by sending my condolences to the family and friends of Lance Corporal Joe Spencer, who was tragically killed at RAF Tain last week?

On Friday, I warmly welcomed the announcement that steel would be cut on the Type 26 frigates in summer 2017. However, I repeat my point that the contract remains unsigned, so will the Secretary of State get a move on and sign it? The defence procurement Minister said last year that Type 23s would be replaced by Type 26s on a like-for-like basis. Is that still the case?

Harriett Baldwin: I think I detected in that question a sliver of a welcome for the fact that my right hon. Friend the Secretary of State announced on Friday two decades' worth of shipbuilding work on Type 26 frigates in Scotland. I remind the hon. Gentleman that none of that shipbuilding would have happened if he had achieved his desired outcome in the Scottish referendum.

Brendan O'Hara: Is it not the case that only the original order for 13 Type 26s would have kept the yards working until 2035? Now that there are only eight and there is no confirmation of the general purpose frigates, how can an order for just eight Type 26s secure two decades' worth of work on the Clyde?

Harriett Baldwin: Did you, Mr Speaker, detect any mention there of the five offshore patrol vessels that are also being built on the River Clyde? The hon. Gentleman's comments are absolutely extraordinary. I am reminded of the P.G. Wodehouse phrase—*[Interruption.]*

Mr Speaker: Order. It is bad enough for the hon. Member for Argyll and Bute (Brendan O'Hara) to ask a question that is too long, but for him to rant for too long and then, when the Minister gets up to reply, to continue ranting is not statesmanlike behaviour by the hon. Gentleman, for whom I previously had high hopes.

Harriett Baldwin: As P.G. Wodehouse said:

"It is never difficult to distinguish between a Scotsman with a grievance and a ray of sunshine."

Sir Gerald Howarth (Aldershot) (Con): As the former Minister responsible for Type 26s, may I warmly welcome the order for them, although I and the nation could well do with more? I also welcome the decision to maintain defence expenditure at 2%, but may I remind my hon. Friend that last year that was done only by viring £1.2 billion of expenditure from the Department for Work and Pensions to the Minister of Defence? Why is it that I am hearing from senior officers that their budgets are being cut this year and that they are having to find in-year savings? Where is the extra cash?

Harriett Baldwin: I pay tribute to my hon. Friend for his enormous contribution. He has always made the case for a growing defence budget. I am sure that he, too, will welcome not only the announcement we made last week about the Type 26 frigates, but the announcement made at last year's strategic defence and security review that we would develop a general purpose frigate and commit to at least five of those.

Nia Griffith (Llanelli) (Lab): It is right that the Government are sticking to our NATO commitment to spend 2% of GDP on defence, but as the Select Committee on Defence has noted, the Government are doing so only by including areas that were not previously counted. Can the Minister tell us what defence expenditure would be as a percentage of GDP if we used the accounting rules that were used in 2010?

Harriett Baldwin: We use exactly the methodology that NATO approves, and everything is consistent with NATO's definition. I would like to take this opportunity to clarify whether the Labour party will also commit to spending 2% of the country's GDP on defence.

Armed Forces

8. **Mrs Flick Drummond** (Portsmouth South) (Con): What assessment he has made of the effectiveness of the armed forces' contribution to the range of operations in which they are involved. [907098]

The Secretary of State for Defence (Sir Michael Fallon): British Forces are involved in 28 operations in more than 25 countries, protecting the United Kingdom and its interests from a range of threats and promoting security in key regions of the world. The Royal Navy deploys some 29 ships and submarines across the globe, supported by more than 8,000 sailors and Marines.

Mrs Drummond: Women have served alongside men with distinction aboard Royal Navy ships in combat service for many years. Does the Secretary of State agree that opening up front-line roles to women in the Royal Marines, the Army and the RAF will enhance their effectiveness in operations?

Sir Michael Fallon: The Royal Navy has been ahead, as one might expect of the senior service, in demonstrating how women serving in front-line roles improve the capability of our armed forces. Five Royal Navy vessels and one shore establishment are currently commanded

by women, and some 9% of the Royal Navy is now female. Opening ground close combat roles to women will provide further opportunities to attract and retain talented women from the breadth of society. Doing so is fundamental to the successful delivery of operations now and in the future.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I press the Secretary of State on the co-operation that we need to be effective? Is he happy with the level of co-operation we get across NATO, where many of our NATO friends are not spending sufficient amounts of money on their defence? Is he worried that if the presidential election in the United States went one way tomorrow, we would be hard put to be an effective force against Putin?

Sir Michael Fallon: A number of NATO members have much more to do. Some of them still spend less than 1.5%, and a few of them even spend less than 1%. But in the deployments that are being agreed on the eastern border of NATO we are seeing more co-operation, with countries such as France and Denmark coming alongside the battalion that we will lead in Estonia next year.

Mike Gapes (Ilford South) (Lab/Co-op): Will the Secretary of State, in the context of the operational effectiveness of our forces, emphasise that such things are normally done in partnership with other countries? Does he therefore agree that it is vital that members of the US Administration and other NATO partners recognise that they are strengthened by the contribution that NATO countries collectively make to the defence of the United States?

Sir Michael Fallon: It is probably the wrong day to comment on the position of the United States. Yes, NATO is a collective defence organisation, and we all, in that respect, rely on each other. I note, for example, that when Britain leaves the European Union, three of the four battalions on the eastern border of NATO will be led by non-EU countries.

George Kerevan (East Lothian) (SNP): Speaking as a ray of sunshine, may I ask whether the Ministry of Defence has made any assessment of how the Army's new Ajax fighting vehicle would fare against Russia's equally new T-14 main battle tank?

Sir Michael Fallon: I do not think it is right to compare one particular armoured vehicle with a completely different type of armoured vehicle. What is important is to look at our armoured vehicles and our combat systems as a whole across the range that we have deployed and are going to deploy, including the new Ajax armoured vehicle.

Military Campaign against Daesh

10. **Andrew Stephenson** (Pendle) (Con): What recent assessment he has made of progress in the military campaign against Daesh. [907101]

16. **Neil Gray** (Airdrie and Shotts) (SNP): What progress has been made in the military campaign against Daesh. [907109]

The Secretary of State for Defence (Sir Michael Fallon): In Iraq, operations to liberate Mosul are continuing to make good progress, with Iraqi forces reaching the outskirts of the city. In Syria, the Manbij pocket has been closed, restricting Daesh's access to the Turkish border, through which they were bringing in fighters, and in September they were expelled from the culturally significant town of Dabiq.

Andrew Stephenson: The military success against Daesh in Iraq is to be welcomed. Will my right hon. Friend confirm that after the eventual liberation of Mosul we will continue to support Iraqi forces in their fight to defeat Daesh?

Sir Michael Fallon: Yes. The Iraqi security forces, including the peshmerga, are playing the primary role in the fight against Daesh in Iraq, but the support and training provided by the global coalition, including the United Kingdom, has been a key contributor to their success. This fight will not end with the liberation of Mosul, nor will United Kingdom support.

Neil Gray: What discussions has the Defence Secretary had with his counterpart in Turkey to ensure that the Turkish military and Turkish-backed militia are not working against the overall aims of the international coalition during the recapture of Mosul and, above all, that they are ensuring the protection of civilians and the provision of humanitarian aid?

Sir Michael Fallon: I last met my Turkish counterpart a couple of weeks ago at the NATO Defence Ministerial. Key to the success of this campaign is that all the various parties involved in what is a complex situation in northern Iraq respect the sensitivities of the very complex make-up of the individual towns and villages. That applies to the encirclement and the liberation, but it will also of course apply to what we call the "day after"—the day after liberation—when we have to restore local administration and essential services.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Will the Secretary of State say what progress is being made in destroying and degrading Daesh's capability to recruit and, indeed, to infect the minds of young people in this country? What success have we had on that front in recent months?

Sir Michael Fallon: We have seen a reduction in the flow of foreign fighters from this country to Syria and Iraq. We have intensified the work we have been doing with other countries in strategic communications to lessen the appeal of Daesh by interdicting some of their material—taking down material from their websites and reducing the appeal they have through social media—and we will continue to work at that. Meanwhile, there are perhaps 200 to 300 British citizens still involved with Daesh in Iraq and Syria. We will have to make sure that they no longer pose a threat to this country and, indeed, are held to account for any criminal acts they may have committed.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): I am sure the whole House is in agreement in hoping that Mosul can be decisively liberated from Daesh as quickly as possible. A devastating consequence

of this ongoing conflict is the effect it is having on the city's children. It has been estimated that about half of the civilians fleeing Mosul are children, while recent reports have found that Daesh are kidnapping boys as young as nine to use them as soldiers. What are the UK armed forces doing specifically to aid the children in this city?

Sir Michael Fallon: Our armed forces are not involved in combat on the ground in and around Mosul. We have been supplying close air support, intelligence and training. It is important to remember that those children were suffering before the operation began—they would have been suffering in Mosul anyway—and I think we can best help by making sure, as these areas are progressively liberated, including the suburbs of Mosul, that UN agencies are ready to go in and provide the necessities of life and get those children out if they can.

Mr David Burrowes (Enfield, Southgate) (Con): Mosul has suffered deeply from cultural destruction. As we look forward to the ratification of The Hague convention, what will the armed forces do to limit further damage to the cultural heritage of Mosul and support the good work of Lieutenant Colonel Tim Purbrick's cultural property protection working group, more catchily known as the monuments men?

Sir Michael Fallon: We have consulted international partners on best practice and have tasked the Army with establishing a cultural property protection unit, which will help to ensure that cultural property is protected from damage and looting, will provide advice, training and support to operational planning processes, and can investigate, record and report cultural property issues from any area of operations. I know that my hon. Friend will join me in welcoming our intention to ratify the convention, through legislation before the House, early next year.

15. [907107] **Nusrat Ghani** (Wealden) (Con): Will the Secretary of State reassure me of the UK's commitment to supporting the Kurdish peshmerga in the fight to defeat Daesh in Iraq? Will he join me in paying particular tribute to the brave Kurdish women of the peshmerga, who are playing such an important role on the frontline in defeating the death cult Daesh?

Sir Michael Fallon: Yes. The United Kingdom is absolutely committed to supporting the Kurdish peshmerga in their efforts to defeat Daesh. I visited them while they were training recently. Our commitment is demonstrated by our participation in the building partner capacity programme. Among the peshmerga are the Kurdish women whose bravery and resolve have had such a tremendous impact on the campaign. I am sure the whole House will wish to join my hon. Friend and me in paying tribute to the female peshmerga for the contribution they are making.

Departmental Funding

11. **Chris Elmore** (Ogmore) (Lab/Co-op): What recent discussions he has had with the Chancellor of the Exchequer on the level of funding for his Department. [907102]

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): The Ministry of Defence meets the Treasury regularly as part of its routine business. The spending review set out the Ministry of Defence's spending plans for the rest of this Parliament. The defence budget is growing at 0.5% above inflation each year until 2020. We also have access to the new joint security fund. These commitments mean that the defence budget will rise to almost £40 billion by the end of the decade.

Chris Elmore: I thank the Minister for her answer. I listened carefully to the answer she gave to my hon. Friend the Member for Blaenau Gwent (Nick Smith) on the cost of the pound and the purchasing power of the Ministry of Defence. The Royal United Services Institute has suggested that the purchasing power of the UK's defence budget could be cut by 2% as a result of the fall in sterling. What plans do the Government have to offset that?

Harriett Baldwin: Again, I put on the record the fact that defence spending will go up regardless of currency fluctuations because of the double lock on the defence budget. As part of ongoing management of the budgets at the Ministry of Defence, we pay and have paid regard to the currency risk in terms of our procurement programme.

Dr Julian Lewis (New Forest East) (Con): When Ministers meet the Chancellor of the Exchequer will they remind him that although the defence budget is going up in absolute terms it is nevertheless at a lower proportion of GDP than ever before? We really ought to be looking at something approaching the 3% mark, bearing in mind the fact that the level of threat we face today is similar to that of the 1980s, when we regularly spent between 4.5% and 5% of GDP on defence.

Harriett Baldwin: My right hon. Friend was calling for 5% the other day—"Go for five and stay alive" was the catchphrase he came up with, I think. He is right that it is important that we continue to keep the Ministry of Defence's budget under review, and we were very pleased that last year the spending review committed to a rise of 0.5% above inflation every year during this Parliament. Another spending review will have to look at the budget again in due course.

Topical Questions

T1. [907080] **Dr Julian Lewis** (New Forest East) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Sir Michael Fallon): My priorities remain the fight against Daesh and implementing our strategic defence review. I am delighted to confirm to the House today that the United Kingdom has been chosen by the United States to become a global hub for maintenance and support services for the F-35 programme. The initial contracts will generate hundreds of millions of pounds of revenue and support thousands of highly skilled jobs. It is excellent news for the UK economy, and for Wales in particular, where the hub will be based.

Dr Lewis: May I welcome the fact that steel cutting will belatedly begin on the Type 26 frigates in the summer of 2017? However, the fact remains that, for the total of 19 frigates and destroyers to be maintained, each frigate will have to be replaced at the rate of one a year. Will the Secretary of State confirm that if the steel cutting begins in 2017, the first ship will be ready to enter service at the same time as HMS Argyll, the first of the Type 23 frigates, is due to leave service in 2023?

Sir Michael Fallon: Yes, I can confirm that it is our intention to replace the anti-submarine frigates within the Type 23 force with eight new Type 26 anti-submarine frigates.

Fabian Hamilton (Leeds North East) (Lab): What assurances has the Secretary of State given to our NATO ally Estonia after a recent report by the US army-linked RAND Corporation showed that the current mismatch of forces in the Baltic region could result in Estonia being overrun by Russian troops within 36 hours in the event of an invasion?

Sir Michael Fallon: I appreciate that the hon. Gentleman comes new to these matters, but he may have heard me announce three weeks ago that we are sending 800 British troops to Estonia next year, backed up by French and Danish companies. There will be similar battalions in each of the Baltic states from next year, along with a battalion in Poland, which is all part of NATO's measures to assure and help to deter any possible aggression.

Robert Jenrick (Newark) (Con): There is still a large number of British nationals in Syria and Iraq fighting against Daesh on the side of the Kurdish forces, yet there seems to be no Government line on whether it is a criminal offence to do so under the Terrorism Act 2000, leaving a number of people, including my constituent Aidan Aslin of Newark, in legal limbo upon their return. Will the Secretary of State look into the matter and get a policy to help those British citizens on their return?

Sir Michael Fallon: I am very happy to undertake to look into that particular matter, but our emphasis, as I am sure my hon. Friend would agree, must be on the 200 or 300 British citizens who have gone to Iraq and Syria to fight for Daesh and pose a potential threat to this country, and who may well have committed criminal acts in fighting alongside Daesh. They are the people who need to be investigated first.

T3. [907082] **Mrs Madeleine Moon** (Bridgend) (Lab): The hon. Member for Gower (Byron Davies) and I have been campaigning to bring opportunities to air cadets in Wales to experience gliding in Wales. We were promised at a meeting in the Ministry of Defence last week that a decision was pending. Is it good news or bad news?

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): It is good news. The hon. Lady and my hon. Friend the Member for Gower (Byron Davies) have been absolute champions when it comes to pursuing the opportunity for cadets in Wales to glide in Wales, so I am pleased to announce that I will facilitate summer gliding camps at St Athan on a trial basis next summer, with a view to continuing them in future.

Wendy Morton (Aldridge-Brownhills) (Con): We have heard a lot this afternoon about the Type 26 frigate, but I should like to ask about our minesweeping capability. What progress and innovation in minesweeping technology has been made for the Navy?

The Parliamentary Under-Secretary of State for Defence (Harriett Baldwin): I was delighted recently to announce, along with our French partners, an unmanned maritime minesweeping capability. We are building the demonstration phase, which will be an innovative and interesting investment in minesweeping technology.

T4. [907083] **Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): Shortly after the EU referendum, the Defence Secretary said that Britain could continue even after Brexit to take part in EU defence missions, such as the ongoing operations to tackle smuggling, people smuggling and piracy. We are now just months away from Britain triggering article 50 and our forces and our allies need certainty about what Britain's continued participation might look like. Will the Minister or the Defence Secretary provide us with that certainty today?

Sir Michael Fallon: Yes, and I provided that certainty at the recent meeting of the EU Defence Ministers in Bratislava. I made it very clear that while we remain members of the European Union, we will be full members of it. We will continue to participate in Operation Sophia in the central Mediterranean, to which we currently contribute two ships, and in Operation Atalanta to curb piracy off the horn of Africa.

William Wragg (Hazel Grove) (Con): During the passage of the Armed Forces Bill, my right hon. Friend the Secretary of State undertook to review the current policy that means that not all sexual offences are referred to service police. Will he provide an update to the House?

Mark Lancaster: We have always made it clear that there is no place for sexual offending in the armed forces. However, following concerns raised in this House I have decided to bring before Parliament draft legislation to add the offences of sexual assault, voyeurism and exposure to schedule 2 of the Armed Forces Act 2006. I will write to those who have previously raised such concerns shortly.

T5. [907084] **Roger Mullin** (Kirkcaldy and Cowdenbeath) (SNP): Following publication of the highly critical marine accident investigation report on the collision between the stern trawler Karen and a dived Royal Navy submarine, and given the report's urgent recommendations, what progress has been made on updating the Royal Navy fishing vessel code of practice?

Harriett Baldwin: I will look into the matter the hon. Gentleman raises and write to him.

Simon Hoare (North Dorset) (Con): Most of us in this place would welcome the announcement, made last week, with regard to the Type 26 ships. Does my right hon. Friend share my bemusement at the carping and pettifogging from some hon. Members about this rather welcome announcement?

Sir Michael Fallon: It is extraordinary for a pledge of 20 years of work for the Clyde to be welcomed in such a grudging fashion. Let us be very clear that if Scotland was outside the United Kingdom, these frigates would not be built on the Clyde. If Scottish National party Members had been successful in defeating the renewal of Trident, we would not have needed anti-submarine frigates.

T7. [907086] **Mr John Spellar** (Warley) (Lab): When the Department decided to purchase the P-8A maritime patrol aircraft from the United States without competition, what arrangements did the Minister make to secure work for British companies and British workers?

Harriett Baldwin: The right hon. Gentleman is very knowledgeable about these matters, so, again, I would have thought he would welcome the fact that we are acquiring this capability, which will be based at Lossiemouth in Scotland. Discussions with Boeing are ongoing in relation to the substantial inward investment it is making in the United Kingdom.

James Berry (Kingston and Surbiton) (Con): The increase in Russian aggression is concerning many of our NATO allies. Can my right hon. Friend provide reassurance on what reassurance he has given to them in the face of this increased aggression?

Sir Michael Fallon: Yes. We have, as NATO, agreed to the deployment of four battalions in the three Baltic states and Poland from next year. In addition, I announced two weeks ago that we would be deploying RAF Typhoons for the first time to assist southern air policing, based in Romania, from next year. That will provide considerable assurance to countries such as Romania and Bulgaria in curbing any Russian aggression in the Black sea region.

T8. [907087] **Mr Jim Cunningham** (Coventry South) (Lab): When will the Government bring forward a proper reconstruction programme for Syria and parts of Iraq, so that we do not make the same mistake as we made in Iraq years ago?

Sir Michael Fallon: This country has led the way in getting money assembled for the reconstruction of Syria. First, of course, we have to get the civil war brought to an end. So far as Iraq is concerned, we have contributed to the United Nations fund. That money is now ready to go in to the reconstruction of the towns that have been liberated and to provide as quickly as possible the power and hospital and school services that the population needs.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): Will the Secretary of State give the House an update on progress in providing specific support and welfare provision for those of our armed forces in the Iraq Historic Allegations Team system to support their families and themselves through this traumatic period?

Mark Lancaster: I am pleased to say we are making progress in this area. We expect the number of claims to go down quite substantially. We hope to report to the House shortly.

Alan Brown (Kilmarnock and Loudoun) (SNP): Last week I felt really powerful as an MP, given that the Secretary of State flew up to Glasgow to make an announcement just because I had a question on the Order Paper. I thank him for that. Instead of trading insults back at us, will he give a straightforward commitment that the five general purpose vehicles will be built on the Clyde as well?

Sir Michael Fallon: Just on Friday, I announced that the first eight Type 26 anti-submarine frigates would be built on the Clyde. It is too early to say how the new general purpose frigate, which is still to be designed, will be manufactured and assembled, but of course BAE Systems on the Clyde will be in pole position.

Article 50

3.34 pm

The Secretary of State for Exiting the European Union (Mr David Davis): With permission, I would like to make a statement on the process for invoking article 50. The Government's priority at every stage following the European Union referendum has been to respect the outcome of that referendum and to ensure it is delivered on. To leave the European Union was the decision of the British people. It was taken after a 6:1 vote in this House to put that decision in their hands. As the Government told voters:

"This is your decision. The government will implement what you decide"—

no ifs, no buts. So there can be no going back; the point of no return was passed on 23 June.

Implementing the decision to leave the EU means following the right processes. We must leave in the way agreed in law by the UK and other member states, which means following the process set out in article 50 of the treaty on European Union. We have been clear about the timing. There was a good reason why the Government did not take the advice of some in this House on 24 June and trigger article 50 immediately. Instead, the Prime Minister was clear that she would not invoke article 50 before the end of this year. That gives us time to develop a detailed negotiating position, but we have also said that the process should not drag on and that we intend to trigger article 50 by the end of March next year.

Let me now turn to the issues at hand this week. Legal action was taken to challenge the Government on the proper process for triggering article 50. We have always been of the clear view that this is a matter for the Government, and that it is constitutionally proper and lawful to give effect to the referendum result by the use of prerogative powers. As I have said, the basis on which the referendum was held was that the Government would give effect to the result of that referendum. That was the basis on which people were asked to vote.

Our argument in the High Court was that decisions on the making and withdrawal from treaties are clear examples of the use of the royal prerogative, and that Parliament, while having a role in the process, which I will come on to, has not constrained the use of the prerogative to withdraw from the EU. Our position in the case was that the Government were therefore entitled to invoke the procedure set out in article 50. The Court has, however, come to a different view. It held that the Government do not have the prerogative power to give notice under article 50 without legislation authorising them to do so.

The Court said that the starting point was that the Crown does not have power to vary the law of the land using its prerogative powers unless Parliament legislated to the contrary. It held that the European Communities Act 1972 brought rights arising under EU law into the law of the United Kingdom, and that the Crown has no prerogative power to withdraw from the EU because the effect of withdrawal would be to take away those rights.

Let me be clear about this: we believe in and value the independence of our judiciary, the foundation upon which our rule of law is built—*[Interruption.]* I have to say to the Opposition that I have a little more background

in protecting that independence than they have, in view of the previous Government. We also value the freedom of our press. Both those things underpin our democracy.

The Government disagree with the Court's judgment. The country voted to leave the European Union in a referendum approved by an Act of Parliament. Our position remains that the only means of leaving is through the procedure set out in article 50, and that triggering article 50 is properly a matter for the Government using their prerogative powers. As a result, we will appeal the High Court's judgment at the Supreme Court.

Given our appeal, it would not be appropriate to comment further on the details of the legal arguments—I am sure that the House understands this—but let me say a brief word about the process of the appeal. We have taken two necessary procedural steps. First, the Government have been granted a certificate to bypass the Court of Appeal and leapfrog the case to the Supreme Court. This will ensure that, when we lodge our appeal, it will be heard directly in the Supreme Court without further delay. Secondly, we will this week apply for substantive permission to appeal to the Supreme Court. It is likely that any hearing will be scheduled in the Supreme Court in early December. We would hope that the judgment would be provided soon after. This timetable remains consistent with our aim to trigger article 50 by the end of March next year.

We are now preparing our submissions to the Supreme Court in the usual way. As I have said, it would not be proper to go into those in great detail here today, but the core of our argument will remain that we believe that it is proper and lawful for the Government to trigger article 50 by the use of prerogative powers.

Of course, litigation is also under way in Northern Ireland. It is considering a number of specific issues linked to Northern Ireland's constitutional arrangements. The High Court in Belfast found in the Government's favour on these points. A hearing is being held in Belfast tomorrow to consider whether an appeal by the claimants in that case should also leapfrog to the Supreme Court, and whether the issues that overlap with the English courts should remain stayed pending the outcome of the hearing in the Supreme Court. Again, it would not be appropriate for me to say more at this stage, except that in the event of any appeal in the Northern Ireland litigation, the Government will robustly defend their position. For the avoidance of doubt, our view is that the legal timetable in relation to this case in the event of an appeal should also be consistent with our commitment to notifying under article 50 by the end of March next year.

I have said that because of our appeal, I will not go into detail on the points that were raised in the High Court's judgment, but let me set out some fundamental principles for how we move ahead. First, our plan remains to invoke article 50 by the end of March. We believe that the legal timetable will allow for that. Secondly, the referendum result must be respected and delivered. The country voted to leave the European Union in a referendum provided for by an Act of Parliament. There must be no attempts to remain inside the EU, no attempts to rejoin it through the back door and no second referendum. The country voted to leave the European Union and it is the duty of the Government to make sure that we do just that. Parliament had its say in legislating for the referendum, which it did in both

[Mr David Davis]

Houses, with an overwhelming majority in this House and cross-party support. The people have spoken and we intend to act on their decision.

Thirdly, irrespective of the ongoing court process, there is an important role for Parliament. Parliament will have a central role in ensuring that we find the best way forward, and we have been clear that we will be as transparent and open as possible. There have already been a number of debates and parliamentary statements on Brexit, and the Prime Minister has pledged that that process will continue before article 50 is invoked. I informed the House in October that there would be a series of debates on Brexit in Government time—the first will take place today—and that is on top of a number of other debates and opportunities for scrutiny. The new Exiting the European Union Committee has been established, and it provides another place for parliamentary scrutiny of our withdrawal from the EU. If I remember correctly, its members will be visiting my Department tomorrow.

The Government will introduce legislation in the next Session that, when enacted, will repeal the European Communities Act on the day we leave the EU. This great repeal Bill will end the authority of EU law and return power to the United Kingdom. We have made it clear that European Union law will be transposed into UK law at the time we leave, providing certainty for workers, businesses and consumers. We intend that this Act of Parliament will be in place before the end of the article 50 process.

It is important to remember that article 50 is the beginning of the process, not the end. As the Prime Minister has made clear, there will be many opportunities for Parliament to continue to engage with the Government once article 50 has been invoked. When negotiations have concluded, we will observe in full all relevant legal and constitutional obligations that apply. However, there is a balance to be struck between parliamentary scrutiny and preserving our negotiating position, which was why the House unanimously concluded last month that the process should be undertaken in a way that respects the decision of the people of the United Kingdom when they voted to leave the EU on 23 June, and does not undermine the negotiating position of the Government as negotiations are entered into. We will give no quarter to anyone who, while going through the motions of respecting the outcome of the referendum, in fact seeks to thwart the decision of the British people.

We are disappointed by the Court's judgment in this case and we will appeal against it in the Supreme Court. None of this in any way diminishes our determination to respect and deliver the outcome of the referendum, and to notify under article 50 by the end of March next year. We are going to get on with delivering on the mandate to leave the European Union in the best way possible for the UK's national interest—best for jobs, best for growth, and best for investment.

3.44 pm

Keir Starmer (Holborn and St Pancras) (Lab): I thank the Secretary of State for advance sight of his statement. This is the third statement that he has made to the House in just a few months. Nobody could

accuse him of not being willing to turn up to the Dispatch Box; it is just that each time he does so, we leave none the wiser about the Government's basic approach to the negotiation. Today was no different; he has not even made clear what will happen if the Government lose their appeal. I was going to say it is all process and no substance, but I realised I said that last time and that I am in danger of repeating myself—there are only so many times I can say, "Is that it?"

What we do know is that last week was not a good week for the Government. On Thursday, the High Court ruled the Prime Minister is acting unlawfully in seeking to use prerogative powers to invoke article 50. The Court had to remind the Prime Minister that only Parliament can make and repeal laws, and it is because the Prime Minister is seeking to use prerogative powers to change the European Communities Act that the judgment went against her. Only Parliament can do that. As the Court had to make clear to the Prime Minister, when it comes to legislation, Parliament is sovereign. That sovereignty matters.

The Government have approached their task in the wrong way and their approach is now unravelling, and I am afraid to say it is unravelling in the most divisive and ugly way. In the aftermath of the High Court judgment, we saw a series of appalling personal attacks on the judges, including the suggestion that they are "enemies of the people". Some of us have worked in countries where judges do as the Executive tell them, and believe you me it is highly corrosive of democracy. Robust comment on, and criticism of, court judgments is right in a country that respects free speech, but we all have a duty to stand up for the rule of law and the independence of the judiciary. The Lord Chancellor has a special duty to do so because, by convention, judges do not engage in public debate and are thus unable to defend themselves. Yet the Lord Chancellor has been too slow and too reluctant to do her duty. It was disappointing that the Secretary of State did not take this opportunity to put on record the Government's clear and unambiguous condemnation of personal attacks on our judges, and I ask him to do so now.

Turning to the approach that the Secretary of State has set out, it is clear that the Government intend to appeal last week's ruling. Clearly, legally, they are entitled to do so, but would it not be better for the Government to stand back and ask whether it is right to continue with the approach they are taking? No one expects the Government to reveal the detail of their negotiating hand, but there are big headline issues that matter to everyone in every part of the UK. What relationship with the single market are the Government aiming for? What is the opening stance on the customs union? How do the Government envisage our future co-operation with EU partners in combating terrorism and serious crime? Do the Government have a plan for transitional arrangements in March 2019? These basic questions require clear answers.

Labour has repeatedly made it clear that we accept and respect the outcome of the referendum—[*Interruption.*] I have said that every time I have stood at this Dispatch Box. There is a mandate to leave. We will not frustrate the process by voting down article 50, but we cannot have a debate in a vacuum. The future relationship of the UK with our EU partners is at stake. The future relationship of the UK in the world is at stake. The Prime

Minister simply cannot keep all this to herself. The Government need to act in the national interest—build a consensus; act not for the 52%, but for the 52% and the 48%; and put the country first. I call on the Secretary of State to abandon the furtive Executive approach that has been taken so far and to commit to a course of action that respects the role of Parliament and provides for proper scrutiny and challenge—to commit to a course of action most likely to deliver the right outcome for all of us and for generations to come.

Mr Davis: The hon. and learned Gentleman finishes by calling me “furtive”, having started his contribution by commending me for the number of times I have appeared at the Dispatch Box—an interesting idea. I thank him for his reply none the less. I shall respond to his points in a moment, but let me first say that I am determined to work constructively with Opposition Members who want to make a success of Brexit. I have said that the Government will be as open and transparent as possible as we approach these vital negotiations—this must be the 20th time I have said that—and that Parliament will be closely and repeatedly engaged in the process of exit.

The hon. and learned Gentleman suggests that his party respects the referendum result and is not seeking to undermine the decision of the British people, but I have to say that the approach being taken by certain Opposition Members rather gives the game away. The shadow Foreign Secretary, the hon. Member for Islington South and Finsbury (Emily Thornberry), has declared that what the referendum result—the biggest democratic mandate for a course of action achieved by any Government—needs is an “injection of democracy”. The hon. Member for Pontypridd (Owen Smith) has suggested that Labour would amend any article 50 Bill to bring about a second referendum.

The right hon. Member for Sheffield, Hallam (Mr Clegg), the former Deputy Prime Minister, who is in the Chamber, suggested after last week’s result that his party would seek to amend any legislation on triggering article 50 to allow for a second referendum on our new relationship with the EU. He did not like the first answer given by the voters, so he is seeking to put the question all over again in the hope of getting a different one. These are not constructive proposals to enable Britain to make a success of Brexit. I am sorry to say that they look increasingly like attempts to thwart and reverse the decision that was taken on 23 June—[*Interruption.*]

Mr Speaker: Order. Mr Bacon, I always regard you as a cerebral denizen of the House, not the sort of person who would point across the Chamber. That is profoundly discourteous and very un-Bacon-like, if I may say so.

Mr Davis: As we are speaking of cerebral issues, Mr Speaker, I shall return to the hon. and learned Member for Holborn and St Pancras (Keir Starmer). I read in the *Financial Times* that he recently attended a private event in Parliament at which he was hailed as “the man who’ll make sure we stay in the EU”.

Apparently he winced at that because he “does not want expectations to get out of hand.”

We have had a weekend of Labour confusion. The Leader of the Opposition suggested he might seek to block the triggering of article 50 if various conditions

were not met. A few hours later, the deputy leader said that that was not right. I heard the hon. Member for West Bromwich East (Mr Watson) on the radio this morning and he now appears to be suggesting a different approach. He says that triggering article 50 should be conditional on our going into this negotiation with all our cards face up for everyone on the other side of the table to see.

I have said repeatedly that we will be as open as we possibly can be. Indeed, we have set out our strategic aims for the negotiation again and again. I have told the House before—I do so again today—that they are: to bring back control of our laws to Parliament; to bring back control of decisions over immigration to the United Kingdom; to maintain the strong security co-operation we have with the EU; and to establish the freest possible market in goods and services with the EU and the rest of the world. But there are none so deaf as those who will not hear.

We will not achieve a good outcome, however, if the negotiation is being run by 650 people in the House of Commons and nearly 900 in the other place. No negotiation in our history has been run in that way. Indeed, if Parliament insists on setting out a detailed minimum negotiating position, that will quickly become the maximum possible offer from our negotiating partners, and the talk of a second referendum from some Opposition Members will simply encourage the EU27 to impose impossibly difficult conditions in the hope that the British people will change their minds. In other words, their whole approach is designed to wreck the negotiations.

So, Parliamentary scrutiny—yes. Telling the Prime Minister which cards to play and forcing her to disclose her hand to those she will be negotiating with—no. That will not be the approach taken by our EU counterparts. The European Commission states in a public document on how its negotiations are conducted:

“The negotiations and their texts are not themselves public...A certain level of confidentiality is necessary to protect EU interests and to keep chances for a satisfactory outcome high. When entering into a game, no-one starts by revealing his entire strategy”.

I will consider any suggestions that the shadow Secretary of State constructively has to make. We have said that we want as broad a consensus as possible, but we will not do anything to compromise Britain’s negotiating position or give grounds to those who want to thwart the result of the referendum.

The shadow Secretary of State did raise another point that I do not want to let pass. He accused the Lord Chancellor of failing to defend the judiciary. I do not accept that. I have the quote in front of me and the Lord Chancellor said:

“The independence of the judiciary is the foundation upon which our rule of law is built and our judiciary is rightly respected the world over for its independence and impartiality.”

I have been in this House for a little while. Over the past decade or so—since about 2004—there have been a number of occasions when I was sitting on the Opposition Benches that the Labour Home Secretary of the day criticised by name and in terms individual judges. I never did that. I did not attack him because I thought he was doing something he believed in—even if he was wrong. Nevertheless, I certainly never ever undermined the judges when I was in that position. A little later in that decade, Mr Peter Hain was threatened with prosecution

[*Mr David Davis*]

for criticising judges, and I led the campaign to stop that prosecution, so I will take no lessons from Labour on this subject.

Mr Speaker: As usual, I want to accommodate the enormous interest of the House in this important statement and will strive to do so, but I must say to the House that questions and answers must be brief from now on.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): Does my right hon. Friend recall that during the passage of the European Union Referendum Act 2015 the then Foreign Secretary, now the Chancellor, made it unequivocally clear that the purpose of the Bill that was being passed into law was to give to the British people the absolute right to decide whether we stayed in or left the European Union? At no stage was that unclear. Does my right hon. Friend therefore deplore all those, including 70 Opposition Members, who now say that that decision does not stand and that we should fight to stay in the EU regardless of the public's decision?

Mr Davis: My right hon. Friend is quite right. The then Foreign Secretary said in terms to this House, "This is giving the decision to the British people." The Government of the day also spent £9 million circulating a leaflet saying just that: the decision was the public's to take and that the Government would implement it.

Stephen Gethins (North East Fife) (SNP): I thank the Secretary of State for early sight of his statement. We are about to embark upon one of the greatest constitutional upheavals that the United Kingdom has ever experienced. It will have an impact on almost every Government Department and every area of responsibility of the devolved Administrations. That means that scrutiny of the work of the Executive by the legislature is now more important than ever and should not be done on a nod and a wink. Just as the judges did their job in upholding the rule of law, so should this place have a full role in scrutinising the Government's work.

Will the Secretary of State tell us whether a White Paper or any other preparatory materials for a Bill are being produced? Furthermore, will he acknowledge that democracy no longer begins and ends here and that there will be a significant impact on the devolved Administrations? Will he therefore tell us what meaningful involvement those Administrations will have over and above a hotline that takes 36 hours to answer?

Finally, the Secretary of State mentioned what he believes. Does he agree, and has he told his boss the Prime Minister, that we could have saved this Government, their lawyers and Ministers, and High Court judges a lot of time and effort had Parliament approved the Parliamentary Control of the Executive Bill that he brought before the House on 22 June 1999? It would have clearly restricted the use of the Crown prerogative until

"the assent of the House of Commons has first been obtained", including

"to exercise executive powers not conferred by statute".

Mr Davis: I thank the hon. Gentleman for that. I have to say that I am a little surprised at his comments on the devolved Administrations and their involvement,

as the very first thing the new Prime Minister did was visit the First Minister of Scotland to discuss exactly the issue we are talking about today. This week, we are having the second Joint Ministerial Committee meeting, at which Scotland's Government will be represented.

Sir William Cash (Stone) (Con): Does my right hon. Friend agree that the European Union Referendum Act 2015 and the Lisbon treaty Act of 2008 are both constitutional Acts—sovereign Acts—of the first order? Does he also agree that not only did the 2015 Act expressly and clearly give the voters the absolute right to leave the EU, but the 2008 Act also clearly intended that the Government would give notice to leave under article 50, and that the Government stated that both before and after the referendum?

Mr Davis: My hon. Friend is exactly right, and that was the subject of our case.

Edward Miliband (Doncaster North) (Lab): The Government have at various times in the past few months said that they wanted to unify the country, heal our divisions and build a national consensus, and all of us, in each part of this House—leave and remain—should want to see that. But how is it remotely possible to build that national consensus unless the Government are far more transparent with the country and this House of Commons about their plan for the Brexit negotiations?

Mr Davis: It is not possible by trying to thwart the will of the people by all sorts of parliamentary games, but what I will say to the right hon. Gentleman is this: I agree that we want to unify the people of Britain about a common position, but in truth there are very few differences across this divide. When I looked at what the Leader of the Opposition said on Sunday, I thought I could agree with at least two thirds of it. I do not think the divide is quite as wide as the right hon. Member for Doncaster North (Edward Miliband) thinks.

John Redwood (Wokingham) (Con): Will the Government remind the Supreme Court that prerogative powers have regularly been used by Ministers over the past 44 years to introduce and change British law by accepting European decisions and regulations, without any referendum cover? Will they also give all the abundant evidence that this was not an advisory referendum to that same Court?

Mr Davis: My right hon. Friend is inviting me to comment on the case in detail. I will not do that, but I will agree with him in one respect: prerogative power has been used for the past 40 years to increase the burden of European legislation but it seems not to be to reduce it.

Mr Nick Clegg (Sheffield, Hallam) (LD): Is the Secretary of State aware that the Governments of the day, of different political persuasions, published White Papers on their negotiating priorities ahead of the Amsterdam treaty, the Nice treaty, the constitutional treaty and the Lisbon treaty, and that Maastricht treaty negotiations were preceded by two whole days of debate under John Major's Government and a vote in this House? Can the Secretary of State explain to the House why an approach involving Parliament's prerogatives of scrutiny is appropriate

for amendments to EU treaties but not appropriate to the much larger endeavour of pulling the UK out of the EU altogether?

Mr Davis: What the right hon. Gentleman forgets of course is that we have announced already, right at the beginning of this process, that we will introduce the great repeal Bill, which will lead to an enormous length of debate in this House on exactly what powers will be kept and what powers will remain—most will remain. After that, there will be other Bills, I should think, that will also deal with the individual elements of the negotiation, which will inform the House, with the House having the right to both amend and vote on them. So I do not see what he is complaining about.

Anna Soubry (Broxtowe) (Con): Our country is deeply divided. In my county of Nottinghamshire, hate crime is 18% higher today than it was a year ago. Is it not important that, in everything that we say and do in the years and months ahead of us, we watch the language and make sure it is temperate, and that we involve everybody? Seventeen million people voted to leave the EU and 16 million of us voted for us not to leave the EU, and most of us have accepted that we are now going to leave the EU. In that spirit of bringing our nation together, in the interests of everybody, will my right hon. Friend now take this opportunity unequivocally to condemn the language and the vilification of our judges, including the homophobic abuse of one of our judges? Will he now please set the tone for us to work together?

Mr Davis: I wholeheartedly deplore the threats and the violent language used against the individual who I think launched this judicial case—that is utterly to be deplored. The point of division when one defends free speech is the point at which it encourages violence. In that respect, I absolutely agree. Hate crime is despicable, and those sorts of assaults are despicable.

Hilary Benn (Leeds Central) (Lab): The Secretary of State indicated last Thursday that, in all probability, legislation would be required to trigger the article 50 process if the judgment is upheld. Is that still his view? If so, will he give the House an assurance that, before that legislation is brought before the House, the Government will have published their negotiating objectives for the great endeavour on which the nation is about to embark. Whether people voted for or against remaining in the European Union, what all of them want to know now is: do the Government have a plan? The more he stands at the Dispatch Box and does not reveal one, the more worried people become.

Mr Davis: First, on the question of legislation, the actual outcome will depend on what the Supreme Court judges rule. What I was commenting on was the state as of the hearing or declaration last week. On the negotiation, as I have said before, we will be as open as possible subject to the overwhelming national interest of preserving our negotiating position. It is no good creating a public negotiating position, which has the simple effect of destroying our ability to negotiate—full stop.

Michael Gove (Surrey Heath) (Con): The independence of our judiciary is a very precious thing and it must be respected. The independence of our free press is also a

very precious thing, and it must be respected. The fact that 17.4 million people—a majority of the British people—voted for our national independence is a precious thing and that must be respected. Will my right hon. Friend guarantee to me that he will not allow the efforts of the right hon. Members for Sheffield, Hallam (Mr Clegg) and for Doncaster North (Edward Miliband) or indeed any Member of the other place to thwart the mandate that this Government have been given in order to ensure that we can take back control of our laws, our money, our trade and our sovereignty?

Mr Davis: I am happy to give my right hon. Friend that undertaking.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Secretary of State's words about the independence of the judiciary were welcome, but he will know that the Secretary of State for Communities and Local Government said last week that the High Court decision was an attempt to frustrate the will of the British people. Does he agree that that was a deeply unhelpful thing for him to say, particularly at a time when the UK Independence party is calling for democratic and political control of judges—that was this morning—and when we all have a strong responsibility to ensure that the process of Brexit strengthens democracy and the rule of law in Britain and does not undermine and subvert it?

Mr Davis: I did not hear the Secretary of State for Communities and Local Government speak. I have seen—*[Interruption]* Wait a minute. I have seen some of the reportage of it. I say to the right hon. Lady that we can respect the judiciary's independence and disagree with the conclusion that it arrived at—that is perfectly proper within our country.

Crispin Blunt (Reigate) (Con): Will my right hon. Friend confirm that, like the European Parliament under article 50, this Parliament will have a vote on any prospective deal with the EU 27 at the end of the negotiations, and that although it is very important that he informs his negotiating position by consulting all shades of opinion and interest in the country and in this House, our decision will be at the end of this process, not at the beginning?

Mr David Davis: My hon. Friend is right. I have said to the House on a number of occasions that we will—I have used the same formula—obey all the laws and conventions. He will know that that includes, for example, the Constitutional Reform and Governance Act 2010 and other Acts, including the European Union Act 2011. Before then, as I have said already, we will have the great repeal Act, which will be a major Act debated at length in this House, with possible consequential legislation, which may also be amendable. There is both a ratification process at the end and an amendment process along the way.

Ian Paisley (North Antrim) (DUP): I thank the Secretary of State for the advance copy of his statement and for the regular meetings that he is having with Members in the devolved Assemblies and Members from the devolved regions about this important matter. He can be assured that on the Ulster Bench the Government's fixity of

[*Ian Paisley*]

purpose is supported. Have last week's events been a reminder that the courtroom is not the place for Britain to conduct its politics? Does he foresee any circumstances in which this case could end up in the European courts, and is there a contingency plan to address that matter?

Mr Davis: I thank the hon. Gentleman for his supportive comments. Both cases in front of the courts are issues relating to the UK constitution, and the European Court has absolutely no locus in that area.

Dr Julian Lewis (New Forest East) (Con): If the result had gone the other way, leavers like me would have unequivocally accepted it—[*Interruption.*] That is absolutely the case. Therefore the same should be expected of hon. Members who were defeated by the referendum result. Given that they all say that they would vote for article 50 in a vote in the House of Commons, why do we not hold such a vote straight away on a straightforward resolution, so that we can see whether that is sincere or whether they are as cynical as their reaction to the true statement that I made seems to suggest?

Mr Davis: My right hon. Friend tempts me, but the proper route for the Government to pursue is to await the outcome of the court case and then act properly under the law.

Mr Pat McFadden (Wolverhampton South East) (Lab): The basis of the judgment last week was that rights conferred by legislation cannot be taken away by royal prerogative. The Secretary of State said in the wake of that judgment that it was his understanding that therefore legislation would be needed to give effect to the judgment. Is that still his understanding, or does he think that the judgment can be given effect without legislation?

Mr Davis: As the judgment stands, that is my understanding. Basically, the right hon. Gentleman is right. What the court said, in effect, was, "You cannot remove rights without legislative power, and to give the Government legislative power, you have to have legislation", but remember, we are now waiting on the Supreme Court outcome, which may be different.

Mrs Theresa Villiers (Chipping Barnet) (Con): Some 105 years ago it was a Liberal Government who established the supremacy of the elected over the unelected Chamber, so would it not be a scandalous state of affairs if Lib Dem peers were to use a parliamentary vote to frustrate the will of the people of this country?

Mr Davis: I am tempted to say that Lloyd George would be spinning in his grave.

Frank Field (Birkenhead) (Lab): Is not the pressure on us, not on the judges? At elections the people give us sovereignty to exercise on their behalf, and at referendums we return that sovereignty to them. Woe betide us if we do not abide by that. Will the right hon. Gentleman hazard a guess as to how many remainers' turkeys will vote for Christmas in next May's election?

Mr Davis: The right hon. Gentleman will not tempt me again, but he is quite right: 17.4 million people is the biggest vote—the biggest mandate—any Government have had in the history of this country, and we have to obey it.

Nicky Morgan (Loughborough) (Con): Is there not a way to cut through the debate and to start to heal the rift between Parliament and the people? The Secretary of State has an opportunity this afternoon to say that there will be a one-line Bill authorising the triggering of article 50, which would be introduced to this House and then pass through the House of Lords. I would urge him to bring that Bill forward soon to test the will of this House and the House of Lords, which I think will approve the passing of that Bill, and we can then get on with negotiating the exit.

Mr Davis: I hear what my right hon. Friend says, and I have to say I am very tempted, but what I also have to say is that this whole issue is a matter of extreme importance, and we do have to complete the test in the courts that is necessary to establish the law.

Caroline Lucas (Brighton, Pavilion) (Green): In 2010, responding to a House of Lords constitutional affairs report, the Government Minister asserted:

"Under the UK's constitutional arrangements Parliament must be responsible for deciding whether or not to take action in response to a referendum result."

Can the Secretary of State explain what has happened since 2010 to change the Government's view on that?

Mr Davis: What happened in 2015 was that the Government Minister responsible, the Foreign Secretary, said to the House of Commons that this gives the decision to the British people—full stop, no ifs, no buts. The Government then published a number of documents saying the same thing over and over again. If we betray the people by not responding to that properly, I think it will be very difficult to ever make a referendum matter again.

Mr Owen Paterson (North Shropshire) (Con): I am delighted with the certainty my right hon. Friend has that we are sticking to the current timetable, but he will have noticed that those who voted to remain are putting out a false narrative that we now have a choice between soft Brexit or hard Brexit. Will he please confirm that the biggest majority in British history voted to take back control, and that means making our own laws in our own Parliament?

Mr Davis: My right hon. Friend is exactly right. We were given a national instruction, which we will interpret in the national interest, not in terms of any fictional soft or hard, or any other sort of, Brexit. We will get the outcome that suits this country best.

Karl Turner (Kingston upon Hull East) (Lab): The Attorney General, who is helpfully sitting next to the Secretary of State, will know that the Government failed in the European Union Referendum Bill to set out how notification under article 50 would be given in the event of a leave vote. Consequently, the courts have had to intervene. So should the Secretary of State not come to the Dispatch Box and condemn the hysterical, vicious, personal attacks on our independent judiciary and condemn some of the comments from those on his own Front Bench?

Mr Davis: The hon. Gentleman knows from our many operations together over the years that I am a great defender of the independence of the judiciary. In respect of the Bill, the presumption is that the prerogative exists, unless it is taken away, and it exists in this case.

Mr Bernard Jenkin (Harwich and North Essex) (Con): Is my right hon. Friend aware that some people have been describing this moment as some kind of constitutional crisis? I will be inviting the constitution Committee of the House of Commons to take an interest in this crisis, if it is a crisis. In the meantime, may I commend my right hon. Friend, and indeed the whole Government, for taking a cool and calm approach to this? May I invite him to pursue the appeal to the Supreme Court, because the present judgment leaves unanswered a number of questions that need to be resolved? May I also say that it is quite possible that the Supreme Court may choose to exercise its independence by reversing the decision of the High Court?

Mr Davis: My hon. Friend is, as ever, perspicacious about this. There are many issues to be resolved. It is not a constitutional crisis; it is simply the operation of the rule of law in the United Kingdom, which is how we like to see things done.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The Government's handling of this situation does not inspire confidence at any level: Ministers cannot convince the High Court that their actions are lawful, they are fearful that they cannot persuade Parliament that their negotiating strategy is the right one, and they cannot even agree a UK-wide strategy that involves all the devolved Parliaments. On what basis are we expected to believe that this Government can persuade our partners in the EU that we should get a good deal from Brexit?

Mr Davis: Yet again, I am astonished that Scottish National party Members are saying that we cannot agree a UK-wide strategy. We are two meetings into the process. We presumably intend to try to agree a strategy—or is it the intention of the hon. Lady's party not to let one happen?

Mr Jacob Rees-Mogg (North East Somerset) (Con): While it would be improper for Ministers to criticise judges, though not judgments, and disorderly for this House to criticise judges, except under a specific motion, is it not absolutely right that our press are free, fearless and outspoken, because there may be less happy times when judges need to be held more firmly to account?

Mr Davis: My hon. Friend is exactly right. There are a number of pillars of our democracy. One of them is the independence of the judiciary, which we have maintained for centuries, and another is the freedom of the press, which we are still maintaining after centuries.

Mr Douglas Carswell (Clacton) (UKIP): It is now more than four months since a clear majority voted to leave. In a spirit of constructive engagement, and further to what the right hon. Member for New Forest East (Dr Lewis) said, may I suggest that Secretary of State bring a motion, as opposed to a Bill, before the House ahead of the Supreme Court hearing in January, because doing so might underline where the balance of opinion lies both in this House and in the unelected place?

Mr Davis: As I said to my right hon. Friend the Member for New Forest East (Dr Lewis), it seems to me that the proper approach of the Government is to respect the ruling of the Court and therefore wait on the final outcome in the Supreme Court.

Sir Oliver Letwin (West Dorset) (Con): Does my right hon. Friend agree that nothing in the High Court judgment in any way constrains the ability of Parliament to determine its own procedures, and that, in light of that, it would be possible for both Houses of Parliament to amend their procedures in such a way as to bring forward a Bill and to pass it, long before the Supreme Court judgment?

Mr Davis: Yes.

Emma Reynolds (Wolverhampton North East) (Lab): Does the Secretary of State agree with the view expressed by some of his colleagues that the High Court ruling was “clearly an attempt to frustrate the will of the people”?

Mr Davis: The ruling of the Court is simply a judgment, no more, no less, and I do not see it in any political context.

Sir Desmond Swayne (New Forest West) (Con): Will the Secretary of State celebrate the fact that parliamentary sovereignty is now embraced even by those who campaigned to leave it in Brussels?

Mr Davis: My right hon. Friend makes a point that I may agree with but dare not make myself.

Chris Leslie (Nottingham East) (Lab/Co-op): Of course we should all accept the outcome of the referendum, but that does not necessarily mean that we all have to agree on the detail or that we should rush ahead with triggering article 50—particularly in March, ahead of the German and French elections, and before the Government have even developed a plan. As we now know that if the Secretary of State loses the Supreme Court judgment we are likely to have a Bill—primary legislation—he should entertain the idea of an amendment that considers triggering article 50 after the summer, not before September, so that we have the time to get this right.

Mr Davis: I refer the hon. Gentleman to the leader of his party, who recommended that we trigger article 50 on 24 June.

Mr Andrew Tyrie (Chichester) (Con): The Prime Minister is currently in India attempting to begin negotiations on a trade deal that the UK may, in the event, not have the authority to conclude—not, that is, unless the Government have already quietly decided to leave the customs union. Will the Government give at least some indication of when they will set out their negotiating position on the core objectives of whether we remain in the customs union, whether we are attempting to retain full access to the single market, and whether we intend to retain passporting for our financial services?

Mr Davis: As my right hon. Friend well knows, the issue of the customs union is a complex one. There are many different configurations. Turkey is inside the customs union but outside the single market, Norway is inside the single market but outside the customs union, and Switzerland is outside the customs union and partly inside the single market. We have to make a judgment on what is best for Britain in toto, in terms of its access

[Mr David Davis]

both to the European market and to the rest of the world. We will make that judgment in due course and make it public in due course.

Stephen Kinnock (Aberavon) (Lab): Does the Secretary of State agree that nobody is above the law, not even his own Government?

Mr Davis: Yes.

Stephen Crabb (Preseli Pembrokeshire) (Con): On the subject of devolved Administrations, does my right hon. Friend agree that the Welsh Labour Government's announcement that they will now seek to join the legal challenge to the article 50 process at the Supreme Court is entirely unnecessary and opportunistic, and that, rather than seek to impede or complicate what should be an orderly exit from the European Union, the Welsh Labour Government and the Labour party in this place should spend more time talking to their own voters about why they turned out so overwhelmingly to vote for Brexit?

Mr Davis: I will leave it to the Welsh Labour party to take my right hon. Friend's advice directly. He will understand that it would not be appropriate for me to comment on who should or should not join the legal case.

Mark Durkan (Foyle) (SDLP): Since the referendum result, there has been a carnival of reaction that has been in part vicious and pernicious, and that is now verging on the seditious with regard to the rule of law. The Prime Minister seems to want to just crowd surf that mood, wrapped in the royal prerogative. Would it not be better for this Chamber to move beyond yet another episode of roaming commentary and to give real consideration to the precepts and purposes that will inform negotiations? Does the Secretary of State recognise that it is not just UK constitutional interests that are at stake? Irish constitutional dimensions need to be taken care of, too.

Mr Davis: I referred to the Northern Irish case, which the Government won, and the decision about whether to leapfrog it will be made tomorrow. I am entirely aware that this is a very wide constitutional issue that has to be resolved properly. That is one of the reasons I am resisting calls to do something before the Supreme Court rules on the issue. That is the proper place for the decision to be taken.

Robert Neill (Bromley and Chislehurst) (Con): I am glad that the Secretary of State has characterised the decision as being a judgment. The judges were asked to answer a legal point of significant importance and they did so, rightly and faithfully, in accordance with their oath. Does he, therefore, agree that it is important for our reputation after we have left the European Union that all of us speak up for the independence of the judiciary and, above all, that we do not regard freedom of expression in the press as any excuse for personal, abusive and, frankly, disgraceful innuendo being raised against individual members of Her Majesty's judiciary? That undermines us all.

Mr Davis: My hon. Friend knows full well my view on protecting the independence of the judiciary, and I have not demurred 1 millimetre from that since coming to the Front Bench.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Of course, there should be absolutely no doubt that this House complies with the rulings of the Supreme Court and that we will do whatever is required by the law to trigger article 50, but article 50 gives expression to the result of the referendum. Does the Secretary of State agree that this House would do well to remind itself that, if the referendum had been a general election, 401 of the 632 English, Welsh and Scottish constituencies would have voted to leave?

Mr Davis: The right hon. Lady is absolutely right. It is often said that if it had been a leave party versus a remain party, the majority would have been bigger than that of the Blair Government in 1997. We would do well to pay attention to that.

Nick Herbert (Arundel and South Downs) (Con): Since we clearly must respect the decision of the British people, and since it is also clear that the majority of Members of this House, including me, would vote to trigger article 50, surely the real question is the substantive one about what kind of Brexit will be pursued. Why is it that the former Government were able to set out a White Paper on their objectives ahead of the Lisbon treaty negotiations, but that this Government are saying that they will not set out a similar document in respect of these much more important negotiations?

Mr Davis: I guess I was the part-author of the White Paper ahead of the Amsterdam treaty, and our aims were put only in very broad terms. In those terms, we already have our broad aims. They are very plain: control of laws, control of borders, maintenance of our security and the maximum possible access to free markets, both in Europe and elsewhere. Those are the broad aims. In terms of detail, I have just been asked about the customs union. As I have said, when we get to the point of being sure of where we are going on that—[*Interruption.*] I am glad that Labour Members are all very sure about that, since they do not seem to have looked at any of the numbers at all. The national interest requires that we make sure what the outcome is before we attempt to achieve it. That is a very small negotiating lesson.

I do not think that I want to commit at this point, but let me say this. I have said over and over again in this process that we will be as open as possible, consistent with maintaining our negotiating stance. I mean that. I have stood up for that principle through decades in this Parliament, and I will not stop standing up for it just because I am standing here.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): Last week's ruling was not about overturning the referendum, but it did recognise that this issue will affect every man, woman and child in this country and that therefore their democratically elected representatives should have a role in making sure that the Government get the best deal for everybody. Without greater transparency, how can the Government provide the reassurance that they are representing not just 52% or 48%, but the whole country?

Mr Davis: The hon. Lady makes a good point, in that the aim of the Government is to carry out the national instruction, because that is what it was, in the national interest. At the risk of repeating myself, I have said that we will be as open as it is possible to be while maintaining that national interest, which means a degree of confidentiality in the early stages of negotiation. Parliament will have plenty of opportunities both to scrutinise the legislation and to amend it before it takes effect.

Mr Mark Harper (Forest of Dean) (Con): I was very pleased that the Secretary of State started his remarks by saying that he wanted to respect the decision. It seems to me that the confusion among many is that they think that the decision the British people took on 23 June was conditional on some kind of deal; it was not. I was on the remain side of the argument, but I accept unconditionally the decision of the British people. We are leaving. The task at hand for the Government is to negotiate with our partners for the best trade deal, the best access to the markets and the best security arrangements. I am confident that the Prime Minister will do so. Too many Opposition Members think that leaving is conditional; it is not.

Mr Davis: My hon. Friend is absolutely right. That is best demonstrated by the fact that the ballot paper had on it: “Leave the European Union”—nothing else, and no conditions. He has put it very well.

Mr Chuka Umunna (Streatham) (Lab): Gina Miller, who brought the case, has been subject to death threats. She has been attacked for being foreign-born. She has been subject to racial abuse and threats of sexual violence simply for exercising her rights as a British citizen. As has been mentioned, the judges in her case have been attacked simply for doing their job and not dancing to the tune of the Executive. Does the Secretary of State believe that whether we voted leave or remain, we can all agree that these vicious and deplorable attacks are not what our country is about or in keeping with British values? On that point, in relation to the judiciary, if our judges are intimidated and harassed and we have marches on our courts, that takes our country down a very dangerous avenue indeed.

Mr Davis: I have already commented on the judges, but let me comment on the treatment of Gina Miller. I have said that I deplore—I cannot find words strong enough, frankly, to say how much I detest—the attacks on her. I have not seen them directly, but they sound to me to be effectively criminal attacks, because incitement of violence, threats of violence and racial abuse are all crimes.

Mr Christopher Chope (Christchurch) (Con): May I press my right hon. Friend further on the idea of allowing both Houses of Parliament to vote early on a resolution calling on the Government to exercise article 50 before 31 March? Surely to do so would respect the judgment in the High Court, because that judgment made it clear that this House is sovereign; and, as a sovereign House, we should decide how to exercise that sovereignty.

Mr Davis: I refer my hon. Friend to the comment put to me earlier, which was that it is within the power of the House, if it so chooses, to pass such a resolution.

Stella Creasy (Walthamstow) (Lab/Co-op): Independent judges are vital to our democracy because they keep Governments honest and ensure that they cannot overrule the rule of law. The right hon. Member for Broxtowe (Anna Soubry) is right that language matters. The Secretary of State talks about keeping his cards close to his chest, as though he was playing a late-night game of poker, but he must understand that people are exercised, whether they voted to leave or to stay, because they know the stakes he is playing for are their lives. The British public deserve to know whether there are any nasty surprises ahead. Will he now be honest about his Government’s red lines, so he is not left red-faced with the British public?

Mr Davis: It is not a late-night game of poker; it is a devil of a lot more important than that. The simple truth is: when you go into a negotiation of this nature and you publicise your minimum negotiating objectives, you make them your opponent’s maximum negotiating objectives and you increase the price. I am afraid a commitment to parliamentary accountability—I share such a commitment with everybody else in the House—is not an excuse for naivety in negotiation.

Philip Davies (Shipley) (Con): If the referendum was no more than advisory, it makes one wonder why some people who now claim it was only advisory campaigned so hard during the referendum campaign. Triggering article 50 is just the start of the process, so if the Supreme Court does not overturn the perverse decision of the High Court, does my right hon. Friend expect the Labour party to agree to triggering article 50 without any conditions? Given that it was made perfectly clear in the Conservative party manifesto at the last election that we would have a referendum and honour the result of the referendum whatever the outcome, does he expect the House of Lords to honour one of the conventions of this place, which is that it should not stand in the way of a manifesto promise?

Mr Davis: I am responsible for many things, but the Labour party’s stance is not one of them. Frankly, that is just as well, given that it had three of them—three different stances—over the weekend. As I understand it, the approach taken by my Labour opposite number is that conditions will be attached to the approval of triggering article 50. That does not reflect the will of the people at all—just the reverse.

Angela Smith (Penistone and Stocksbridge) (Lab): Does the Secretary of State not accept that the judgment given by the Supreme Court could come as late as January? Does he not accept that, nevertheless, the debate about what the Government think Brexit should look like does not have to be constrained by the court judgment, and could start tomorrow if the Government had the political will? Does he not accept that the best way of doing that would be to table a White Paper as soon as possible?

Mr Davis: The hon. Lady has not listened to my responses to earlier questions. Yes, she is right in one respect: the judgment may come as late as early January. The expectation is that the case will be held in early December, and I suspect that it will take two to three weeks for the judgment to be written up. I think the proper role of the Government is to await and to respect the judgment from the Supreme Court—full stop.

Mrs Sheryll Murray (South East Cornwall) (Con): Does the Secretary of State agree, despite the arguments of Labour Members and of some Conservative Members, that no successful business deal has ever been done when the hands of the negotiator have been tied, and that the best way to take this forward is to allow the Prime Minister to negotiate without boxing her in?

Mr Davis: My hon. Friend is exactly right. Tying the hands of the negotiator is exactly what the Opposition are trying to do.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Following the UK Government's decision to challenge the High Court judgment, the Welsh Government have announced that they will seek legal representation in the Supreme Court hearing, because of the impact of the use of prerogative powers on the legislative competence of the National Assembly for Wales. Surely the UK Government should now take a step back, take a deep breath and, instead of trying to steamroller through Brexit, fully engage with this Parliament and the national Parliaments of Wales, Scotland and Northern Ireland.

Mr Davis: Again, the hon. Gentleman has not listened to what I said to the Scottish nationalists. That is precisely what we have been doing.

Sir Edward Garnier (Harborough) (Con): Having worked with my right hon. Friend for many years in this place, both in opposition and in government, I have absolutely no doubt whatsoever about the truth of his suggestion about the value of the independence of the judiciary. Will he accept that the referendum gave the Government permission to leave the European Union—and that is going to happen—but the referendum did not give the Government a power they do not have?

Mr Davis: As my right hon. and learned Friend will know better than almost anyone else in this House, that is precisely what is being tested in the courts right now.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I add my support to the principle of—and the urgent need to clarify and state—the independence of the judiciary, and its importance for our rule of law. I believe that it is to our shame that we are having this discussion at all, and that it is incumbent on every Member of this House, and of the media, to uphold the language and the high standard of debate that this country needs and deserves. If the Secretary of State wants the best deal for the country and the best chance of success in negotiations, does he not think that the Prime Minister will be helped by going into those negotiations with a united country, a thorough debate that is public and transparent, and the vote of support of Parliament behind her?

Mr Davis: I reiterate that the independence of the judiciary is one of the fundamental pillars of our democracy, as is a free press and a number of other freedoms that are sometimes uncomfortable for people, I am afraid. Of course it would help to have the support of the House, and there will be plenty of opportunities for that to happen. During the great repeal Bill debates there will be a great deal of opportunity for all parts of this House and the other place to vote on the measures put before them. That will provide some support for the Government.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): One of the complexities of article 50 is that there are no transitional arrangements. I know that the Secretary of State understands that there are genuinely held fears about people's rights. Will he confirm that, notwithstanding the outcome from the Supreme Court, cases referred to the Court of Justice of the European Union either before article 50 is invoked or before the final date of the UK's departure from the EU will be heard by that court and, more importantly, that any decision by that court, however long it takes, will remain binding in the UK?

Mr Davis: The simple truth, which may sound rather platitudinous, is that we are in until we are out. We will actually obey every aspect of European law until we leave.

Heidi Alexander (Lewisham East) (Lab): This summer, the country was failed by an embarrassing, misleading and, at times, toxic debate about the EU that all too often inflamed rather than illuminated. Legislation before article 50 is triggered could help lift us out of this quagmire, giving the issue the sort of thorough scrutiny and sensible debate it deserves. Why will the Secretary of State not commit to a Bill and a programme motion that allows each and every one of us to set out our views on the principle of triggering article 50, the terms on which it should be invoked and the process thereafter?

Mr Davis: I think the hon. Lady has just given the game away.

Sir Gerald Howarth (Aldershot) (Con): Will my right hon. Friend confirm that invoking article 50 changes not one word of English law, but is simply the process of sending a letter formally notifying the EU of the people's vote to leave, and that failure to do that would be a betrayal of the British people that they would not lightly forgive?

Mr Davis: I agree that of itself it does not change one word of English law. Some people see it as a point of no return; I see 23 June as the point of no return. We have to live by the instruction we were given on that day.

Gavin Robinson (Belfast East) (DUP): Further to that, the Secretary of State should take some comfort from the fact that the High Court in Belfast reaffirmed the view of the Northern Ireland Attorney General that not one comma or full stop of our devolved settlement will be amended by the triggering of article 50. Given that, and the fact that devolved arrangements are subject to the will not only of this House but of this Government and that constitutional arrangements and external relations are reserved matters, does he agree that this decision will be taken as a nation by this nation as a whole?

Mr Davis: I thank the hon. Gentleman for his comments. He is exactly right. That is precisely correct.

Mr Peter Bone (Wellingborough) (Con): While I understand the Government's desire to proceed with the court case—there is a principle of law—is it not a good idea, which we have heard from both sides of the House today, urgently to put a resolution to the House that can be voted on, which would help the courts to decide Parliament's view on article 50?

Mr Davis: I have stated my view on the proper approach for the Government. That does not constrain Parliament at all.

Mike Gapes (Ilford South) (Lab/Co-op): The Secretary of State has referred to the timetable for article 50. Once it is triggered, we have a maximum of two years. Does he agree that, if we do not have agreement towards the end of that period, we face a ticking clock, which weakens our position? Is there merit in the suggestion in today's *Financial Times*, which apparently the Prime Minister is considering, to have a transitional arrangement of several years afterwards? Is it not time that hon. Members debated that?

Mr Davis: I am afraid I do not recognise anything in today's *Financial Times*.

Heidi Allen (South Cambridgeshire) (Con): I believe that acceptance of the High Court ruling would have offered a symbolic and inclusive hand to those of us who voted to remain. Inclusion is a part—a key ingredient—of the Prime Minister's strategy of bringing the country back together and we all need to come along on this journey. The Government have chosen not to do that, but can we agree that the judiciary have an important role to play in our constitution and should be allowed to do so independently, with our respect? This is what grown-up sovereignty feels like.

Mr Davis: I do not recognise the first part of my hon. Friend's comments and I do not see how the Government have refused to be inclusive. We have taken input on vast amounts of policy from large numbers of people who voted or campaigned for remain, so I do not think her description is remotely true.

Mr David Hanson (Delyn) (Lab): Will the Secretary of State tell the House how much taxpayers' money he is expending on the court case, the appeal and future action to stop this House having a say on the important issues of the single market, employment rights and prisoner transfer agreements, which all matter, even if we have accepted the will of the referendum, as my hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) has said?

Mr Davis: All those figures will be published in due course, but the right hon. Gentleman is wrong about one thing: I have given in terms an undertaking to the House that there will be no dilution of employment rights as a result of our leaving the European Union. He has not been paying attention.

Mr Jonathan Djanogly (Huntingdon) (Con): The High Court judgment noted:

"The Government accepts that a notice under Article 50 cannot be withdrawn once it has been given."

Why did the Government simply accept that? If they had maintained that triggering could be reversed by Parliament, would not Parliament remain sovereign, despite the Executive taking the decision to trigger article 50?

Mr Davis: The reason was not really a point of law so much as a point of constitutional and political reality. I did not see it as possible that we could reverse the decision of the British people.

Mrs Emma Lewell-Buck (South Shields) (Lab): I would be the first to admit that I am no legal expert, but throughout campaigning on the EU referendum I was clear with my constituents that Parliament would very likely have a vote on these matters. Have the Government been disingenuous with the public from day one, or are they completely unsure of the existing constitutional law of the country they govern?

Mr Davis: If I remember correctly, every single one of the hon. Lady's constituents received a document from the Government telling them that it was their decision and the Government would carry it out.

Mr Steve Baker (Wycombe) (Con): Is it not the case that, at various times and in various ways, the Government have given clear indications of their direction of travel on legal supremacy, migration policy, trade policy, reciprocal rights and regulatory continuity? To go further on what has been said and to tie the Government's hands would be to act against the national interest.

Mr Davis: My hon. Friend is exactly right. We have in fact given a great deal of information about our direction of travel and the overarching strategy, but, as I have said, there is none so deaf as those who will not hear.

Chris Bryant (Rhondda) (Lab): The Secretary of State accepts that he could publish a Bill next week and we could have it on the statute book long before the judges have done their business, so the reason for taking the decision to the next stage is not to expedite it but some other. I can only presume that it is because, somehow or other, this man—the Secretary of State—a man who has always fought for Parliament, is suddenly fighting for the prerogative rights of the Crown.

Philip Davies: For the people!

Chris Bryant: No, the Secretary of State is fighting for the prerogative rights of the Crown. Would it not be a phenomenal irony if the people who clamoured to bring back control to this country handed it from Parliament to Ministers and the Crown?

Mr Davis: This is one of those rare occasions when the heckle is right. The truth here is that the rights of Parliament rest on the sovereignty of the people—in this case, 17.4 million people.

Conor Burns (Bournemouth West) (Con): There are far too many Members of both this place and the other place, including my right hon. Friend's opposite number at lunchtime today, who are taking to the airwaves to tell us that they fully respect the result of the referendum and then go on to insert that very important word "but". Will my right hon. Friend use this occasion to explain, from the Dispatch Box, to those at this end and the other end that there are no buts on Brexit?

Mr Davis: My hon. Friend is exactly right. Indeed, I think earlier I said no ifs or buts.

Stephen Timms (East Ham) (Lab): Why will the Government not seek the agreement of Parliament to their basic broad objectives for Britain's future relationship with the European Union before article 50 is triggered?

Mr Davis: I really like the right hon. Gentleman. I am a great admirer of him and what he has done in his life. I will say this to him: we have made a great deal of information available one way or another and we are going to make more available. The simple truth is that nobody on the Labour Benches appears to recognise that serious decisions are being taken in the public domain. They just do not like them.

Mr Philip Hollobone (Kettering) (Con): Who will be leading the Government's case to the Supreme Court? Will it be the Secretary of State, the Attorney General or the Prime Minister? Or can we expect all three?

Mr Davis: I think the taxpayer would have really good cause to worry if I was leading it. [*Laughter.*] We have a very good legal team. I suspect it will be the same brilliant legal team next time.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I am glad the Secretary of State is having a jolly time over this, but when I spoke to my constituents over the weekend, whether they voted to remain or to leave—I respect both votes—they were all deeply concerned about the sinister turn of events in the commentary in the media. Will the Secretary of State be absolutely clear on whether it is acceptable to call judges enemies of the people? Will he be equally clear that someone's sexuality does not preclude their ability to make legal judgments or to hold the highest offices in the land?

Mr Davis: The latter point is self-evidently the case, but let me say this to the hon. Gentleman. Over the decades, I have fought battles on both the independence and rights of the judiciary and the freedom of the press. They are both important, and they are particularly important when one does not like what they say.

Helen Whately (Faversham and Mid Kent) (Con): Earlier this afternoon, the hon. and learned Member for Holborn and St Pancras (Keir Starmer) said that no one expects the Government to reveal their negotiating hand. Then, however, he set out a series of negotiating positions he would like the Prime Minister to reveal. Does my right hon. Friend agree that rather than trying to tie the hands of the Prime Minister, Members of both Houses of Parliament should put the national interest first and let the Prime Minister get on with the job of getting the best deal for Britain?

Mr Davis: My hon. Friend has absolutely nailed the flaw in the case of the hon. and learned Member for Holborn and St Pancras. Their case is to say, "We only want you to tell us a little bit, and a little bit more, and a little bit more." Eventually, the whole thing will be in the open and no negotiation will be possible. She is exactly right.

Owen Smith (Pontypridd) (Lab): The country will have noted that seven times now the Secretary of State has refused to comment on, or certainly to condemn, the statement on "Question Time" by his colleague on the Front Bench, the Secretary of State for Communities and Local Government, the right hon. Member for Bromsgrove (Sajid Javid), that clearly impugned the integrity and impartiality of the High Court judges. I do not anticipate that he will do that, so will he instead

condemn the comments by another politician who has urged people to march on the Supreme Court in order to intimidate it? Will he use this opportunity to ask the country not to do that?

Mr Davis: Well, actually, I think in both cases the hon. Gentleman has misquoted the individuals. I will say two things about a recommendation to march. The right to demonstrate is another of our freedoms. One of the great things about our Supreme Court—indeed, all our courts—is that it would not matter how many people marched. It would not move its judgments by one comma and we should be proud of that.

Lucy Frazer (South East Cambridgeshire) (Con): The hon. and learned Member for Holborn and St Pancras (Keir Starmer) suggested that the Government should abandon their appeal. Does the Secretary of State think that that would be sensible given that the Northern Irish court, albeit looking at a slightly different question, accepted the logic of the argument that article 50 does not of itself change individual rights, which was at the heart of the divisional court's decision?

Mr Davis: My hon. and learned Friend makes an important point that lies at the heart of the argument. She is quite right. The plaintiffs in the Northern Ireland case may appeal, but that case is not the same as this one, although it does have a relationship with it. It is therefore very important that if that appeal is allowed and expedited—even if it is not expedited—the cases are heard properly and together.

Carol Monaghan (Glasgow North West) (SNP): My hon. Friend the Member for North East Fife (Stephen Gethins) mentioned the Secretary of State's Parliamentary Control of the Executive Bill. Does the right hon. Gentleman still agree with the content of that Bill?

Mr Davis: The primary aim of that Bill—its original author was actually Tony Benn—was to bring the right to declare war outside article 5 provisions under the control of the House. I politely say that that has happened.

James Duddridge (Rochford and Southend East) (Con): My right hon. Friend has come under quite a degree of criticism for not being more revealing and transparent about the Government's position. In fact, he is told that he is holding his cards close to his chest. I think that this warrants greater investigation. Will my right hon. Friend agree to meeting me and cross-party group of Members in the Department for a game of poker? They can put their cards on the table; we can keep our cards to our chests—and the money can go to Southend charities!

Mr Davis: My hon. Friend makes his point.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): My constituent Christopher voted to leave the European Union, but he told me:

"I did not vote to suspend the rule of law, nor to forgo the protection of Parliament as a bulwark against tyranny."

Does the Secretary of State accept that people on both sides of the Brexit debate are appalled by the Government's approach so far? Will he just get on and accept the judgment that was made last week?

Mr Davis: I do not know what the hon. Lady thinks she is talking about. First, we made our case in court. We are going to appeal, as is entirely proper in an important constitutional case such as this, and we will respect the outcome of that appeal. In what respect is that somehow suspending the rule of law?

Oliver Dowden (Hertsmere) (Con): The High Court's position is very straightforward: parliamentary consent is required to invoke article 50. Does my right hon. Friend agree that our response should be equally straightforward: give that consent without haste and without any conditions that seek to fetter the Prime Minister's negotiating position?

Mr Davis: Yes.

Mr David Winnick (Walsall North) (Lab): I accept that Labour Members' criticism of the procedure adopted by the Government is fully justified, but given some of the comments made by Government Members, let me make it absolutely clear that although I was on the remain side in the referendum, I accept the electorate's decision without qualification. There can be no question but that, whatever the procedure, article 50 must be invoked. The British people made the decision by a majority—it does not matter that it was a narrow majority—so we should accept it. That is democracy.

Mr Davis: I commend the hon. Gentleman for his honesty and straightforwardness. He and I have been on the same side many times in these battles and it is good that we are again.

William Wragg (Hazel Grove) (Con): The judges are not enemies of the people, but the enemies of democracy would be Members of this House who sought to frustrate the triggering, or adulterate the substance, of article 50. Will my right hon. Friend assure me that he will not allow those still oscillating among the five stages of grief to derail our leaving the EU?

Mr Davis: The Government will carry out the instruction given by the British people, and we will do so in the national interest as quickly as we can.

Geraint Davies (Swansea West) (Lab/Co-op): Does the right hon. Gentleman accept that we have negotiating power only prior to triggering article 50 and that, after that, the 27 remaining EU member states are free to determine our fate and to say, "Like it or lump it"? Would it not therefore be right to delay the triggering of article 50 until we have a clear idea of what that means for costs, the economy and migration, so that the British people can then judge in another referendum whether the exit package represents a fair reflection of what they voted for in principle and whether they want to leave on those terms, with a default position of staying in the EU?

Mr Davis: I will make two points to the hon. Gentleman. First, under the mechanisms of the European treaty, the only point at which negotiations can formally start is when article 50 is triggered. Secondly, the notion that a two-year timetable is somehow problematic is true only if countries are unprepared when they go into the process. Ultimately, there will be costs on both sides if we do not get a deal and, as a result, I would expect everyone to behave rationally and get that deal.

Suella Fernandes (Fareham) (Con): Delivering his judgment, the Lord Chief Justice said

"the court...is...dealing with a pure question of law. Nothing we say has any bearing on the question of the merits or demerits of a withdrawal by the United Kingdom from the European Union; nor does it have any bearing on government policy, because government policy is not law."

Will my right hon. Friend confirm that Government policy is indeed to trigger article 50 before the end of March, to leave the European Union and to enact the great repeal Bill, and that the commitment of the Prime Minister and the Government is undiminished, regardless of the hearing in the Supreme Court?

Mr Davis: Yes.

Nick Smith (Blaenau Gwent) (Lab): Why does the Secretary of State think his Conservative friend, the now resigned Member for Sleaford and North Hykeham, believed that Ministers had ignored Parliament since the Brexit vote?

Mr Davis: Strictly speaking, that is a question for him, not me. He is a very good friend of mine and I will not say anything against him. I am very sorry to see him go, but beyond that, I thought he got it completely wrong.

Craig Mackinlay (South Thanet) (Con): My understanding of parliamentary sovereignty is that it is a mixture of the will of this House, the views of the other place and the Crown in Parliament as exercised by the Government. Does my right hon. Friend agree that article 50 should be triggered and implemented as intended because the instruction has been given by the ultimate holders of sovereignty in this country—the British people?

Mr Davis: I entirely agree with my hon. Friend, but that must be subject to one thing: a Government who operate under the law. That is what we are going to do.

Wes Streeting (Ilford North) (Lab): A majority of voters and a majority of constituencies voted to leave the European Union, so of course Parliament will trigger article 50, but does the Secretary of State understand the difference between revealing his hand in negotiation and telling us what his opening position would be? In the past week we have seen the resignation of a Conservative MP because of the way in which the Government are handling their position and the Chairman of the Treasury Committee urging the Secretary of State to come clean about issues such as the customs union. If the Secretary of State did read the *Financial Times*, perhaps he would understand that his dithering and delay, and the lack of clear direction, are costing jobs and inward investment, and affecting the pound in people's pockets today.

Mr Davis: It is because I read rather more than the *Financial Times* that I know that most of that is not true.

David T. C. Davies (Monmouth) (Con): Having had to report to the police disgraceful death threats that were made to me over the last few weeks, may I ask whether the Secretary of State agrees that we must all condemn all forms of hate crime on both sides of the political argument, and that it is utterly wrong to try to suggest that people who voted for the independence of Great Britain are in some way responsible for the unrepresentative actions of a tiny minority?

Mr Davis: My hon. Friend is, as ever, exactly right.

Robert Ffello (Stoke-on-Trent South) (Lab): Three quarters of my constituents and the majority of this country have said that they want to exit. I agree that we must get on with it—unequivocally, for the benefit of the hon. Member for Monmouth (David T. C. Davies). Why, however, are we waiting for a decision that may well go against the Government? By all means let the Secretary of State pursue the case in court if he must, but let him bring a Bill to the House and let us vote on it. Let us vote to trigger article 50 at the right time, as the Government have set out, and let us pursue exit from the European Union. Why does he not just do it?

Sir Desmond Swayne: Answer!

Mr Davis: I am going to. First, because the triggering of article 50 should be done only when the policy work is complete, and it is not yet complete. Secondly, because the judicial timetable still allows us to meet the date of 30 March, which is the date that we are going to hit.

Mr Speaker: Order. I am not sure that the right hon. Member for New Forest West (Sir Desmond Swayne) yelling “Answer” from a sedentary position quite constitutes the sort of knightly behaviour that we have come to expect of him.

Richard Drax (South Dorset) (Con): If the courts have banged their metaphorical gavel on our prerogative powers, does my right hon. Friend share my concern that they may do so again regarding, for example, a decision to go to war?

Mr Davis: One—but not the only—reason why we are taking this to the Supreme Court is to get an absolutely specific outcome and answer.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am sure that the Secretary of State will be glad to hear that I am delighted with the outcome of the referendum—the industrial working-class of West Dunbartonshire and the entire nation of Scotland voted to remain—but my constituents share a concern already brought to the Floor of the House by me and the hon. Member for Foyle (Mark Durkan) about our relationship with our closest neighbour and our border with the sovereign nation of Ireland. This concerns the Ireland Act 1949, and I have had no answer from the Secretary of State. The Government talk about the common travel area, but there is no answer to this question yet. Will the Secretary of State say now on the Floor of the House that there will be no change to the rights of Irish citizens as dictated by the Ireland Act 1949?

Mr Davis: That is a very specific question; forgive me if I have not answered it before. I will write to the hon. Gentleman, but I think the answer is that there will be no change. The aim, as I have said to him before, is that common travel area rights both ways—including the rights to vote, to work and so on—will continue, but I will write to him about the detail.

Robert Jenrick (Newark) (Con): If the Government do bring forward a Bill to trigger article 50 and any Member tries to amend it in any material way that binds

the hands of the Prime Minister, does the Secretary of State agree that the British public would lose out? They would get a worse deal on our exit, so nobody who truly believes in our national interest would do that?

Mr Davis: My hon. Friend is exactly right. The whole purpose of our strategy is to get the best outcome for all people in Britain.

Mrs Madeleine Moon (Bridgend) (Lab): Does the Secretary of State accept that people voted to leave or to remain for all sorts of reasons? When they read that question on the ballot paper, however, very few of them wanted to vote to reduce the power of the judiciary to hold the overweening power of the Executive to account. Very few of them voted to reduce parliamentary democracy and the right of Parliament to discuss Government policy. Is it not therefore right that the Government come back to this House and seek authority to trigger article 50?

Mr Davis: We have done none of those things. The simple truth is we are waiting on the judgment, and we will obey what the Court says.

Charlie Elphicke (Dover) (Con): Does the Secretary of State agree that it is extraordinary to see Labour Members saying that Parliament should decide on article 50 and all matters Brexit when just a few short weeks ago they piled in to defeat a Bill that I brought to this House that would have provided for exactly that? Is that not double standards and doublespeak from Labour Members, including the shadow Secretary of State on this morning’s “Today” programme? Is it any wonder that the people of Britain think that Labour Members are seeking to subvert the will of the British people and to defeat the mandate of the masses, and that they have lost touch with the hard-working classes of modern Britain?

Mr Davis: I could not have put it better myself.

John Glen (Salisbury) (Con): Will the Secretary of State explain how any Prime Minister could be expected to negotiate effectively for the best outcome for this nation if the other side knows her objectives, aims, plans and goals before she sits down at the negotiating table?

Mr Davis: My hon. Friend is exactly right. Of course, any negotiator of any substance would recognise that, as indeed does the EU, which is why we are pursuing our strategy of giving the broad outline but not the details.

Bill Esterson (Sefton Central) (Lab): I presume that one of the reasons the Secretary of State used to believe in publishing a White Paper was that he wanted to ensure that business had confidence in the economy of this country. He will know that in the past week both the Japanese and Indian chambers of commerce have expressed grave concern about the current uncertainty and the situation’s impact on the confidence of international investors. Why does he not go ahead with publishing his White Paper and set out a plan so that international investors can have the confidence they need to continue investing in this country?

Mr Davis: Nissan.

James Cartledge (South Suffolk) (Con): After all the questions that we have heard, I am slightly surprised that my right hon. Friend still wants to go ahead with his appeal. It must be blindingly obvious to him that a short Bill committing us to invoking article 50 would receive a huge majority on Second Reading. Will he reflect on the powerful statement that that would send to our EU partners and to those in the other place, if it happened?

Mr Davis: I note that my hon. Friend adds the condition “if it happened”. There are issues here that are political, constitutional and legal, and we need to resolve all of them. The best way to do that is to take this case to its full course, and that is what we will do. The Supreme Court of the United Kingdom will make the decision.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Yesterday my party colleague Mike Russell MSP spoke of how the Scottish National party has a triple mandate to protect Scotland’s place in Europe: from our manifesto commitment at the 2016 Holyrood election; from the 62% who voted to remain; and from the Scottish Parliament’s vote to protect our place in Europe. We in the SNP are fully committed to safeguarding Scotland’s place in Europe. Does the Secretary of State accept our overwhelming mandate, or is he willing to disregard the democratic will of the people of Scotland?

Mr Davis: The decision in the referendum was taken at the United Kingdom level. If, in the Scottish independence referendum, the hon. Lady’s side had had a majority but, say, half of Scotland had voted against, would she have said that that had invalidated the referendum result? I do not think so. I do not think that any smaller group than the whole of the United Kingdom can invalidate or veto the referendum.

Mr Julian Brazier (Canterbury) (Con): I echo the view expressed by my hon. Friend the Member for South Dorset (Richard Drax) about the possible implications of this judgment for areas such as defence. Does the Secretary of State agree that while the independence of the judiciary is indeed a crucial pillar of our independent constitution, it is only one of a number of them? Does he also agree that for the judiciary to interfere between Parliament and the Executive would break frightening new ground?

Mr Davis: Well, no. As I have said, we are taking this case to the Supreme Court for a reason. We are a Government who operate under the law. My hon. Friend has a point in that there has been a degree of judicial activism in modern times, but I do not think that this case is susceptible to that analysis.

Marcus Fysh (Yeovil) (Con): Does my right hon. Friend agree that the interests of the people depend on the Prime Minister and her balanced Cabinet having the maximum flexibility and authority to negotiate and conclude new arrangements with the EU as soon as possible, and that a second referendum would guarantee a bad deal, lost jobs and further divisions in our society?

Mr Davis: Yes, my hon. Friend is exactly right. A second referendum would give those on the other side in the negotiations—the European Union—an incentive to give us the worst possible deal to try to force the British people to change their mind. That would be entirely improper.

Alan Brown (Kilmarnock and Loudoun) (SNP): The Secretary of State obviously does not challenge his speechwriter much, because nothing changes from statement to statement. The High Court has just made a judgment on something that, at one time, he was fully in agreement with. So, for the third time of asking, will he tell us why he now disagrees with the Bill that he tried to bring forward? It was not about going to war; it was about the Crown prerogative not being exercised without the assent of the House.

Mr Speaker: Order. Just before the Secretary of State responds—which I am disinclined to facilitate him doing—I must just say that although I appreciate that repetition is a common phenomenon in politics and not in itself to be deprecated, there is a bit of a tendency on the Scottish National party’s Benches to keep asking him about matters for which he is no longer responsible. The questioning is to the Secretary of State in his capacity as Secretary of State for Exiting the European Union, not in his capacity as someone who previously expressed views from the Back Benches or elsewhere in an earlier incarnation.

Mr Davis: I refer the hon. Member for Kilmarnock and Loudoun (Alan Brown) to the answer I gave earlier.

Michael Tomlinson (Mid Dorset and North Poole) (Con): The independence of the judiciary must be supported and upheld and—I do not say “but”; I say “and”—the Court itself recognised that the case had both political and legal aspects, and that they must be assessed elsewhere, namely in this place. Will the Secretary of State therefore reassure my constituents that he will respect the will of the people and lead us out of the EU?

Mr Davis: The aim of our strategy is not only to respect the will of the people and to carry out the national instruction in the national interest, but to respect the laws of our country.

Wendy Morton (Aldridge-Brownhills) (Con): For a moment I thought I was going to be the last contributor, Mr Speaker. May I bring us back to the fact that on 23 June we had a single vote on a single political question? People across the country made their view clear. Does my right hon. Friend agree that it was a direct decision to leave the EU? Therefore, we in this place should be doing all that we can to ensure that article 50 is triggered as soon as possible, and that the Prime Minister is able to negotiate the best possible deal for our country.

Mr Davis: My hon. Friend is exactly right. It is the fact that 17.4 million people voted for us to leave the European Union that makes me confident that we can carry this through both Houses of Parliament.

Tom Pursglove (Corby) (Con): You left it a long time to put me out of my misery, Mr Speaker. I am struggling somewhat, because we hear from Opposition Members and some in the country that, on the one hand, we need

[Tom Pursglove]

certainty for businesses—I agree with that and so do Ministers—and then, on the other hand, that they want to drag the whole process out with talk of next summer for invoking article 50. Has my right hon. Friend got on any better than I in understanding and deciphering exactly where they are coming from?

Mr Davis: Listening to my hon. Friend's question, I am reminded of the biblical comment that the first should be last and the last should be first. He asks a first-class question. He is right that it is impossible to work out what they are trying to do unless one assumes that they are trying to foil the interests of the British people.

Defence Estate

5.17 pm

The Secretary of State for Defence (Sir Michael Fallon): With permission, Mr Speaker, I will make a statement on our strategy for a better defence estate. Our defence estate is where our people work, live and train, where advanced equipment is maintained, and where cutting-edge research is undertaken. It is where major exercises are conducted and major operations are launched. Our estate is vital, but it is also vast. It is almost 2% of the United Kingdom's land mass—an area almost three times the size of Greater London. Yet while the size and structure of our armed forces have changed to meet different threats, our estate has failed to adapt.

Our estate is too inefficient. It costs £2.5 billion a year to maintain, and 40% of our built assets are more than 50 years old. It too often fails to meet the needs of our armed forces and their families, with capabilities spread across small, remote sites, often far removed from population centres and job opportunities. Last year's strategic defence and security review committed to increase the defence budget in real terms and to spend £178 billion to create a world class joint force 2025. However, an ambitious joint force needs an estate to match, so today I will set out a long-term strategy to achieve that ambition.

First, we will transform an estate built for previous generations of war-fighting into one that better supports military capability and the needs of our armed forces. It will help deliver joint force 2025 by bringing people and capabilities into new centres of specialism, clustering units closer to their training estates. Since the beginning of this year, I have announced plans to dispose of 35 of our most costly sites. Today, based on advice from the chiefs of staff, I am announcing the release of a further 56 sites by 2040.

I now turn to what this means in practice. The Royal Navy will continue focusing on operating bases and training establishments around port areas and naval stations, with surface ships in Portsmouth and Devonport; all the UK's submarines on the Clyde; a specialist amphibious centre in the south-west, based around Devonport; and helicopters based at Yeovilton and Culdrose. It means the Army having specialised infantry in Aldershot; mechanised, wheeled capability, including two of our new strike brigades, in Catterick; air assault forces in Colchester; armoured and tracked capability around Salisbury plain; medical services in the west midlands; and hubs of light infantry battalions in London, Edinburgh, Lisburn, St Athan, Blackpool and Cottesmore. It means the RAF building on its centres of specialism, with combat air in Coningsby, Marham and Lossiemouth; intelligence, surveillance and reconnaissance at Waddington; air transport at Brize Norton; force protection at Honington; and support enablers at Wittering and Leeming.

Let me turn to the impact on the devolved nations. In Scotland, this strategy will result in investment being concentrated into fewer, better locations. Our proposals will release eight sites over the next 15 years. We will invest in main centres of specialisation: at Lossiemouth, home to one of our three fast-jet squadrons, where the new P-8 maritime patrol aircraft and an extra Typhoon squadron will be based; at Faslane where all the Royal Navy's submarines, including the new Dreadnought class, will be based; and at Leuchars, where the Army

will consolidate its regional command. Contrary to some speculation and unnecessary scaremongering, Kinloss will be retained. This comes on top of the substantial investments I have already announced, such as £100 million for the P-8 aircraft at Lossiemouth and, of course, the Type 26 frigate, on which we will cut steel next summer. In Wales, we will release three sites and consolidate the defence estate into capability clusters, with a specialist light infantry centre at St Athan. In Northern Ireland, we are releasing three sites and consolidating our estate in larger centres of population. Full details are set out in the strategy, and I have placed a copy of the document in the Library of the House.

Secondly, this strategy will deliver a better estate for service families. Over the next decade, we will invest £4 billion in improving our infrastructure and modernising our accommodation. By locating our servicemen and women together with capability, we will provide better job opportunities for their partners and more stable schooling for their families, and increase their ability to buy their own home. We have purposely focused on sites that will support recruitment and retention, giving our personnel and their partners greater certainty and confidence to put down roots in local communities. As we implement these plans, we will seek to minimise any disruption to the armed forces, their families and civilians, and give as much notice as possible over planned redeployments.

Finally, a better defence estate will deliver better value for money for taxpayers. By releasing sites we no longer need, we can help build the houses that we do need. I can confirm that the Ministry of Defence now has firm plans to achieve its target to release sufficient land to build up to 55,000 houses in this Parliament. My Department will now work with local authorities, the devolved Administrations and industry, as well as our personnel, to deliver that, supporting construction and infrastructure jobs, and boosting local economies.

In conclusion, this strategy looks ahead to 2040, to provide a better defence estate: an estate that supports a more efficient and effective military capability; an estate that gives our armed forces a world-class base from which to work; and an estate that helps defence keep Britain safe and promote our prosperity. I commend this statement to the House.

5.24 pm

Nia Griffith (Llanelli) (Lab): I thank the Secretary of State for sight of his statement. We on the Labour Benches recognise that the requirements of the defence estate will change, and that there is a need to modernise to reflect that. The Government are right to seek to restructure the estate to ensure that we optimise our military capability and deliver value for money for the British taxpayer. The changes proposed in the report are very considerable in scale, and there is a real need to ensure that they are delivered in a way that does not cause undue challenges to our forces and their families.

The closing of so many bases will affect the livelihoods of a very significant number of people. The potential impact on communities with a long garrison history such as the City of York will be far-reaching: servicemen and women and their families will be required to move, and civilian staff will face redeployment. In the meantime, many face gnawing uncertainty, as the exact relocation of their base has not yet been decided.

Will the Secretary of State tell us how the Ministry of Defence will be consulting with all stakeholders? What will he do to minimise the period of uncertainty for all those concerned? What help and support will be given to employees who are not able to move?

The Public Accounts Committee has criticised the Government's record on achieving value for money when disposing of public land. Will the Secretary of State set out how he will safeguard the public purse by ensuring the best possible price for taxpayers, and what commercial expertise will he bring in? Given the need to protect the defence budget, what discussions has the Secretary of State had with the Treasury about how much of the money realised by the sale of MOD assets will actually be retained by the MOD?

Finally, the Government have made much of releasing publicly owned land on which to build new homes, but we know that the Government's record on house building has not matched the rhetoric of their promises. Will the Secretary of State assure us that the 55,000 houses that he says will be built on former MOD land during this Parliament will be located in areas where there are housing shortages, and that they will be homes that people can genuinely afford to rent or buy?

Sir Michael Fallon: I am grateful to the hon. Lady for what I think was a welcome for the statement, as it showed an understanding of the task in front of us. The Ministry of Defence owns, I think, around 1,000 sites, 300 of which are very large. Today, I am announcing the disposal of 56 of those 300 large sites. Yes, it is a large number of disposals, but each one is based on military advice on how the capabilities that the armed forces need can be better clustered, and on how the families of those who work for us can be better looked after in terms of job opportunities for their partners and more stability for their children.

On the civilian employees, we will provide them with as much support as possible. In the document itself—I appreciate that the House will not have had time to go through this yet—we set out a timescale for the disposal of each of those sites. In many cases, it will be over 10 or 15 years hence. Yes, we will seek the best possible value for money for the taxpayer, but, in the end, this is not just for the taxpayer. The answer to the hon. Lady's sixth question is that all of the receipts—not just some of them—will come back into the defence budget, which shows that we have every interest in maximising the value from the sites that are to be disposed of so that we can get on and spend the money not just on our other defence priorities, but on modernising the estate that we are going to keep.

On the 50,000 homes, yes, we do need to build more houses where they are needed most, and that includes in the south and south-west of England where there are sites to release. We do not entirely control the planning process, but with regard to affordable homes, it is for the local authority to specify exactly what proportion of the estates those homes should have.

Dr Julian Lewis (New Forest East) (Con): Is the Secretary of State content that any historic buildings among the estate that is being disposed of will be suitably protected and preserved for the nation's heritage? Following on from his recent testimony to the Defence Committee's inquiry into the Army and SDSR, is he satisfied that our relatively small forces will have the

[Dr Julian Lewis]

capability to regenerate in time of war if they do not have a sufficiently large defence estate to occupy in times of emergency expansion?

Sir Michael Fallon: I note what my right hon. Friend says about some of the historic buildings sometimes found inside these sites. Obviously, we need to be careful to make sure that military heritage is preserved wherever possible. Sometimes that is not within the direct ownership of the Ministry of Defence; it has already passed to the trusteeship of the relevant museum or whatever, but I certainly note that point. There are a number of sites in the list today where that occurs and about which we may hear later this afternoon. On regeneration, the strategy being published today does not so far include the training estate where, to regenerate forces in time of war, as my right hon. Friend said, we would seek to rely on the training facilities that we have, and we are currently looking carefully at those.

Brendan O'Hara (Argyll and Bute) (SNP): I thank the Secretary of State for prior sight of the statement. Although we have been primed to expect big reductions in Scotland's defence footprint, having now heard the statement, I fear that when a Government Department tries to spin cuts as investment "concentrated in fewer, better locations", what it is actually saying is, "Prepare for a savaging of what remains of Scotland's defence footprint." Once the detail is published, it will go far beyond anything that we were prepared for. Let me be clear: it will be totally unacceptable if, once again, Scotland's service personnel and our conventional defence capability are hollowed out and sold off because of this Government's obsession with nuclear weapons—an obsession which is swallowing up more and more of the defence budget. My fear is that when the detail emerges of today's announcement, it will do nothing to ease the grave concerns of many of us on the SNP Benches that as our conventional capability shrinks to pay for our nuclear obsession, the United Kingdom's first line of defence becomes its last line of defence.

At the referendum just two years ago, we were told that defence jobs could be protected only if we remained in the Union. The then Secretary of State for Defence, the present Chancellor, even claimed that Scottish independence would blight "the futures of thousands of families across Scotland", and that Scotland would not benefit from the level of security or the prosperity provided by the UK armed forces and the defence industry. How hollow those words sound today. Fewer and better is rarely the case for those who are on the sharp end. I have one question for the Secretary of State: how is this cutback good for Scotland?

Sir Michael Fallon: First, as the hon. Gentleman knows, we are investing in defence in Scotland. I was there on Friday, announcing that eight of the most advanced warships that this country has ever built are to be built in Scotland over the next 20 years. We are stationing our new maritime patrol aircraft at Lossiemouth. We are making the Clyde the home of all the Royal Navy's submarines. In terms of personnel, we are adding 400 service personnel through the RAF to Lossiemouth. We are increasing employment on the Clyde from 6,800 to 8,200. That is not savaging Scotland; that is investing in Scotland. On the reduction in the overall base footprint,

the reduction in the defence footprint arising out of today's announcement for the United Kingdom in terms of acreage is around 30%. For Scotland it is only 19%.

Anna Soubry (Broxtowe) (Con): I commend the Secretary of State for his statement today and for the magnificent job he does in defending our country. It is not in today's announcement, but I think it is relevant that it has been announced that Chetwynd barracks in my constituency will close. We will miss the Army very much, especially the Royal Engineers. It sounds a strange request, but we want to get that land as soon as possible as it will help us to achieve our housing targets. Can my right hon. Friend give a commitment today that when it comes to the disposal of land, the Army and everybody else will do it as quickly as possible?

Sir Michael Fallon: I am grateful to my right hon. Friend, particularly for the terms in which she has been considering this matter for some time. The proposal in the strategy is, as she knows, to close Chetwynd barracks by 2021 and to move the principal units from there to Bassingbourn in Cambridgeshire. I can well understand the feeling of the local community that it wants to get on with this now—that it wants to get the Army out and the new housing in—and I will certainly undertake to have a look at whether we can speed up that timetable.

Mr Kevan Jones (North Durham) (Lab): In 1996, the then Tory Government, of which the Secretary of State was a member, sold 60,000 married quarters to Annington Homes. As part of that deal, before the MOD hands back those homes to Annington, it has to improve them. Has he established exactly how many will be passed back through this process and what it will cost the taxpayer to compensate Annington Homes?

Sir Michael Fallon: I was not, in fact, a member of the Government in 1996—I was taking a temporary leave of absence from Parliament at that time—but I obviously recall the Annington Homes contract. The hon. Gentleman is correct that a number of these homes have to be handed back when that lease expires, but that is slightly separate from the strategy I am announcing today, and I will write to him in detail.

Mrs Flick Drummond (Portsmouth South) (Con): I am pleased that the MOD is releasing land for the building of 55,000 new homes, but will it still fund the armed forces Help to Buy scheme after 2018? Members of the armed forces would then be in a position to buy one of those homes, some of which I assume will be near military bases.

Sir Michael Fallon: I announced at the Conservative party conference that we are extending the forces Help to Buy scheme for another year, from the beginning of April 2017, and I hope that is welcome. We will need to take another decision as we come up to each future year.

Lady Hermon (North Down) (Ind): We all know that we are fast approaching another Remembrance Sunday, when we rightly, across this country, remember the great sacrifice of our Armed Forces in two world wars and, more recently, in Afghanistan. In Northern Ireland, of course, we will also be remembering those who served with the British Army and who gave their lives during the troubles.

The Secretary of State's reference to the consolidation of our estate in Northern Ireland as "releasing three sites" is beautifully ambiguous, but I do not like ambiguity. Will he confirm whether Kinnegar in my constituency is included among those sites and, if so, what exactly he plans to do with the personnel? Can he guarantee that there will be no job losses and that there was consultation before this announcement?

Sir Michael Fallon: Yes, I can be very open in replying to the hon. Lady. The Kinnegar logistics site is going to be disposed of, and those who occupy it at the moment will be moving to the Palace barracks in Holywood.

Sir Alan Haselhurst (Saffron Walden) (Con): Despite the very generous notice my right hon. Friend is giving, does he accept that the closure of Carver barracks in my constituency will come as a shock to the military personnel and the civilian population alike, between whom there has been a very harmonious relationship over the years? Will he undertake to start discussions with Uttlesford District Council as soon as possible as to the ultimate destination of the quarters that already exist there, and with Essex County Council about the impact on certain primary schools?

Sir Michael Fallon: I can certainly give my right hon. Friend that undertaking. The disposal date is foreseen to be 2031, but it is not too soon for us to start those discussions with local authorities to make sure that the best possible use is made of the site and the facilities there.

Nick Smith (Blaenau Gwent) (Lab): Can the Secretary of State tell us what is going to happen to the brilliant infantry training base at Brecon?

Sir Michael Fallon: The infantry training base is going to stay in Brecon.

Marcus Fysh (Yeovil) (Con): I welcome the Secretary of State's commitment to Yeovil. I commend to him the opportunities to take advantage of the dualling of the A303 in order to make the most of the estate by building on what is at that location.

Sir Michael Fallon: I know that my hon. Friend will be pleased that Yeovil is to become one of the specialist helicopter centres. I visited the base with him only a year ago. I note again his bidding for the dualling of the local road. This is good news for Yeovil.

Stephen Gethins (North East Fife) (SNP): The Secretary of State will be aware that Leuchars is one of the best military assets that the Government have. What are his plans for the investment he mentioned, and will there be any cutbacks there?

Sir Michael Fallon: I am glad to have cheered up somebody on the SNP Benches. Leuchars is going to become an even more important base for the Army in Scotland. I visited it in July. There is room to house additional units in Leuchars. None of the changes that have taken place in Scotland involves any Army personnel moving out of Scotland. We simply have to decide on the best possible location for them in Scotland, and Leuchars is a very strong candidate.

Michael Gove (Surrey Heath) (Con): The investment in Lossiemouth, Leuchars and Faslane is hugely welcome. As the Secretary of State will know, if Scotland were an independent country, it would have inherited a huge budget deficit. How big does he think the defence forces would be in an independent Scotland? Would they be any bigger than a couple of stray corvettes and possibly an Argyll, but not a Sutherland, Highlander?

Sir Michael Fallon: My right hon. Friend is right—it would certainly be something of that order. I am very clear that that investment on the Clyde would not have gone ahead in an independent Scotland because our warships are built within the United Kingdom, and of course we would not be building anti-submarine frigates to help protect the deterrent if the SNP had triumphed in the referendum and voted against the deterrent.

Mr Speaker: It has been solemnly pointed out to me that the question was some distance from the defence estate. Nevertheless, as I have had reason to observe previously, I am inclined, on the whole, to enjoy the creative licence of the right hon. Member for Surrey Heath (Michael Gove), provided of course that it is exercised within reasonable limits. He got away with it today.

Tom Brake (Carshalton and Wallington) (LD): Can the Secretary of State assure me that this is not driven solely by the need to raise cash for the MOD and that the armed forces were actively consulted about alternative uses for the land that is being disposed of? Will he use every method of leverage possible to ensure that the homes that are built are affordable, both to buy and to rent? Will he acknowledge the concerns among service personnel about the future accommodation model and the potential impact on some service families?

Sir Michael Fallon: First, let me make it very clear to the House that every decision within this strategy is based on military advice—the advice of the service chiefs—as to how we better organise our capabilities. Secondly, in the end it will be for local authorities to rule on the exact proportion of affordable housing, but yes, we need more housing, and more affordable housing, in areas of shortage. Thirdly, we are consulting on the future accommodation model whereby we may be able to help service families in different ways. For example, rather than saying that their only option is to live on the barracks—on the estate—we could consider an option for them to have the money themselves to rent or, as has been suggested, to start to buy their own homes. We are looking at different ways of satisfying modern housing needs, but at the moment we are merely consulting on the different options.

Mr Owen Paterson (North Shropshire) (Con): I thank the Secretary of State for his statement. He has previously announced the closure of Clive barracks at Ternhill in my constituency. That will be very sad news, as we have never had a regiment like 1st Battalion the Royal Irish who have got so integrated locally. Wearing my hat as a previous Secretary of State for Northern Ireland, may I ask him, as he looks for an alternative site, to try to make sure that he finds one with easy access to airports that go to Dublin and Belfast, as Ternhill has access to Manchester, Liverpool and Birmingham? Can he give

[Mr Owen Paterson]

an idea of when the moving out might take place, and whether it will happen as one hit or be staged over a couple of years?

Sir Michael Fallon: The decision is to dispose of the barracks ultimately by 2022, but I will certainly consider whether it should move in more than one phase. I note what my right hon. Friend says about future location: there are, obviously, considerations to be taken into account with the Royal Irish Regiment. I assure him that no decision has yet been taken, but we will endeavour to take it in good time before 2022.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): A decision to abandon the highlands, with the closure of the garrison at Fort George after 250 years of service and sacrifice, would be bad enough, given the disgraceful lack of engagement with our communities and even the Scottish Government. If that is correct, what assurances will the Secretary of State give to the 750 people in supporting jobs that are affected, the communities economically hit, and those who were told that the fort was the permanent home of the Black Watch?

Sir Michael Fallon: It is envisaged that Fort George will not close until 2032. There is plenty of time to consult the local authority and others on the future use of that site. Fort George is a very old barracks and it costs £1.6 million a year to run. It is extremely expensive to upgrade and it is not appropriate for a modern infantry unit. Inverness as a city has expanded by, I think, nearly 20% in the past 15 years and it has an unemployment rate of 1.3%.

Mr Mark Harper (Forest of Dean) (Con): I am pleased that the Secretary of State has confirmed that the strategy is informed by defence needs, and I am particularly pleased that he has detailed how important the investment will be for service families. However, those areas that have hosted a battalion will be disappointed that it will no longer be based in their constituency. Will he confirm when Beachley barracks in my constituency is likely to cease to have a defence use, and will he also confirm that detailed negotiations will take place with my local authorities to make sure that the best possible use can be found for the barracks in the future?

Sir Michael Fallon: The disposal date for Beachley barracks is set at 2027, so there is plenty of time for those discussions to begin. The purpose of publishing the strategy today is so that we can get on with those discussions with local authorities and see what alternative use might be made of the site. It could be residential or, indeed, commercial. My hon. Friend the Member for Winchester (Steve Brine) is already having discussions about a new technology park in the place of Sir John Moore barracks outside Winchester. There are many alternative uses that we will want to discuss with the local authorities concerned.

Jim Shannon (Strangford) (DUP): The Secretary of State referred in his statement to three sites in Northern Ireland, one of which is Ards airfield, where the cadets meet. When hon. Member for North Down (Lady Hermon) and I met the former Minister, the hon. Member for

Canterbury (Mr Brazier), to secure extra funding and equipment for the air cadets, that was agreed and the funding was put in place. My reaction to the statement's proposals is one of great regret that the hangars are on land designated for recreational use only and that they will therefore have no potential for housing development. Will the Secretary of State agree to meet me to discuss the matter and to ensure that, in this their centenary year, the Newtownards air cadets, who, importantly, co-operate with Regent House School and Ards flying club, will continue into the future?

Sir Michael Fallon: I am happy to offer the hon. Gentleman a meeting, perhaps with the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster), who has responsibility for defence personnel and is in charge of this particular portfolio. As the hon. Gentleman knows, the volunteer glider school at Newtownards has been disbanded, but it is important that the cadets should have proper provision, so I am happy for that meeting to be organised.

James Duddridge (Rochford and Southend East) (Con): Although the defence estate takes up only 2% of the United Kingdom, it takes up nearly 50% of my constituency. To the east of Shoeburyness, on Foulness Island, QinetiQ does some excellent work. What reassurance can the Secretary of State give me about that land? Perhaps he could deploy the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster), to come and review that excellent facility, which I understand is the best not only in the United Kingdom, but in the northern hemisphere; my hon. Friend will also be able to blow a few things up.

Sir Michael Fallon: My hon. Friend the Minister is readily deployable at a few hours' notice, and I would be very happy to see him deployed to the ranges of Essex. My hon. Friend the Member for Rochford and Southend East (James Duddridge) talks about the ranges and training estate of Essex; they are not directly covered by this document, but we will go on to look at the training estate. The Shoeburyness ranges are a key part of the Army's training needs.

Karin Smyth (Bristol South) (Lab): My hon. Friend the Member for Llanelli (Nia Griffith) referred to the Public Accounts Committee inquiry on land disposal, and I commend our report, which was published last week, to the House. We had a number of representatives from each Department at our hearings, because we are hoping for some joined-up Government thinking about the disposal of that land and its purpose for meeting the housing target. May I invite the Secretary of State to encourage his own Department and others to work locally on the ground to make sure that the best use is made of that disposal for local people, including key workers and people in other sorts of housing need?

Sir Michael Fallon: I am happy to give the hon. Lady that assurance. I have read the reports of the Committee's public sessions with interest. It is important that we move on from the statement and see these local discussions take place. We have a target, to which we have committed, of 55,000 new homes across this Parliament, so we, too, have an interest in making sure that we maximise the

number of homes that can be released. I was drawing the House's attention to the other possible commercial uses—for small businesses, technology parks and so on—that may, in some circumstances, be more appropriate.

Stephen Crabb (Preseli Pembrokeshire) (Con): I am grateful for the statement from my right hon. Friend. I understand the arguments that he is making for carrying out the review at this time. I am disappointed that the earlier decision to shut the base of the 14th Signal Regiment at Brawdy in my constituency, which I was told a year ago had been reversed, now seems to be back on the cards. That has all been unsettling for the soldiers at Cawdor barracks and their families, who are a well-loved part of the Pembrokeshire community. Will my right hon. Friend provide a bit more detail of the timeframe for the closure of the base, if it is indeed to happen? Will he give an assurance that there will not be any freeze of investment and that the base will be maintained to an acceptable standard as we approach the closure date?

Sir Michael Fallon: I am certainly happy to discuss continuing investment in the facilities with my right hon. Friend. The estimated disposal date for Cawdor barracks is 2024, so I hope that that gives some more certainty to those who support the Signal Regiment there. We are shortly to confirm where the 14th Signal Regiment will be re-provided for.

Owen Thompson (Midlothian) (SNP): The Glencorse barracks in Penicuik in my constituency are a fundamental part of that community and the wider constituency, but there was no mention of the barracks in the Secretary of State's statement. I am now wondering whether this is closure by stealth, as the Government look to continue to invest in weapons of mass destruction at the cost of conventional defences.

Sir Michael Fallon: No, that is not the case. We are reinvesting, as I have said several times today, in Scotland, which is a key part of the defence of the United Kingdom. Just as the RAF is centring all its squadrons on Lossiemouth and the Navy is focusing its submarines on the Clyde, so the Army will be not wholly, but principally, based around Leuchars Station in Fife. The result will be that the capabilities that the Army needs will be clustered more efficiently together.

Rebecca Pow (Taunton Deane) (Con): I very much understand the need for consolidation of the Ministry of Defence estate and the importance of value to the taxpayer, but I want to point out that that will inevitably have a massive knock-on effect in Taunton Deane with the transfer of 40 Commando and the closure of Norton Manor camp. Those 40 Commando Marines and their families play such a big part in our community, living in our houses, going to our schools and taking part in everything. Please can I urge the Minister to give every thought to the careful nurturing and transfer of those people and their families? May I also urge him to give careful thought, working with me, the local authorities and everyone else concerned, to ensure that we can fill the economic hole that will be created when they all leave Taunton Deane?

Sir Michael Fallon: I understand my hon. Friend's disappointment, and I appreciate the role that 40 Commando has played in her constituency. The disposal

date is 2028. I emphasise to her that this is another decision that has been taken on military advice, on the advice of the Royal Marines themselves, so that they will be clustered in the Devonport area rather than spread out over a series of locations. There is plenty of time—another 12 years—for us to plan this departure and get it right.

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): In the interests of clarity, will the Secretary of State name the eight sites in Scotland that are to be released, and will he indicate the extent of the consultation that will take place?

Sir Michael Fallon: While I am looking up the eight sites, I can certainly emphasise that consultation will take place, and that is the point of publishing this strategy document today. It will release these sites for detailed consultation with the local authorities concerned and, indeed, with the Scottish Government where relevant.

The sites to be disposed of in Scotland are Craigiehall, which has already been announced; Condor airfield near Arbroath; MOD Caledonia in Edinburgh; Redford cavalry barracks; Redford infantry barracks; DSG Forthside and Meadowforth barracks at Forthside, Stirling; Fort George, in the highlands; and Glencorse barracks.

Mrs Sheryll Murray (South East Cornwall) (Con): I welcome the consolidation of the amphibious capability around Devonport, but could I ask the Secretary of State to bear it in mind that we have a fantastic facility at HMS Raleigh in Torpoint, in my constituency? Will he confirm that he will consider the possible relocation of some of those Royal Marines to the modern facilities in HMS Raleigh?

Sir Michael Fallon: The answer to that is yes. HMS Raleigh will be considered as a receiver site, as we call them, for some of the units that are being consolidated into the Devonport area and into the excellent accommodation, which I have visited.

Steven Paterson (Stirling) (SNP): Some 240 jobs are associated with the Forthside barracks in Stirling, which the Secretary of State mentioned a moment ago. That makes it an important employer and one of the few operational elements of the armed forces still associated with Stirling, particularly since the appalling treatment of the Argyll and Sutherland Highlanders, which was mentioned a few moments ago, disgracefully, by the right hon. Member for Surrey Heath (Michael Gove). How many jobs will remain in Stirling following the move, and how many, in total, of the jobs that are there just now will be retained?

Sir Michael Fallon: I am happy to write to the hon. Gentleman about the number of jobs per site, but I can tell him that the local authority has ambitious plans for the future development of that accommodation. Some of the units are likely to be re-provided for at Leuchars, but we hope to see that site become part of the commercial lay-down in the Stirling area.

Mr Julian Brazier (Canterbury) (Con): I congratulate my right hon. Friend and my hon. Friend the Member for Milton Keynes North (Mark Lancaster) on the work that they have done to provide a good set-up

[*Mr Julian Brazier*]

for defence and to meet the housing target of 55,000 homes. I urge my right hon. Friend, in looking at the accommodation strategy, to bear it in mind that the provision of good-quality service family accommodation is crucial not just for retention, but, in many cases, for maintaining morale among soldiers and other service people who go to war, particularly when there are casualties.

Sir Michael Fallon: I am grateful to my hon. Friend for his earlier words. Some of the decisions in this strategy document were difficult decisions. That is inevitable when we have to match the defence estate to the capabilities and needs of the modern Army. It is important that we give families certainty about where they are likely to be going, which is why some of the timescales are some way out. So far as future accommodation is concerned, all the receipts from the decisions that have been taken in this document will come back to defence, and they will be part of the regeneration and renovation of the defence estate more generally. Much of that will find its way into better and new accommodation for our service members.

Richard Drax (South Dorset) (Con): We live in uncertain times, and our armed forces have been reduced considerably. I understand the need for consolidation, but will my right hon. Friend tell the House what plans he has for the defence estate abroad, as these bases are crucial in maintaining our military flexibility and, of course, our liaison and so forth with NATO?

Sir Michael Fallon: That matter is important, although not directly part of my statement today. We have invested in the defence estate in the Falkland Islands, some 30 years after it was first built following the Falklands war. We have also invested in our facilities in Gibraltar and elsewhere. We have moved personnel back from Germany. As my hon. Friend says, it is important that we continue to upgrade the facilities at bases that are so important, including in the Falklands, Cyprus and Gibraltar.

James Cleverly (Braintree) (Con): The proposed development at and disposal of MOD Weathersfield to the Homes and Communities Agency puts at risk the future of high-tech security businesses, air cadet flying and the headquarters and training functions of the Ministry of Defence police. I thank Ministers for making themselves available to discuss the disposal with me during the past few months. Whatever the future of the site, may I ask that the high-tech security businesses, air cadet gliding and Ministry of Defence police functions, which should not constrain other activities on the site, are prioritised in whatever negotiations take place with its future owners?

Sir Michael Fallon: I am very happy to agree to that. I think this site had already been announced for disposal some time ago. I hope that those discussions will continue as we move the police, in particular, further west. I note what my hon. Friend says about the importance of the elements on the site, and about making sure that we maximise its potential.

Peter Heaton-Jones (North Devon) (Con): There will be concern in North Devon that, as part of today's announcement, the Royal Marines are to vacate their

base at Chivenor. First, will my right hon. Friend confirm whether this move has been requested by the Royal Marines? Secondly, will he agree to visit Chivenor with me to meet the base commander, the leader of North Devon District Council and the local business community to discuss future support both for the military families who are concerned and for the local economy?

Sir Michael Fallon: The answer to my hon. Friend's first question is yes. These decisions have been taken on the advice of the military, including on the concentration of marine units in the Devonport area. The disposal date for the Chivenor site is 2027, so there is plenty of time for the discussion that he has outlined. I always enjoy my visits to North Devon, and I would be very happy to come down to discuss this further with him and the local authority.

Chris Davies (Brecon and Radnorshire) (Con): The Secretary of State's statement will deliver a devastating blow to the people of Brecon. The town has been proud to host a barracks since 1805, and this country has been proud to receive from those barracks the servicemen and women who have defended this country. Today, as always, a large number of military and civilian personnel are based there, and they will be very concerned about the decision that has been announced. Within the barracks, there is a regimental museum, which hosts the display celebrating and commemorating Rorke's Drift. As we all know, Rorke's Drift was immortalised in the film "Zulu". In the regimental museum inside the barracks, there is the largest collection of Victoria Crosses in this country. May I ask my right hon. Friend two questions? First—this was touched on earlier—will the Infantry Battle School in Dering Lines and Severn Bridge be unaffected by these cuts? Secondly, will he join me again—I repeat, again—in visiting the barracks to discuss what future role we can have?

Mr Speaker: The hon. Gentleman will know that my natural generosity got the better of me.

Sir Michael Fallon: Let me confirm again that the infantry training centre will not be disposed of. My hon. Friend makes the very important point that the barracks contains the Royal Welch Fusiliers Museum. I have visited the museum, and seen the memorabilia associated with Private Hook and others in the battle of Rorke's Drift. The position is that the museum is currently negotiating a long-term lease with the Ministry in order to secure lottery funding for an extension. The lease has not yet been finalised, but it is likely to contain a clause enabling the trustees to purchase the freehold if and when the site is disposed of. I hope that is helpful to my hon. Friend, but I am very happy to discuss all this further with him.

Heidi Allen (South Cambridgeshire) (Con): I have bobbed up and down so often this afternoon that I feel I have undertaken my own military fitness training.

I thank the Secretary of State very much for his statement. May I just clarify whether the barracks at Bassingbourn in my constituency, which has been closed for some time, will now receive personnel from Burgoyne barracks in 2019, RAF Henlow in 2019, Weathersfield in 2020 and Chilwell station in 2021? I understand that from an email that has just arrived on my phone. If that

is the case, that is an enormous and very welcome uplift in the number of personnel at Bassingbourn. May I have a contact in the MOD, so that the local authority can start to plan education, schools, GP surgeries and so on?

Sir Michael Fallon: Yes. This is good news for Bassingbourn. I can confirm the gist of what my hon. Friend said. Bassingbourn will be one of the key receiver sites for some of the units that are now on the move. She said that she would like a contact in the Ministry of Defence, and I suggest that she contacts the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster).

Points of Order

6.6 pm

Clive Efford (Eltham) (Lab): On a point of order, Mr Speaker—

Dr Julian Lewis (New Forest East) (Con) *rose*—

Mr Speaker: The right hon. Gentleman is a specialist delicacy to whom I will come in due course.

Clive Efford: I do not know how to take that, Mr Speaker.

I have asked the Department of Health several questions on the process by which the Greenwich clinical commissioning group allocated a £74 million contract to Circle Holdings for our local orthopaedic services. In one of my answers from the Department of Health, I was told that there had been local discussions about the impact this would have on other national health services. Investigations I have undertaken into that answer have exposed the fact that this information, which was supplied to the Minister of State, Department of Health by NHS England, is incorrect. He therefore misinformed me in his answer—I accept that he did so inadvertently—as a consequence of the information he was given by NHS England. My point is that in many of the questions I have asked about this process, I have been told that it is a matter for the local NHS, and this dereliction of duty on the part of the Department of Health has even led to NHS England not scrutinising the process properly.

How can we get the record corrected? I will be shocked if you, Mr Speaker, have not heard that the Department of Health wants to make a statement to correct this error. I would like to know how it is going to improve its performance in scrutinising what is going on when such multimillion pound contracts are let.

Mr Speaker: I am sorry that the hon. Gentleman is to be shocked, but I am afraid that he will be because, to the best of my knowledge and belief, I have received no indication of any intention on the part of the Government to make a statement on this matter in the way and of the kind that he wants. I am grateful to him for giving me notice that he wished to raise the matter. Let me say this: as I repeatedly remind the House, the content of Ministers' answers to parliamentary questions is a matter not for the Chair but for the Minister concerned. I am sure that the hon. Gentleman's point has been heard by those on the Treasury Bench and will be relayed with alacrity to the Minister of State. If the Minister finds that his answer was inaccurate—that was not altogether clear to me—and therefore essentially agrees with the hon. Gentleman's analysis, I am sure he will take steps to correct the record. It may be—I am not saying it is—that the Minister takes a different view of the facts of the matter, but I cannot arbitrate between different views. Meanwhile, however—we await events—the hon. Gentleman has succeeded in placing his concern on the record.

Dr Julian Lewis: On a point of order, Mr Speaker. May I, with my customary delicacy, seek to return to a problem being encountered by the Defence Committee in its bid to examine the worrying plans of the BBC to close Caversham Park and make severe cuts in the BBC Monitoring service? We have been trying to get a relevant

[Dr Julian Lewis]

Minister from either the Cabinet Office or the Foreign and Commonwealth Office to appear before the Committee and answer key questions on this matter, which is of direct relevance to defence and defence capability in terms of open source information. Is there anything I can do on the Floor of this House within the rules of order to try to add to the moral pressure I am trying to exert on one or other of those Ministers to do their job and appear before our Committee?

Mr Speaker: The short answer to the right hon. Gentleman is that there is and he has identified it, namely to raise in eloquent terms a point of order drawing attention to the failure thus far of a Minister to appear, or apparently to agree to appear, and to register the dissatisfaction presumably both of the right hon. Gentleman in his capacity as Chairman of the Defence Committee and presumably of other members of the Committee at that failure or refusal. The question of whether a Minister appears before the Committee is not in the first instance—and arguably not in the last—a matter for the Chair. However, I have known the right hon. Gentleman now for 33 years, and I am bound to say that if Ministers think they can just ignore his protestations, frankly they do not know him as well as I do. It would be a lot better if they just gave up the unequal struggle and fielded one of these characters—preferably, sooner rather than later—because unless they do, they will not hear the end of the matter.

Exiting the EU and Workers' Rights

6.12 pm

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): I beg to move,

That this House has considered exiting the EU and workers' rights.

It is a pleasure to have this opportunity to debate a matter as important as workers' rights, which our country and this House have a very proud record and history of upholding. I am also pleased to be opening the first in a number of debates about some of the specific policy areas connected with leaving the EU. The Prime Minister has made it clear that Members of this House will have the opportunity thoroughly to discuss how we leave the EU with regard to a number of issues—we have had another opportunity earlier today—in a way that respects the decision that the people took on 23 June.

In the near future we will also have the chance to discuss other important issues that will affect the future of our country, but it is quite right that we start that series of debates with an issue that is so important to all of our constituents, namely the protection of workers' rights. It is heartening to see so many Members from all sides of the House present to debate this issue, late into a day of intense interest. It affects every working person in this country.

This Government place a great deal of importance on the fundamental protections that workers in the UK have. Whether protection from discrimination or unfair dismissal, equal treatment—working full time or part time—or the right to a minimum wage or to paid holiday, the Government are committed to safeguarding those rights.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I am delighted to hear the Secretary of State's commitment to safeguarding existing employment rights here in the UK that derive from the European Union. However, is he aware that while we are debating our exit from the EU, it is forging ahead with new employment rights that we would hope people in the UK would also benefit from, and will he extend his commitment to ensuring that we do not fall behind the rest of the EU?

Greg Clark: I will come on to say something about that in a few seconds, which I hope will satisfy the hon. Lady.

No one listening to this debate should think that we have any intention of eroding the rights that we enjoy in this country through our process of leaving the European Union. In fact, the opposite is true. We will be using the legislation before this House to entrench all existing workers' rights in British law, whatever future relationship the UK has with the EU.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I have been listening to the Secretary of State, but does he understand why people would have concerns that the Government might seek to undermine those rights given that this Government introduced the Trade Union Act 2016?

Greg Clark: This Government introduced the national living wage as well, and I will go on to talk about some other proud achievements. It is a helpful feature of this

debate that we are able to say, clearly and unambiguously, that all the rights derived from membership of the EU will be imported into UK law through legislation in this House.

Kevin Foster (Torbay) (Con): Will the Secretary of State confirm that in many areas—for example, paternity leave—workers' rights in this country are ahead of the European Union minimums and that going through the Brexit process will not change those?

Greg Clark: My hon. Friend is absolutely right. This House has had good reason to be proud of the protections we have given workers in this country over the years. We do not need to rely on protections from the EU. We have inaugurated them in this House, and have a proud history of doing so over the years.

Caroline Lucas (Brighton, Pavilion) (Green): The Secretary of State just said that he would guarantee all protections. Will he absolutely confirm that that is going ahead of what the Government have said in the past—that it would only be “wherever practical”? Will he also rule out the idea of the great repeal Bill having a sunset clause that would mean that all EU law expired unless it had been specifically endorsed anew by the Government?

Greg Clark: I will be very clear that all of the workers' rights that are enjoyed under the EU will be part of that Bill and will be brought across into UK law. That is very clear. There is no intention of having a sunset clause.

Geraint Davies (Swansea West) (Lab/Co-op): Currently all workers' rights are guaranteed by the European Court of Justice. After we leave they will be guaranteed by the Supreme Court, advised by us. Therefore, in the future they can all be ripped up if we leave the EU, if that is the choice of future Governments; if we stay in the EU they cannot be ripped up but are guaranteed. They are guaranteed only under EU law. They cannot be sustainably guaranteed by the Secretary of State.

Greg Clark: I am surprised by the hon. Gentleman's intervention. I would have thought that hundreds of years of parliamentary sovereignty and a robust and independent judiciary are a very strong guarantee of the rights we have in this country.

Charlie Elphicke (Dover) (Con): Does the point made by the hon. Member for Swansea West (Geraint Davies) not hammer home the fact that one moment the Opposition are saying that this House should be sovereign on article 50 and all matters to do with Brexit, and in another that this House should not be trusted with employment law? Is there not a deep irony there?

Greg Clark: I share my hon. Friend's puzzlement at the lack of confidence in the institutions that we are very proud of in this country. I am astonished by it.

As we leave the European Union, the Prime Minister has indicated that it is our intention to give businesses and workers the certainty they should expect. When the great repeal Bill was announced in October, this Government clearly stated, and we reiterate today, that all EU law in this area will be brought into British law. I hope the House will agree that that will give certainty and continuity to employees and employers alike, creating a stability in which the UK can grow and thrive.

Tom Brake (Carshalton and Wallington) (LD): Will the Secretary of State take this opportunity to reassure workers that the TUPE regulations, which are so important in protecting workers who are transferred from one company to another, will in no way be affected by any change his Government may want to introduce?

Greg Clark: I have been very clear that all of the existing law under the EU will be brought into British law. There is no intention of changing that. In fact, so far from wanting to dilute current law, in many ways, as my hon. Friend the Member for Torbay (Kevin Foster) has said, we go further than the EU in a number of important respects. For example, in the UK all workers are protected by a strong set of core rights that do not depend on the type of contract—full time or part time—an employee may be on. That is not consistently the case in other European countries. In the UK, women who have had a child can enjoy 52 weeks of statutory maternity leave and 39 weeks of pay, not just the 14 weeks under EU law.

Will Quince (Colchester) (Con): Does my right hon. Friend agree that Brexit offers an opportunity to strengthen workers' rights? [HON. MEMBERS: “Sit down!”] Will he look at my Parental Bereavement Leave (Statutory Entitlement) Bill, which would give the UK the best workers' rights in the world?

Greg Clark: Opposition Members should attend with greater courtesy to my hon. Friend, who speaks with a great deal of experience and knowledge of rights for parents who have suffered bereavement. He has made excellent speeches about that in the House. His private Member's Bill, which has a huge amount to commend it, would allow bereaved parents to have time off to deal with the consequences of an infant death in their family. I look forward to working with him to make use of his knowledge and wisdom, and to see whether, through the reforms that we will introduce, we can capture the spirit of what he says. I am grateful for his intervention today and his earlier contributions.

Charlie Elphicke: I thank my right hon. Friend for giving way again—he is being extremely generous in taking interventions. Does he recall as I do that, in the previous Parliament, many of us campaigned on the matter of zero-hours contracts? Nothing had been done about that for 13 long years under the Labour Government, and our Government, and campaigners on the Government side of the House, including me, made the case for legislation on exclusivity contracts, which was passed. We did not wait for Europe; we did it here.

Greg Clark: My hon. Friend is absolutely right that we have not waited for Europe. Through many centuries the condition of working people has been an important responsibility of the House, and we have advanced that consistently, as we did on zero-hours contracts. When my hon. Friend says that I am being generous in taking interventions, I interpret it as a coded signal that I ought to make progress, so I will do precisely that.

Melanie Onn (Great Grimsby) (Lab): Will the Secretary of State give way?

Greg Clark: Not at the moment.

[*Greg Clark*]

As the House knows, from last year, subject to certain conditions, parental leave can be shared by the father of a child, giving families choice as to how they balance their home and work responsibilities. That is not part of EU legislation—the House introduced it. In addition, the UK offers 18 weeks' parental leave, and that provision goes beyond the EU directive because it is available until the child's 18th birthday. All UK employees enjoy more than five weeks' statutory annual leave—5.6 weeks—not just the four weeks set out in EU law. It is therefore clear that in this case, as in others, British law is stronger and goes further than EU law. The Government have shown our commitment to extending workers' rights when that is the right choice for the UK. We will continue to do so when we leave the European Union.

Melanie Onn: Many of the increases in rights for working people that the Secretary of State has mentioned are the result of Labour Governments who have been incredibly progressive on workers' rights. The Government have introduced tribunal fees and increased minimum employment thresholds to restrict individuals' access to their rights. With regard to primary legislation, will the working time directive have the same status as the Employment Rights Act 1996 as and when all laws are entrenched in UK legislation through the great repeal Bill?

Greg Clark: We have discussed a number of areas in which the Government have extended workers' rights. My hon. Friend the Member for Dover (Charlie Elphicke) cited the important protection against exclusivity in zero-hours contracts. This Government and our predecessors introduced the national living wage. The hon. Lady should therefore be a bit more generous in giving credit. Of course, the working time directive, like all other directives that are part of EU law, will be transposed into UK law so that there is continuity.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Contrary to what the hon. Member for Great Grimsby (Melanie Onn) says, the Conservatives have a record of such action over hundreds of years. Robert Peel, the father of Sir Robert Peel, introduced the very first factory Act under the rather wonderful title of the Health and Morals of Apprentices Act 1802.

Greg Clark: My hon. Friend is exactly right and we continue that tradition today. I am not sure that we regulate the morals of apprentices, but the health of apprentices is very important. The Conservative party has been the party of workers' rights over the centuries, from Shaftesbury's Factory Acts to William Hague's Disability Discrimination Act 1995. The Conservatives have always understood that the decent treatment of people at work is not at the expense of industrial success, but a foundation of it.

Since 2010, the Conservatives have strengthened the rights of workers. This April, the Government introduced the mandatory national living wage for workers aged 25 and above, meaning that a full-time low-paid worker earns £900 more a year than they did before its introduction. We have also cracked down on employers who break national minimum wage and national living wage law. We have increased the enforcement budget by more

than £9 million and strengthened enforcement so that people who break the law face an increased financial penalty—it has increased from 100% to 200% of arrears.

Our measures to protect workers' rights and support our labour market have meant more people in work, more people earning a living and more people contributing to the prosperity of the UK than ever before. Our high employment rate is complemented by strong protections for UK workers, so our country is not only a great place to start a business, but a great place to work. However, to maintain that position, especially as we leave the European Union, we cannot stand still. We need to make further changes that support workers' rights in the tradition of Conservative Governments over the years.

Stephen Doughty: Will the Secretary of State give way?

Greg Clark: I have given way already to the hon. Gentleman.

This Government will not only maintain existing rights, but set a very high standard. Like most Members of the House, I want to deliver an economy that works for everyone. Workers' rights have an important part to play in that. We will build on the work that the Government have done to combine the dynamism of the UK labour market with robust protections for workers.

Graham Stringer (Blackley and Broughton) (Lab): I do not share the enthusiasm of my hon. Friend the Member for Swansea West (Geraint Davies) for the European Court of Justice. The ECJ's Laval and Viking judgments undermined the minimum wage and changed the definition of what it was to go on strike, which loosened workers' rights. Will the Secretary of State assure the House that he will look at those judgments with a view to increasing workers' rights, guaranteeing the minimum wage against those judgments, and maintaining the previous definitions of going on strike?

Greg Clark: I will look at those judgments, but the hon. Gentleman establishes the point that the House is more than capable of setting high standards of protection, as it has done for many centuries.

Lady Hermon (North Down) (Ind): The Secretary of State will know that the jurisprudence of the European Court of Justice established the principle of direct effect for various provisions of EU treaties and directives, meaning that they require no implementation at all by the Government. Will he confirm that, even with the great repeal Bill, those rights that are directly effective, and on which workers can rely, will remain post-Brexit?

Greg Clark: Yes, the intention is that all workers' rights that derive from the EU will be brought into British law.

Bill Wiggin (North Herefordshire) (Con): I am listening carefully to the Secretary of State. It would appear that Opposition Members believe that everything that Europe does is marvellous for workers, but that is not right, is it? Will he comment on the Uber cases, in which the EU has singularly failed to protect self-employed people?

Greg Clark: I think it is clear from what I and my hon. Friends have said that we have a proud tradition in the House of setting standards for workers and employment protections that are adjusted to this country, and that go beyond the more basic protections offered by other countries and the EU. I will not comment on the Uber case; I believe it is subject to an appeal.

The Government announced an independent review of employment practices in the modern economy to investigate how we can respond to the rapidly changing world of work to ensure, as we have in the past, that changing patterns of employment are accompanied by a consideration, including by the House, of appropriate necessary protections so that the economy continues to have the right framework of employment protections for the workers of this country. The review will address six themes: security, pay and rights; progression and training; defining rights and responsibilities in new business models; representation of employees; opportunities for under-represented groups; and how new business models can be supported. Colleagues may have read or been present for Friday's excellent debate on unpaid internships that was led by my hon. Friend the Member for Elmet and Rothwell (Alec Shelbrooke). I am pleased that we have included the question of unpaid internships in the review.

Mark Durkan (Foyle) (SDLP): Several times the Secretary of State has referred to the plan to transpose all these matters into UK law and several times he has referred to this House. What consideration has been given to issues that are clearly within devolved competencies? At what point will they be devolved? Will it be from day one with the commencement of the great repeal Act, or will those powers be held in some sort of holding centre here before they are subsequently devolved?

Greg Clark: When we set out the legislation, I am sure my right hon. Friend the Secretary of State for Northern Ireland will want to meet Northern Ireland Ministers and the hon. Gentleman's party to consider how best to deal with that. The clear intention is that all rights and protections available through the EU will come back to the United Kingdom and be active from day one. There will be no gap.

Ms Margaret Ritchie (South Down) (SDLP): Further to the point made by my hon. Friend the Member for Foyle (Mark Durkan), will the Secretary of State confirm whether discussions have taken place with the devolved institutions? Employment rights are particularly intricate for the Northern Ireland Executive.

Greg Clark: My colleagues in the Northern Ireland Office, and the Secretary of State for Northern Ireland in particular, will have those discussions as we draw up the great repeal Bill.

Where rights are breached, we are taking action. We have already named nearly 700 employers that have not paid the national minimum wage. They owe more than £3.5 million in arrears between them. Her Majesty's Revenue and Customs will investigate every complaint it receives and ensure that miscreants are made to pay their arrears and fined for any offence. Crucially, we will be vigorous and proactive, looking across the workforce and wider society to ensure that all rights and interests are protected.

Since 2010, there has been a record number of women in work, but we know we have more to do to achieve gender parity. That is why, for example, the Government have been piloting a scheme to help talented women to gain the experience they need to get their first board appointment. In addition, we have asked Baroness Ruby McGregor-Smith to lead a review to examine the obstacles faced by businesses in developing black and minority ethnic talent, from recruitment right through to executive level. We are encouraging and supporting disabled people to take steps into work where they are able to and to fulfil their potential.

The Government have shown their commitment to extending workers' rights when that is the right choice for the UK and we will continue to do so when we leave the European Union. We will set and expect the highest standards for protecting workers and their rights. The Prime Minister and I have set out a clear vision for the Government's approach to workers' rights, on top of what we have already achieved for individuals across society and for the wider economy. It is not just a question of fairness: a strong relationship between businesses and the workers who sustain them underpins our economy and our future prosperity.

We will not dilute or dissolve workers' rights. They will be not just protected but enhanced under this Government, because the Conservative party is the true workers' party and the only party dedicated to making Britain a country that works for not just the privileged few, but every person in it. I look forward to the remainder of the debate, which is our first general debate on matters relating to the exit of the EU. This is a strong and important subject with which to begin. It underlines the positive future that we will have when the House has control of this agenda on which we have had such a proud record over decades past.

6.35 pm

Clive Lewis (Norwich South) (Lab): I note that when Conservative Members talk about being the party of the workers, they can barely keep a straight face. I am pleased to open the debate for the Opposition. Indeed, I am very pleased that we are having this debate at all, given the events of last week and the attitude of Government Members earlier this afternoon.

Our country is going through a period of dramatic change. We are in a rare moment in history. The decisions made in the coming months will reshape our country and the world for generations to come. As I said to the Secretary of State last week, in moments of such national importance, it is imperative that the Government are subject to scrutiny by the elected representatives of the entire country. That is not in any way to diminish the result of the referendum. Like the Secretary of State, I voted to remain. Like him, I fully accept the democratic decision of this country and am committed to implementing it.

In voicing their preference to leave the European Union, however, the people of this country did not get the chance to say what they wanted in its place. They voted to set off on a journey, but were not asked their preferred destination. As a result, the Government cannot treat the referendum result as a blank cheque. They must work through a process of dialogue with the House to ensure that Britain exits the European Union

[Clive Lewis]

on terms that carry the country with them. There are few areas on which Brexit has more potential to impact on people's lives than workers' rights.

Stephen Doughty: Does my hon. Friend agree that when the Foreign Secretary says he wants to scrap the social chapter and the International Development Secretary says she wants to halve the burden of EU employment and social rights, we should be very concerned? That is exactly why Parliament should be scrutinising this issue.

Clive Lewis: I agree entirely with my hon. Friend. It reminds me of the old adage “Never trust a Tory”—that is what this comes down to.

John Redwood (Wokingham) (Con): Will the hon. Gentleman give way?

Clive Lewis: I will make some progress. I will give way, but I will make some progress first—[*Interruption.*] I will take nothing back.

It is a well-established fact, and not one that reflects well on us as a country, that many protections and rights awarded to workers in Britain reside in EU legislation. Throughout the referendum campaign and since, my party has sought assurances that leaving the EU will not lead to any erosion or dilution of those rights. It follows that much of what the Secretary of State has said today will be welcomed by Opposition Members, but let us not forget that it is EU law that has given working people in this country their rights to a limited working week and guaranteed rest periods. It is the EU that has ensured equal pay and protection against discrimination, and it is to the EU that we owe maternity and paternity rights and much, much more. Removing these rights would cause real damage to the lives of working people.

It is a relief to hear that the Government intend to transfer those rights into British law, but that is not enough. I share the Government's assessment that the overwhelming majority of the 17 million people who voted in favour of Brexit were not voting to axe our employment rights, but there is a tiny minority who were. It is that minority that has a strong presence on the Government Benches.

John Redwood *rose*—

Clive Lewis: I will give way to the right hon. Gentleman, one of the individuals in question.

John Redwood: As someone who has always fully supported the transfer of all these rights into British law, I welcome the Secretary of State's promise. Will the Labour party promise us that, assuming the proposed Bill transfers all those rights unequivocally, they will support that Bill? It will be the only way to transfer and guarantee those rights.

Clive Lewis: That is a really important point. What we did not hear from the Secretary of State was any promise or guarantee that employment legislation will not, once it comes out of international law, simply go into secondary law. We want to see it in primary law,

and our concern is that once it goes into secondary law, the Government will use statutory instruments to undermine employment law and workers' rights, and that is not what we want to see.

Let us carry on. I am talking about the Foreign Secretary, who described the weight of EU employment legislation as “back-breaking”. Then there is the Secretary of State for International Trade who dismissed the idea of protecting workplace rights as “intellectually unsustainable”. Then there is the Secretary of State for Exiting the EU who spent years attacking employment rights embodied in EU law as “unnecessary red tape”.

Melanie Onn: Does my hon. Friend also recognise that the former Minister for Employment, the right hon. Member for Witham (Priti Patel) went so far as to call for the UK to

“halve the burdens of EU social and employment legislation” after Brexit?

Clive Lewis: The list is lengthy.

Let us go back. Who spent years attacking employment rights embodied in EU laws as unnecessary red tape before undergoing his recent makeover into an ally of the working class, insisting that it is only “consumer and environmental protections” that he regards as unnecessary? As an aside, it is worth emphasising that those protections are as important to the quality of life of working people as employment rights, but they are not the topic of today's debate.

Caroline Lucas: The hon. Gentleman is making a very strong case. Does he agree with me that what many workers value most of all is the right to work in other EU countries, and that the best way to guarantee that is by free movement? Will he therefore join me in pressing for free movement to be a fundamental right that needs cast-iron protection as part of any future relationship with the EU?

Clive Lewis: That is a very important point, and it is one to which I shall come back in the future.

Let me return to the issue at hand. While I welcome now, as I have before, the Government's recent apparent Damascene conversion when it comes to workers' rights, I cannot but remain sceptical about how deep it goes. When it comes to limiting the number of hours people have to work in a week and giving temporary workers the same rights as permanent staff, the Conservative party has resisted at every turn the enhanced protection for workers that was introduced through EU legislation. Yet now we are asked to believe that they will defend that legislation. How are the workers of this country supposed to trust them? The public have already been misled about what Brexit will mean.

Michael Tomlinson: The hon. Gentleman says that these developments are recent, but as I pointed out to the Secretary of State, in fact they go back hundreds of years—back to 1802, which saw the very first factory Act enacted by a Conservative Government. Furthermore, there is no need for these laws to be protected by the EU, because we enhance those protections and have already done so.

Clive Lewis: Shall we have a little history lesson? How many Acts of Parliament between 1980 and 1993 that attacked working people through anti-trade union legislation do you think your Government took part in? Was it one, two or three? No, it was six, so don't lecture us on the history of workers' rights. You have nothing to say on it.

Charlie Elphicke *rose*—

Clive Lewis: I am going to make some progress.

Anna Soubry (Broxtowe) (Con): Will the hon. Gentleman give way?

Clive Lewis: No.

The public have already been misled about what Brexit will mean. On the morning after the referendum, Mr Farage's hangover had barely set in before the leave campaign withdrew the promise that leaving the EU would free up £350 million a week for the NHS. In the last week, we have seen that the Government are prepared to go to the highest court in the land to avoid proper democratic scrutiny of the terms of Brexit.

Anna Soubry: Will the hon. Gentleman give way.

Clive Lewis: Do you know what, I will give way to the right hon. Lady.

Anna Soubry: Will the hon. Gentleman tell us how many pieces of legislation introduced by the last but one Conservative Government the then Labour Government repealed?

Clive Lewis: I think you will find that through the employment legislation of the last Labour Government, we made considerable strides on improving workplace rights for working people, so we will take no lectures from the right hon. Lady on workers' rights.

Ian C. Lucas (Wrexham) (Lab): Will my hon. Friend confirm that the only reason the social chapter was introduced into legislation in the United Kingdom was that we had a Labour Government?

Clive Lewis: You make the point very well. When it comes to the rights of working people in this country, it is only the Labour party that can be trusted to deliver.

Several hon. Members *rose*—

Clive Lewis: I want to make some progress.

So why should we believe that the party that has fought tooth and nail against EU protections for workers and that has dismissed as "unnecessary red tape" laws that have made UK workplaces more fair and more humane will now be the defender of those rights? I want to believe it—I truly do—but I cannot. It is not just because of the Government's record of opposing the very legislation that they now claim to support; it is because, despite his good intentions—I am prepared to believe that he has good intentions—nothing that the Secretary of State or the Prime Minister or anyone else in this Government has said or done over the past six years convinces me that they understand or care

about the lives of working people. This Government are the children of Thatcher. Sticking up for workers goes against every instinct and is contrary to the very political DNA of so many Conservative Members.

I would like to shift focus and reflect on people's experiences of the world of work under this Government, on how workplaces and labour markets are changing, on what this has meant for working people and on what the Government have—or, more often, have not—done for them. From the recent exposé of Victorian employment practices at Sports Direct to the horror stories of Uber drivers being unable to take a toilet break, working conditions in this country are getting worse, not better, for too many people. Over the past six years, jobs have become lower skilled, less secure and worse paid. We have seen the rise of zero-hour contracts and growing reliance on agency workers. We have seen the birth of the gig economy, taking more and more workers outside formal employment regulations. The Tories boast about the recovery of employment since 2008, but on every other criterion, our labour market is failing.

Geraint Davies: Given that there will be enormous pressure on business from tariffs, no more money coming in and less inward investment because of blockages to the markets, does my hon. Friend accept that the business community will ask for their costs to be reduced, which will threaten statutory holiday pay, maternity pay and other workers' rights? Once those powers have been given to this Government, they will be empowered to repeal those things in the future, and there will be no European guarantees. We will be at the will of future Governments. [*Interruption.*]

Clive Lewis: I hear Conservative Members talking about scaremongering, but the facts speak for themselves. You are the enemy of working people. The Tories boast—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. First, the House is too noisy. This is meant to be a genteel and well-behaved debate on an important matter. Secondly, although I hesitate to interrupt the hon. Member for Norwich South (Clive Lewis) while he is speaking from the Dispatch Box, I must point out that he has now used the word "you" on several occasions, and that there are several good reasons why we use the third person in this place. It has to do with keeping the level of debate reasonable and courteous. I know that the hon. Gentleman is extremely courteous and will want to continue to be courteous. If he wants to accuse hon. Members of something, he should not accuse me.

Clive Lewis: Thank you, Madam Deputy Speaker. I stand formally chastised, and rightly so. I think, however, that it reflects the level of anxiety and passion felt by Opposition Members about workers' rights. I so often see smugness from some Conservative Members who obviously feel that Brexit is going to be bonfire of regulatory rights in the workplace—and we do not want to see that.

Several hon. Members *rose*—

Clive Lewis: I shall make some more progress.

[Clive Lewis]

The Tories boast about the recovery of employment since 2008, but on every other criterion, our labour market is failing. Wages, which have been falling as a share of national income for decades, have stagnated under the Tories, creating nearly a decade of lost pay. Too many people are having their work-life balance undermined by rising workloads and suffering stress due to punitive performance reviews. Even those who are not in precarious employment worry about their future job security.

Charlie Elphicke: Will the hon. Gentleman give way?

Clive Lewis: I am going to make some progress, if that is all right.

We cannot continue to prioritise quantity over quality in the belief that if we want to ensure that everyone has a job, we have to accept any job. From the millions of women who continue to be paid less than men to the growing number of involuntarily or bogusly self-employed, it is hard to escape the reality that, for most, conditions have become worse. What have the Tories done in the face of all that? They have frozen public sector pay for six years running; they have introduced fees for employment tribunals, making it harder for people to gain access to the rights to which the law entitles them; they have placed severe restrictions on the right to strike, and onerous burdens on the ability to organise. In the Trade Union Act 2016, they have pushed through the biggest attack on workers' rights in a generation.

We are back to the issue of trust. The Government have recently taken to calling themselves the party of working people, but in their last six years in office, they have not acted like that; on the contrary. Is it any wonder that, for those of us who genuinely care about workers' rights, the promises that the Secretary of State has made today provide only cold comfort and a heavy dose of wary scepticism? I do not intend to brand the Secretary of State a liar; he seems to me to be a decent guy. [Interruption.] I did not say that, and I do not intend to.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I understand rhetoric just as well as the hon. Gentleman, and I appreciate that he used the negative, but he nevertheless used a word that is not suitable in the Chamber. I am sure that he can make his point just as strongly through a rather different use of words.

Clive Lewis: I will rephrase that, Madam Deputy Speaker. I do not intend to brand the Secretary of State a person who exaggerates excessively; he seems to me to be a decent guy. However, given that the Brexit triumvirate of Mr Johnson, Mr Davis and Mr Fox have so regularly said and done things that contradict the promises that we have heard today, it is hard to be confident that the Government will deliver.

Stephen Doughty: I thank my hon. Friend for giving way again. He is very generous. Does he not also find it incredible that the Secretary of State prayed in aid the appointment of Baroness McGregor-Smith to a position that involves advising on employment rights? She was ennobled at a time when her company, Mitie, and its

subsidiary MiHomecare were being investigated by Her Majesty's Revenue and Customs for non-payment of the minimum wage to its workers.

Clive Lewis: I did not know that, but do you know what? It does not surprise me in the slightest.

Ian Paisley (North Antrim) (DUP): Will the hon. Gentleman explain why, during the 1970s and 1980s, when I was a teenager growing up in the part of the United Kingdom where I live, the unemployment level was regularly over 30%?

Ian C. Lucas: There was a Tory Government then.

Ian Paisley: No, there was a Labour Government.

Today my children, aged 18 and 19, see an unemployment level of 5% or 6% in some areas. Will the hon. Gentleman explain the analysis that he has given to the House, suggesting that there are no jobs? There are jobs, and there are opportunities for people.

Clive Lewis: I think that the peace process—a Labour-oriented peace process—would have had a great deal to do with that.

Several hon. Members rose—

Clive Lewis: I will make some headway now. I can see that you are agitated, Madam Deputy Speaker.

Ian Paisley: On a point of order, Madam Deputy Speaker. Is it right for the hon. Gentleman to use the peace process as an excuse for unemployment legislation?

Madam Deputy Speaker: As the hon. Gentleman knows, it is not for me to decide whether what a Member who has the Floor is saying is reasonable or otherwise, but I am sure that the hon. Member for Norwich South (Clive Lewis) will bear in mind what has been said by the hon. Member for North Antrim (Ian Paisley), and will moderate the way in which he is using his excellent rhetoric.

Clive Lewis: Thank you, Madam Deputy Speaker.

Even if we take the Secretary of State at face value, he is surrounded by the kind of free-market fanatics who, past behaviour suggests, will always work to undermine workers' rights rather than to bolster them.

Charlie Elphicke: Will the hon. Gentleman give way, on that point?

Clive Lewis: I am going to make some progress. I am conscious of time, and many other Members clearly want to have their say.

Last time I had the pleasure of facing the Secretary of State across the Dispatch Box, he reached out to me in the name of bipartisanship. One cannot help wondering if the opinion of some of his colleagues has forced him to consider whether he might find it more congenial to work with us on the Opposition side of the House. I sympathise: if he truly believes what he said to us today, no wonder he has reached out for allies on our Benches. So I say to him, "You're on." If he is serious in his commitment to workers' rights, let us work together towards three goals.

First, the Secretary of State must accept that given his Government's record, a day one transfer of EU rights to UK law is simply not enough. Grant Shapps must not get his sunset clause.

Madam Deputy Speaker: Order. I really have tried not to interrupt the hon. Gentleman, and when he has done something once I have let it go, but I am afraid that I cannot do that twice. In the Chamber, we must either refer to each other by constituency or refer to "the Minister" or "the Secretary of State". I will not insist that the hon. Gentleman get the constituencies right; just the odd reference to "the Minister" would do fine.

Clive Lewis: I am sorry, Madam Deputy Speaker. It was a genuine error, for which I apologise.

The right hon. Member for Welwyn Hatfield (Grant Shapps) must not get his sunset clause. Instead, workers need a cast-iron guarantee that rights will not be eroded over time, either by a failure to keep pace with new EU legislation or because UK courts interpret it more weakly.

Secondly, all EU citizens who are currently employed here must be guaranteed the right to remain. These are people who have built their lives in this country. To leave their future shrouded in uncertainty so that they can be used as a pawn in future negotiations with the EU is quite simply wrong. It is also bad for businesses. We know that many are already having to recruit and train replacement staff as EU workers up and leave before they are pushed.

If the Secretary of State would agree to work with us to achieve those two objectives, it would prevent us from going backwards, but we cannot afford to stand still when it comes to workers' rights. The United Kingdom ranks 31st richest out of 34 on the OECD's employment protection index. Among comparable economies, we already have one of the least regulated and least protected workforces in the world. That simply is not good enough.

Charlie Elphicke: Will the hon. Gentleman give way?

Clive Lewis: No, I am going to press on. I do apologise.

The fact that we have relied on the EU for so many of our protections reflects badly on all of us in this place. How can we interpret the referendum results other than as an expression of dissatisfaction with the status quo—a demand for a better deal? Labour wants to give the people a better deal, and where better to start than in the workplace? Labour markets are changing, and technological progress is opening up new possibilities for the way in which we organise our workplaces and working lives, but for too many workers, new technology has meant not new freedoms, but new forms of exploitation.

Brexit Britain faces a choice. We can enter a race to the bottom, steadily eroding workplace protections in an attempt to attract investment and custom away from low-wage countries, or we can lead the way in ensuring that workplace rights and protections keep pace with changes in labour markets, and developing new business models that harness the benefits of new technology for the many and not just the few, as part of a high-wage, high-skill, high-productivity economy. We cannot win the former, and in truth we would not want to; but we can do the latter, and that is the only way in which to ensure that the people of this country get the better deal that they deserve.

I call on the Secretary of State to sign up to a new social settlement: one that places workers' rights at its centre, and recognises and rewards everyone's contribution; one that empowers people to take more control over their workplaces and their lives. That will require more than just rhetoric. For the Government, it will require a drastic change of direction. It will mean repealing the Trade Union Act and embracing, and working with, trade unions, rather than attacking them. It will mean leading the way on workers' rights across Europe, rather than digging their heels in and resisting every advance. It sounds far-fetched, but it is time for the Government to put their money where their mouth is. You say you want to be the party of workers, Mr Secretary of State.

Madam Deputy Speaker: Order. No: they say they want to be that. I do not say anything.

Clive Lewis: They say they want to be the party of workers. They say they want to work together. Well, these are the terms, and we are game if you are.

7 pm

John Redwood (Wokingham) (Con): I admire the passion and enthusiasm of the hon. Member for Norwich South (Clive Lewis), but I would like him to reflect a little on what I put to him in an intervention: this is a unique moment in the House of Commons where Government and Opposition are completely united on something very fundamental. I strongly believe my right hon. Friend the Secretary of State and the Government he speaks for when they assure us that every right in the UK directly deriving from European law will be faithfully transferred into UK law and will be safe all the time they are governing this country from this Front Bench—and should the public decide at some point in the future to replace this Government with a Labour Government, I am quite sure they will offer exactly the same assurance.

It seems to me that we have for once got a wonderful understanding or agreement between the two parties. So I just ask the Labour party to understand that sometimes they have won—that sometimes they are in agreement with the Conservatives, and, as disagreeable as they may find that, surely it is cause for celebration that both main parties wish to advance employee rights, and have absolutely no wish to undermine employee rights that currently come from the EU and wish to offer the legal framework to protect them. So I repeat again: will the Labour party now agree to welcome and support the great reform Bill when it shows that all those crucial rights—not just the worker rights, but the environmental rights and the others they have mentioned—will be transferred?

Geraint Davies: But does the right hon. Gentleman not accept that if businesses face higher costs through tariffs and Britain wants to attract international inward investment platforming into Europe, it will move towards reducing costs in respect of public health and the environment and, in particular, workers' rights, which are currently guaranteed through the European Court of Justice but will no longer be guaranteed other than in a sort of gentleman's agreement here which is not sustainable in law?

John Redwood: I think this high court of Parliament—this great legislature of ours—is quite capable of defending workers' rights, and I do not believe the Government will get very far if they first promise the British people that they will guarantee all those rights and then a year later turn around and say they are not going to. I have got some pretty difficult colleagues on this side of the House who would also object rather strongly to that. If I have given my word to my electors that all those rights will be transferred, the Whips are not going to find it very easy to get me to vote against them, but I do not believe I am going to have to, because I am quite sure I believe the Secretary of State and there is absolutely no reason to assume something else is going to happen.

I would like to begin, Madam Deputy Speaker, in an uncharacteristic way by praising both the Speaker and the Deputy Speakers of this House for having shown in the run-up to the referendum that they have been able to grant time and make sure the voices of the minority were heard over a very sensitive and explosive public debate. As part of the leave minority in this House—we were rather a modest minority in terms of numbers; we were very outgunned in terms of weight of office and numbers of votes and the amount of material coming forward from both the Government and Opposition Front Bench—I am very grateful for the way the Speaker and the House authorities made sure we had our chance to make our case. If that had not happened, I think the public would have felt their Parliament was completely out of touch, because we now know that we on the leave side spoke for 52% of those voting in the referendum, a massive 17.4 million people, and it is important that our Parliament stays topical and is able to take the minority view in here because it might be the majority view out there.

I am equally sure, Madam Deputy Speaker, that you and the Speaker will make sure, now that the tables have been turned and we know the majority in the country is with the leave side, that there will be plenty of opportunity for those who wish to represent the views of the significant remain minority and make sure their legitimate worries are considered and taken into account in the longish process that will follow as the Government, after sending in the article 50 letter, start the negotiations on our future arrangement once we are again an independent country having a series of crucial working relationships, collaborations, agreements and trade arrangements with our former partners in the EU.

We hear from Labour all the time that the Government are not coming clean about the negotiating aims. I find that very difficult to understand. We have heard tonight, on the matter that most concerns Labour MPs, an absolutely definitive statement. Question: "Are our employment rights at any risk?" Answer: "No, they are not if you vote for the repeal Bill." Question: "Are other rights at risk?" Answer: "No, they are not because they are all being transferred by that same repeal Bill."

Turning to the question of the high-level aims, Labour have a perfectly reasonable point when they say, "Of course the Government must explain the high-level aims" while also agreeing that the Government cannot provide a running commentary or give the intermediate or fall-back positions in a negotiation as that would be crazy. But Labour always say they have not heard the high-level aims, yet I think we have already heard them so let me have another go at explaining them. The aim is

to take back control. The aim is to make sure all the laws that apply to UK citizens are made in this Parliament, not in Europe. The aim is to ensure legal continuity with all current laws that come from Europe being transferred, for obvious reasons. The aim is to make sure we control our borders. The aim is to make sure we control our own taxes and spending plans. The aim is that we take back those controls so that we can again be a sovereign Parliament representing a sovereign people. What is so difficult to understand?

The issues that we will have to discuss with our partners are mainly about trade and future collaborations in a number of areas, and as the Prime Minister has rightly said, that will be a grown-up discussion between a country taking back control of its laws and policies and a group of other countries working together in what they wish to advance as a monetary and political union. It will be a free and fair negotiation where I think, in the end, when angers have cooled and tempers calmed down, our friends on the continent will understand that tariff-free—and reasonably free—trade makes even more sense for them than it does for us, and that surely is the aim we are trying to achieve.

Mark Durkan: The right hon. Gentleman refers to the great repeal Bill, which is in essence the great download and save Bill for day one of Brexit. Who controls the delete key thereafter as far as these rights and key standards are concerned? Is it, as he implies, this House? Would any removal of rights have to be done by primary legislation, or could it be done by ministerial direction? And where is the position of the devolved Administrations in this? These matters are devolved competencies; will they be devolved on day one?

John Redwood: I hope they will be devolved in good time.

Mark Durkan: In good time?

John Redwood: Why does the hon. Gentleman laugh? The Government are engaged—I think, again, in good faith—in an earnest discussion with the devolved Assemblies and Parliaments of the United Kingdom. I presume that quite shortly after the powers have returned, they will be properly devolved. As to the question of what guarantee there is that these major powers cannot be eroded, the first guarantee is that the Government have already made it clear that they have no plans to do so. They have given their word, and if they broke their word there would be very strong protests in here and there would be the usual pressures of public opinion, and then loss of seats for loss of faith should the Government proceed in that way. But as I understand it, primary legislation will guarantee all these rights and laws from the EU; these are not secondary matters, and so primary legislation will be required in order to deal with them in the future. And it may be that in the future we will want to improve these rights, which would entail amending them, and that is something we will be entirely free to do once we have taken back control; we can then do it in the way we see fit, without any complications from European law.

The 17.4 million people voted to take back control, and that was a remarkable vote. They voted to take back control despite being told by the great and the good, the Government and leading figures in the Opposition that there would be a short-term economic cost to them

if they dared to vote to have a sovereign Parliament representing a sovereign people. We did not believe them, however, and I am very pleased that we did not do so. We have now had four months of growth, with more jobs, more shopping, rising incomes and all the other things that they said could not possibly happen, were we to dare to exit the European Union. Is it not good that experts are sometimes wrong and sometimes too pessimistic, and that sometimes the people are more sensible and know what is right for them?

The people also understood that this was about more than money. They did not feel that their money was at risk; they felt that something bigger than money was at issue. What was at issue was the question of who controls. Do the people any longer have their sovereign power? Can they elect a Parliament to do the things they want Parliament to do? They realised that they could not. They realised that this Parliament could not abolish VAT on tampons or green products in the way that most people would like it to because to do so would be illegal under European law. They realised that this Parliament could not amend the fishing rules in order to have a fishing industry that was good for English fishermen and English fish—or Scottish fishermen and Scottish fish—because that would be illegal under European law. They realised that both the major parties in the general election wished to make changes to the benefit rules, but that both sets of proposals turned out to be illegal under European law.

The British people said, “For goodness’ sake, we’re fed up with this puppet Parliament. We want a Parliament that can carry out our will. We want a Parliament that will take back power.” It took the people to say that, because this Parliament was incapable, on its own, of realising that it did not have enough power, that it could not carry out the wishes of the British people in so many fields, and that it ought to do something about that. A lacklustre negotiation with our former partners produced absolutely nothing of value, so the British people took the matter into their own hands.

Anna Soubry: I appreciate that the results of the referendum were declared on a local authority basis, but could my right hon. Friend confirm that the people of Wokingham actually voted to remain?

John Redwood: That is by no means proven. As my right hon. Friend says, Wokingham borough had a modest majority in favour of remain, but Wokingham borough comprises parts of four different constituencies. My own constituency contains bits of Wokingham borough as well as parts of West Berkshire. According to my canvass returns, I think it was roughly 50:50 in my constituency. [HON. MEMBERS: “Ah!”] Anyway, it does not really matter—[*Interruption.*] My right hon. Friend must listen, because I think she actually agrees with me on this, although she will not admit it.

Members from both sides of the House trooped solemnly through the Lobby to put through the European Union Referendum Act 2015, and it was crystal clear from what Ministers and others were saying at the time that we were passing the decision to the British people. We were not asking their advice. We were not giving them a rather grand and expensive opinion poll. Ministers said, “You, the British people, will make this decision.” And just to ram it home, a leaflet was sent to every household in the country—at the taxpayers’ expense,

which some of us were a bit worried about—repeating that message. A solemn promise was made by the Government. The Opposition were involved with this, because they did not object and they helped to vote through the money for that promise to be sent to every household. That promise was crystal clear. I feel, and I think my right hon. Friend agrees with me, that we are now under a duty to expedite the decision of the British people.

Charlie Elphicke: I backed remain, as did my right hon. Friend the Member for Broxtowe (Anna Soubry), but a majority of the people of Dover voted to leave. Is it not incumbent on all of us to listen to our electors and to act on the instructions that we have been given?

John Redwood: I think it is incumbent on this Parliament to accept the verdict of the referendum that we gave to the British people and to understand that we are all under a duty now. Democracy is on trial. What would the public think if their Parliament gave them a decision to make and then tried to stop that decision being implemented? That would put us in an impossible position, and anyone who followed that course would have a very miserable time when they next faced the electors.

Once the referendum is over, we have a duty to represent all our constituents. I have to represent the remain constituents of Wokingham just as much as the leave constituents. I cannot possibly vote on both sides of the issue, but I can ensure that the legitimate concerns of my remain voters are taken into account. I can assure the House that I will be very active in lobbying Ministers when remain voters identify real problems. The main problem that they are identifying at the moment is the uncertainty. They want us to speed up, and the more Members think that delay is a good idea, the more the uncertainty will build and the more damage could conceivably be done. We all have a duty now to speak for all our constituents, but we can only have one vote. Surely MPs must now vote for the settled will of the British people, having offered them that referendum.

Dr Julian Lewis (New Forest East) (Con): Does not my right hon. Friend find it rather strange that, although the people on the remain side who do not want to accept the verdict of the electorate in the referendum want to drag out and delay the process of triggering article 50, the other members of the European Union want us to get on with it? We talk about the binding nature, or otherwise, of the referendum, but is not the person who best illustrates its binding nature none other than David Cameron? If it was just an advisory referendum, why on earth did he feel it necessary to announce his resignation the following day?

John Redwood: That is another piece of evidence—of which there is so much—that it was not an advisory referendum. We know that from ministerial statements at the Dispatch Box, from the *Hansard* records of the passage of the legislation and from the leaflets that were sent to every household. That was one of the few things on which the remain campaign and the leave campaign agreed. Both stressed to the voters the fact that this was deathly serious, that it was their decision and that if they got it wrong, they might not like the answer. Indeed, the whole purpose of the remain campaign, as I saw it, was to terrify people. It worked on the premise that if we voted to leave, we would be out. I remember

[John Redwood]

Mr Dimpleby announcing the final result on television—the BBC was a bit reluctant to get to that point, but it eventually did so—that we were out of the European Union. He did not say, “Oh, we’ve just had an interesting advisory vote and maybe some people in Parliament will now think they ought to do something about it.”

Geraint Davies: A lot of the Brexiters I have spoken to voted for Brexit on the basis that there would be lower costs—the figure of £350 million a week was mentioned—yet we are now going to tear up the deficit plans in the autumn statement. They also voted on the basis of continuing market access, which is now at risk from tariffs, and of lower migration, which is obviously going to go up in the next two years as people run in through the door. Does the right hon. Gentleman not agree that the British people should have a referendum on the exit package when they can see whether what they reasonably expected has come to fruition? They could then vote to leave if they wanted to, and if not, they could vote to stay in.

John Redwood: There is absolutely no point in having a referendum on the exit package. By the time we get to that point, we will already be leaving. The people have decided to leave. If we had a vote on the exit package and decided that we did not like it, the rest of the European Union would not say, “Oh, we’re very sorry, United Kingdom. We’ll improve your exit package.” Absolutely no way! They would say, “We are absolutely fed up with you, United Kingdom. You can’t make up your mind, you mess us around and you dominate the agenda with things we don’t want to talk about. You are out!” We have to understand that some of our partners have only a limited amount of patience. Some of them do not have very much patience already.

I regard my views and my vote as being those of a good European. I have always understood the full nature of the European project. It is a noble ideal to unite countries around a united currency, a political union and much more collaborative working. I also know that the British people, including myself, do not wish to do that. It is too close for us. That is why the British people have made the bold, heroic and sensible decision, as good Europeans, to say, “We don’t want to join the currency. We don’t want to join Schengen. We don’t want to join the next bit, which will be the political union.” So is it not good that Britain has honestly said—

Chris Stephens (Glasgow South West) (SNP): On a point of order, Madam Deputy Speaker. As much as I am enjoying the right hon. Gentleman’s dissertation on the Brexit vote, it has been some time since we have spoken about workers’ rights. Is there anything that we can do about that?

Madam Deputy Speaker (Mrs Eleanor Laing): I am grateful to the hon. Gentleman for drawing that to my attention. I am listening carefully to the speech of the right hon. Member for Wokingham (John Redwood) and he began by speaking about workers’ rights. The title of this debate is “Exiting the EU and Workers’ Rights” and I know that the right hon. Gentleman will strike a balance between the two parts of the motion. I am quite sure that he will remain in order, but I am grateful to the hon. Member for Glasgow South West (Chris Stephens) for ensuring that I am paying attention.

John Redwood: I am grateful, Madam Deputy Speaker. I am speaking more about exiting the EU than the specific issue of workers’ rights but, as Members should understand, workers’ rights are entirely subsumed by the process of exiting the EU. We have to talk about the principles and the way in which we will exit the EU to make any sense of the workers’ rights part of the debate.

Tom Brake: Will the right hon. Gentleman give way on workers’ rights?

John Redwood: I will give way on workers’ rights to the Liberal Democrat.

Tom Brake: One of the many claims made by the Brexiteers during the EU referendum campaign, and one to which the right hon. Gentleman has not referred, was the famous figure of £350 million a week for the NHS. One of the other claims was that they would support the rights of EU workers. I wonder whether he might touch on that because it directly affects the 1.5 million to 2 million UK citizens who are in other EU countries.

John Redwood: The Vote Leave campaign was clear that we want the Government to guarantee the rights of all legally settled workers in this country. The Government have said that everyone who is here legally is quite entitled and welcome to stay on the assumption that no one from our country who is living overseas is threatened. I do not believe that any of our European partner countries will threaten any of our people who are legally settled in those countries, so I think it is more or less absolutely guaranteed that everybody is welcome to stay and that the British Government have absolutely no plan to suggest that they should not be.

Jim Shannon (Strangford) (DUP): The right hon. Gentleman may be aware of an EU ruling in Northern Ireland just in the past two weeks. The Northern Ireland Assembly allocated some £7 million to help fund a direct link between Belfast International Airport and New York, but that was overruled by the EU, which said that it was out of order. Is that not another example of why we should be exiting the EU right now and not waiting until 31 March?

John Redwood: I am very much on the hon. Gentleman’s side on that issue but, as he knows, that will not be possible given the delays that are now being built in as a result of various issues and processes.

This House must now rise to the challenge of ensuring workers’ rights and removing the senior powers of the European Union in the way that the British people voted for. Of course, we want to take back control of the money and, once we have, the Government will have considerably more to spend on their priorities. The Vote Leave campaign recommended health as a priority, but it will be for the Government of the day, as Vote Leave always made clear, to decide exactly how to spend the money.

Charlie Elphicke: I thank my right hon. Friend for giving way again. On workers’ rights, did he hear the shadow Minister talking about the importance of making it easier to strike and his intention and desire to roll

back trade union legislation? Does he share my concern that that would not help workers' rights but simply reduce the number of workers?

John Redwood: I think that goes beyond the issue of European workers' rights. All I want to say today on workers' rights is that we must guarantee all of them as promised. I am strongly in support of the Minister.

In conclusion, we have a brave public who decided, despite the odds and the advice, that they wished to leave the European Union. They were not only brave but right. They are fed up with a Parliament that cannot do their bidding, that cannot even choose the taxes to impose on them, that cannot spend the money that all the taxes raise, and that cannot choose laws for them or amend them in the way that they wish. The issue today and in the weeks ahead is whether the MPs in this House can rise to the challenge. Can MPs at least follow the public and realise that they want a sovereign Parliament to represent a sovereign people? Where are the peace-loving Pym and Hampden of the modern era? Where are the champions of our liberties? Where are those who say, "Yes, we will support that great repeal Bill. Yes, we will give those powers back to this Parliament. Yes, we will make it easier to achieve Brexit, not more difficult"? That is what the public want and the Opposition should join us, welcome that view and get on with it.

7.24 pm

Neil Gray (Airdrie and Shotts) (SNP): It is a pleasure to take part in this debate today and, I have to say, to follow the right hon. Member for Wokingham (John Redwood). Although I have great respect for the way in which he delivered his speech, I could not agree with a word of it apart from when he said that democracy is on trial. It is indeed, and the people of Scotland are watching intently.

However, begging your patience, Madam Deputy Speaker, I want to start with probably the only thing I have to say today that will garner support from Members on both sides of the House and offer my congratulations to Scotland's own Andy Murray on securing top spot in the global tennis rankings. Becoming the first Scottish or British men's No. 1 in the strongest era of the global sport of tennis is an incredible achievement. He will go down as not only one of the best Scottish or British sportsmen, but one of the greatest ever male tennis players. Well done, Andy; it is thoroughly well deserved.

We are now approaching five months since the EU referendum vote took place and we are still no clearer than on 23 June about what leaving the EU will actually mean. We still do not even know what role this House of Commons or the devolved Parliaments will have in invoking article 50. You would have thought that this would be a fairly simple matter of process that would be spelled out in a document before the referendum—perhaps something like a White Paper. Regardless of what people thought of the White Paper on Scottish independence—whether people agreed with the blueprint for an independent Scotland or not—it is clear that the people of Scotland were given far more information about what their vote would mean than happened in the EU referendum.

The Scottish Government produced a 700-page White Paper on Scottish independence. Whether this UK Government or the leave campaign, nobody came up with as much as a side of A4 on what would happen if

the UK voted to leave—no plan, no blueprint, no vision. That is why it is impossible to tell what motivated a majority in the UK to vote to leave. Was it some idea of British nationalism? Was it immigration? Was it the whopper about £350 million a week for the NHS? Was it the ridiculous scaremongering from the former Chancellor or all the surviving former Prime Ministers? That is why when people talk about mandates and what the people want, it is clear the Prime Minister has a mandate to pursue exit from the EU, but she has no mandate over what that exit looks like, or to rip Scotland from EU institutions against its will. Indeed, the only detailed mandate that has been delivered to the Tories regarding Brexit is on the matter of the single market. It is spelled out in their 2015 manifesto, which states:

"We say: yes to the Single Market."

It could not have been clearer, yet now we see prevarication.

What is clear is that far from having a cunning plan, this Government do not even have a seating plan. Where do they sit on the single market, on the customs union, on social security rights for UK nationals living in Europe, on the right to take advantage of the Erasmus scheme, or on Europol? Finally—although this list is far from exhaustive—where do they sit on the rights of EU workers to remain here in the UK?

John Redwood: Will the hon. Gentleman give way?

Neil Gray: I think you've had your say—[*Interruption.*] I think the right hon. Gentleman has had his say.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. That was a good correction just in time, but if I have to be strict with the Official Opposition Front Bench at this end of the Chamber, I have to be strict with the SNP Front Bench at that end as well.

Neil Gray: I perfectly understand.

Despite months of SNP campaigning for the security of EU workers based in the UK, they are still to be played as bargaining chips or negotiating pawns for at least another two years. We have no idea how EU workers in the UK will be treated after Brexit or what rights they will have. This is about not just morality and the fact that these workers and their families have chosen to live, work and contribute to the UK, but the economic value that they add. The Scottish Parliament's Economy, Jobs and Fair Work Committee is currently taking evidence on the economic impact of exiting the European Union. A paper submitted by 4-consulting states that EU workers contribute £7.3 billion to the Scottish economy. That is why the SNP is so keen to see a different immigration system for Scotland, one that recognises not only the value of workers from other countries to our economy but how dependent many communities and sectors are on imported skilled labour. But this Government will not give Scotland those guarantees, and we have no guarantees about workers' rights in general either. We are getting mixed messages from those on the Government Benches. We are being told by some that workers' rights are a burden, with the right hon. Member for Welwyn Hatfield (Grant Shapps) wanting a sunset clause, and others saying that we should implement only the workers' rights that are practical.

Michael Tomlinson: As ever, the hon. Gentleman is making his case eloquently. However, did he fail to listen to the speech made by the Secretary of State, who set out clearly that all these rights will be transferred?

Neil Gray: For how long? In addition, does the Secretary of State carry the confidence of his Back Benchers? We are still to find that out. As I have said, so many of his colleagues have given us mixed messages about the so-called “burden” of EU workers’ rights on this country.

A substantial component of UK employment law is grounded in EU law, and where it exists it provides a minimum standard below which domestic employment cannot fall. Although some protections already existed in domestic law before being enhanced at an EU level, in many cases new categories of employment rights have been transposed into domestic law to comply with emerging EU obligations. Subject to the provisions of the EU withdrawal arrangement or a subsequent trade agreement, withdrawal from the EU would mean that the UK employment rights currently guaranteed by EU law would no longer be so guaranteed, which leaves us reliant on a Conservative Government to step up for workers.

A post-Brexit Government could also seek to amend or remove protections enshrined in EU law for UK workers. The House of Commons Library paper makes it clear that EU-derived employment rights that feature in primary legislation would be relatively safe from the effects of leaving the EU, but would be “newly susceptible to the possibility of change.”

Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP): On 27 October, I received a reply to a question about what would be in the great repeal Bill. Part of the answer was that on exit day existing rights would be enshrined, but subsequently it would be open to the Government and this Parliament to change those rights.

Neil Gray: I thank my hon. Friend for his intervention, and the point he raises will fill workers up and down this land with dread, because it will be this Conservative Government who are going to be responsible for the workers’ rights that we all enjoy. The Library paper identifies the greatest risk as the uncertainty surrounding the protections in secondary legislation, which is where much employment law is contained. That is where Unison and others also see the greatest risk, with the right hon. Member for Welwyn Hatfield having been reported as seeking a five-year sunset clause to the great repeal Bill. That would mean that all protections currently the subject of EU regulation would automatically expire, wreaking intended and unintended damage to hard-fought workers’ rights and, in turn, to the economy.

Tom Brake: Does the hon. Gentleman agree that workers’ rights are most vulnerable in areas relating to agency workers and working time limits, particularly now that the Cabinet contains senior Members who have previously advocated a bonfire of the regulations on workers’ rights?

Neil Gray: Absolutely, and I will come on to those points later in my speech.

The Health and Safety at Work etc. Act 1974 predates EU rules, but EU standards have led to the introduction of broad duties on employers to evaluate, avoid and reduce workplace risks. According to the TUC, the number

of worker fatalities in the UK has declined significantly since EU directives were implemented. The Scottish National party continues to argue for better work conditions and fairer working environments. The protections for workers in insecure employment, including part-time workers, agency workers and those on fixed-term contracts, are enhanced by the EU.

Kevin Foster: The hon. Gentleman said that workers should be filled with dread, but should they not feel encouragement, as in so many areas this Parliament has legislated for standards that are higher than the EU minimum, not lower? There is no reason to believe that that will not continue, not least when people want to put election manifestos forward at election time.

Neil Gray: I refer the hon. Gentleman to the recently passed Trade Union Act 2016 and hope that he will consider his comments in those terms.

In these challenging times, we have seen moves to zero-hours contracts across many industries, and conditions where workers are vulnerable to exploitation and being trapped in a cycle of low pay. EU TUPE rights introduced important protections for workers affected by contracting out, company buy-outs and even the privatisation of public services. Without those rights, employees in permanent, secure jobs could be placed into more uncertain contracts or have their terms and conditions reduced.

The UK must continue to comply with EU employment law in full, including new rights adopted within the EU, meaning that future Governments cannot remove rights at work. UK workers should not be denied any of the rights enjoyed by working people across Europe. New rights are already under discussion within the EU, such as protections for posted workers, improved rights for working parents and the European pillar of social rights, so UK workers could be excluded from these protections post-Brexit. The TUC has said that “workers should benefit from the highest level of protection in the EU. It should not be possible for future governments to take the opportunity to compete with other countries on the basis of a race to the bottom on rights at work.”

It is female workers who stand to lose the most from Brexit. Alongside the European working time directive, we also now have protections over maternity leave and equal pay, and better protection from sexual harassment and from pregnancy or maternity discrimination. Women in the UK secured the right to equal pay for work of equal value thanks to the EU, and although there is still a long way to go to close the gender pay gap, the protections from the EU push the agenda forward, rather than backward. We have no idea of what is to come post-Brexit. Pregnant women and new mothers have been protected by day one rights and unfair dismissal rights, and by protection from discrimination. The right to paid time off to attend antenatal appointments is also now secure for pregnant women, keeping them in work. The parental leave directive allows parents to take up to 18 weeks’ unpaid leave to care for a child and protects workers who need to deal with family or domestic emergencies. A staggering 8.3 million working parents qualify for these rights in the UK.

Perhaps one opportunity I can see from Brexit is to discuss where the powers and responsibilities currently held at EU level will reside when the UK leaves. Obviously, we would expect the areas of devolved responsibility,

such as agriculture and fisheries, to be automatically devolved, along with their substantial budgets, but I would like this to go further. Last year, during the Scotland Bill debates, we were told that we could not devolve employment law, but it makes perfect sense to do it post-Brexit. It is not just the rights currently enjoyed by workers that we can see being eroded; current and future events are likely to have a detrimental impact on working conditions and the quality of life of working families.

We have a perfect storm approaching for working families. We see the report from the Resolution Foundation today on the devastating impact of the benefit cap, but we also have cuts to universal credit work allowances coming down the line, a potentially devastating spike in inflation predicted to arrive next year, a massive drop in the pound and the potential threat to employment law post-Brexit. Employers and employees alike are demanding information, details and plans from this Government to provide security where there is currently significant insecurity and uncertainty.

This evening we are going to hear, as we have indeed already heard, Tory after Tory trump up—that pun was intended—that somehow they speak for workers in these isles and that somehow because it was Conservative Governments that brought in factories Acts in the 19th century, that absolves them of their most recent disastrous history. So let me remind the House that it was a Conservative Prime Minister who destroyed the lives and livelihoods of mineworkers with generations of unemployment; that it was a Conservative Chancellor who said at that Dispatch Box in 1991 that unemployment was a price “worth paying” for bringing down inflation; and it was those Government Members sitting opposite now who forced through the worst legislative attack on workers’ rights in living memory, in the form of the Trade Union Bill. So forgive me if my party and the people of Scotland do not trust any Tory government with workers’ rights.

7.39 pm

Anna Soubry (Broxtowe) (Con): It is a pleasure to take part in the debate although, in many ways, it has little value. On the basis of some of the speeches that we have heard from Opposition Members, it has added nothing to what should be a serious consideration of how we move forward as we give effect to the will of the people. The majority was slim—we must always remember that—but nevertheless we have to accept the verdict.

We are debating something that was never a strong point for the remain camp during the referendum debate. I had a very firm view on this, because we do pass laws in our Parliament and we do have a sovereign Parliament. I really do not want to rehearse all the arguments of the EU referendum debate, but when it comes to the issue of workers’ rights, I think that the argument advanced by some in the remain camp was weak, because this Parliament has extended workers’ rights. Doubtless other Conservative Members who contribute to the debate will remind us of our party’s fine tradition of extending workers’ rights. For example, in the previous Parliament, I was proud that we extended paternity rights in a way that the EU had not. I always thought that it was just a non-debate to say that, for those who wanted to remain, the heart of the matter was protecting workers’ rights.

Chris Stephens (Glasgow South West) (SNP): Does the right hon. Lady not appreciate that many of us had to argue that case because trade unions used EU law to get victories for their workers in court?

Anna Soubry: Yes, but the unions did not need to use EU law—that was the point. This country has rights through common law and in statute; it was just not a problem. I am somewhat concerned and slightly agitated about this matter. The very firm words from our excellent Secretary of State—I was delighted when he was appointed to his job—could not have been clearer. He said that all the rights that we have by virtue of our membership of the EU will be transferred into substantive British law. Which part of that do Opposition Members not understand? My right hon. Friend could not have been clearer. I absolutely do take his word, and indeed the Government’s word, on this. In many ways, this is a bit of an otiose debate—if I can put it in those terms—because I have no fear that any of the rights that have been accrued over decades by virtue of our membership of the EU will be diminished.

Neil Gray *rose*—

Anna Soubry: And now, Madam Deputy Speaker, I will give way to the hon. Gentleman, because this is a debate.

Neil Gray: I ask the right hon. Lady to forgive me for not giving way during my concluding remarks; I thank her for giving way to me. Although she may take her Secretary of State at his word on this, can she not understand our worry that there are members of this Government who are quite clearly of a different view, and who made that very clear during the EU referendum campaign?

Anna Soubry: Heaven forbid that we should ever have different points of views within the Government. I will come on to the concerns that some rightly raise about the rhetoric of the leave campaign. I wanted to intervene on the hon. Gentleman because, as someone who had experienced the miners’ strike on an almost daily basis—I was a reporter working for Central Television in Nottingham—I wanted him to understand that what the Conservative Government rightly did was to protect the rights of coal miners in counties such as Nottinghamshire who had had a vote and had decided that they wanted to work. They faced, on an almost daily basis, a small army of pickets who came down and used the most atrocious tactics to try to prevent them from exercising their right to work.

Neil Gray *rose*—

Anna Soubry: With respect to the hon. Gentleman, I am more than happy to have a debate with him about the rights and wrongs of the miners’ strike outside the Chamber, but I take grave exception to the rather large amounts of nonsense that he was spouting when he gave us his comments about Margaret Thatcher and the then Conservative Government. None of those pieces of legislation that were passed by the Thatcher Government—particularly when they were up against the tyranny of trade union leaders who frequently denied workers the right to have a say about how they worked—to restore workers’ rights and to do the right thing by working people were repealed in the 13 years that Labour were in

[*Anna Soubry*]

government. Why was that? It was because members of the Labour Government knew in their hearts that that legislation was what working people wanted. I say that as someone who is a proud trade unionist and who was a shop steward in my union.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The right hon. Lady is making a powerful speech. I am glad that we will be on the same side on this issue. Does she agree—I think she has alluded to this—that the Brexit debate has been characterised by a lot of misinformation and broken promises, hence the need to make sure that this matter stays on the agenda? Does she also agree that there is understandable concern and perhaps confusion about the Government's commitment and their ability to bind any future Ministers and Governments, because some Conservative MPs have raised the issue of a sunset clause or a watering down of employment protections, and have promised to implement that wherever practical?

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Lady will have an opportunity to make a speech later.

Anna Soubry: Given the hour, the fact that we are all on a one-line Whip and the fact that the House will rise tomorrow, I suspect that a lot of Members will want to make their speeches by way of a quick intervention. I forgive the hon. Lady for her intervention and hope she does make a speech.

If there are to be further debates, we should consider some of the matters raised by the hon. Member for Foyle (Mark Durkan), who seems to have vacated his place. He talked about the detail of how the transfers will take place. Will that happen in a general sense under the great repeal Bill, or will it be done in dribs and drabs by virtue of statutory instruments? The effect will be exactly the same, so I do not have any concern in that regard. His point about how the devolved Administrations will be affected is important.

The hon. Member for Norwich South (Clive Lewis) should have raised such matters in his speech, but instead he used the debate as an excuse to launch off a series of slogans based on ideology that were, in many ways, deeply offensive. He then turned his speech, in a rather childlike way, into a tirade against Tories. His hugely unsubstantiated and sweeping statements did nothing to advance the argument for having a proper debate and restoring politics in this country to a much more civilised footing.

I do understand that Labour is in a huge dilemma. The reality is that seven out of 10 Labour MPs represent seats that not only voted remain, but, in most cases, overwhelmingly voted remain—[HON. MEMBERS: "Leave".] Sorry, I meant to say leave. If only they had voted in the way I said, but sadly they did not. Would that not have been a sweet moment? Would it not have made the position of the Labour party so much easier?

The hon. Member for Ashfield (Gloria De Piero) represents my neighbouring seat. I have a lot of time for her—I hope that that will not be used against her. Such is the current atmosphere, which has been stoked up by people such as the hon. Member for Norwich South, that a Conservative giving praise to a Labour MP can

be used against them by the so-called Corbynistas and Momentum. I hope that I cause the hon. Lady no difficulty by paying tribute to her. She is a great MP who has brought much to our House. There was an 80% turnout in her constituency—no disrespect to the good people of Ashfield, but they have never voted in such numbers—and just under 70% of people voted to leave. That means that it is inconceivable that she will not vote for article 50, and she is by no means alone.

I very much hope that that vote takes place in this House. I do not want to go too far into that debate, Madam Deputy Speaker, because you would rightly admonish me, as we are meant to be talking about workers' rights as well as about these other much bigger problems, but it is the sort of debate that we really should be having in this place. I want debates after which we have votes that actually mean something. Labour is in a real dilemma. As I say, if we have that vote on article 50, it is inconceivable that Labour Members to a man and a woman will not vote to leave the EU, not least because many of them, like me, understand that we went to the nation saying clearly that if people voted leave, that was what they would get.

I will be quite honest: I have struggled with this ever since June. It has been my long-held belief that our country—our nation—is considerably better off as a member of the European Union. I have spoken about that at length. I am a firm remainer. If there was a scale from one to 100 showing how firm a remainer someone was, I would put my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) at 100 and myself at about 95. I have grappled with my own long-held views, which I hold passionately, and with the fact that when I stood up and addressed my constituents, wrote my email newsletter or went out into the streets of Broxtowe and beyond, I said, "If you vote leave, you will get leave." One colleague—it might have been my right hon. Friend the Member for Wokingham (John Redwood)—said that we in the remain camp were very clear about that.

Although I will find it extremely difficult, because it will be against everything I have ever believed in, I cannot see how I have any alternative but to be true to what I said I would do and true to my party's manifesto—I never demurred from any of this at any time. Therefore, with huge regret, I would have to vote in favour of article 50 being triggered when the matter comes to this place—and it should come to this place; the learned judges are absolutely right. I say to the Government with some gentleness that it would be very good if having read the judgment, as I and many others have done, and understanding the law of this land, they said that they were not going to appeal. Three of the most senior judges took part in that judgment. The Government should not appeal it, but should bring legislation before this House.

Already right hon. and hon. Members have heard not only my views but those of colleagues such as my right hon. Friend the Member for Loughborough (Nicky Morgan). It is clear that those of us who now sit in the corner from which I am speaking would vote in favour of triggering article 50.

Geraint Davies: I am amazed that the right hon. Lady thinks that everybody who voted to leave was voting unconditionally to leave. Many of the voters in my

constituency believed what they were told: their jobs were secure, they would save money and all the rest of it. In fact, the deficit plan has been ripped up. In Swansea bay 25,000 jobs depend on EU exports, many of which will be at risk. If people wake up and find that they have lost their jobs, they will think, "This is not what we were promised," and they will be very angry. It is ridiculous to give unconditional support, as if everything that was said was true and there will not be problems.

Anna Soubry: I am sort of grateful to the hon. Gentleman for that intervention. I have never given up on anything, but I have to understand, as he must, that we were very clear. We said to people that the referendum was their decision and that if they voted leave, they would get leave. However, that does not mean that I would not fight tooth and nail to make sure that the Government go into the negotiations seeking to make sure that we stay a member of the single market, for example.

The hon. Gentleman knows my views on the free movement of labour and people. Along with the right hon. Member for Tottenham (Mr Lammy), I am the most liberally minded—with a small l—Member of this House on immigration. Labour Members have the huge problem that they find themselves looking over their shoulders at the vote in their own constituency knowing, as I hope they do, why their constituents voted as they did. In many constituencies, people voted to leave because they wanted to reduce the number of people coming into our country. We should be clear about that. Labour Members have far more of a dilemma than I have as we leave the EU and try to work out the best deal for our country. I have no difficulty in making the case for us to stay in the single market, and I certainly have no difficulty in making the case for the free movement of people.

Kevin Foster: My right hon. Friend may take some solace from knowing that I am in a similar position, having voted in remain in the referendum, while the majority in my constituency voted leave. Does she agree that all the way through the campaign it was clear that if people voted leave, we would leave the EU, but it was never disputed that Parliament would deal with the details of how we did so?

Anna Soubry: Indeed. It is right that we in this place should assist the Government in determining our objectives—our underlying principles. I want our Government to go into the negotiations wanting us to stay a member of the single market, with all that that entails. They might not be able to achieve that, but they need some guiding principles and I want that to be one of them.

This Government have a proud record of defending the rights of workers. It is the Conservative party that has restored our economy, which is the foundation of everything else that we do. This is the party that is seeing employment going upwards and the number of people on jobseeker's allowance going down. It is this party that could claim responsibility—effectively, by virtue of our economic policies—for that huge rise in employment, which means more jobs. If we really want to help workers in our country, we should make sure that they have good, safe, sustainable employment. I am also proud that it is this party that not only introduced the national living wage, but has taken so many millions of low-paid workers out of taxation.

There is far more that can be done to protect the rights of workers. I completely agree that conditions in places such as Sports Direct are totally unacceptable. I wish the local Member of Parliament had raised the matter in this place considerably sooner. I am delighted that our Prime Minister has made it clear that she takes the firm view that among her priorities are workers' rights, and responsibility among businesses for how they employ people and protect their rights. For what it is worth, I agree that we should have workers on the boards of businesses.

It is important to talk about British people's rights to free movement and travel so that they may go to other countries in the EU and work. Immigration—migration of labour—is a two-way process. Undoubtedly, our economy benefits greatly from the fact that people come here, whether they are low-skilled, no-skilled, middling skilled or high-skilled. We benefit from them coming to our country and working in our businesses and industry. We would be lost without them. When constituents of mine say, "We want less immigration. We want to send these people home"—that is the tone of the debate that is breaking out in our country—I say to them in quite robust tones, as the House may imagine, "Who is going to do the jobs? Who is going to do the work?" If we look at those areas with the highest rates of employment, that is where there are more migrant workers, because they do the jobs that need to be done. This is a two-way process.

I hope that the Government will think carefully before they rush down a route that leads to over-reducing and over-curtailling the number of migrants coming into our country, for all the reasons that are not the subject of this debate. Many hundreds of thousands of British people have the right to go and work freely in the EU. I think that that right is worthy of being protected.

This debate is not the most important of all those that we shall have when we consider and, more importantly, decide how we leave the European Union. I do not know who chooses the topics—*[Interruption.]* It is the Government. May I gently suggest to the Government that we should have real debates about the real difficulties, the real dilemmas and the need to make sure that we get the right guiding principles as we leave the European Union?

There is one last thing, which is very important. We talk about the 17 million people who voted leave, but we are in real danger in our country if we forget the more than 16 million people who did not vote to leave. At the moment, they feel forgotten and marginalised. Some of them feel bullied, threatened and intimidated on Twitter and other social media, and that is not acceptable. The job of all of us now is to bring people together and to move forward, not to reheat and rehash all the arguments we have had. We must come together, respect all points of view and move forward as we leave the EU.

8 pm

Hilary Benn (Leeds Central) (Lab): It is a great pleasure to follow the right hon. Member for Broxtowe (Anna Soubry), and I begin by echoing the last point she made: we are a divided nation, and what this referendum result has shown is that we are divided almost entirely down the middle. We in this House have a responsibility to seek to heal the wounds and to reduce the division that has been created by this big

[*Hilary Benn*]

choice—like the right hon. Lady, I accept the result, even though I campaigned passionately for remain, although I am not going to say where I would rate on her scale. However, we have to uphold and respect the decision of the British people, and it is very important that we are clear about that. Secondly, I very much support what she said about this being, I hope, the first of many debates in which the House has an opportunity properly to scrutinise the enormous task we have as a country in negotiating our withdrawal from the European Union and in establishing a new relationship with the 27 member states—although we are leaving the institutions, we are not leaving Europe. Therefore, I welcome the fact that we are having this debate.

We have heard already that membership of the European Union has made a significant contribution to the development of rights and protections for workers in the UK. I am bound to reflect on the fact that that played an important part in changing the attitude of the party of which I am proud to be a member, and of the trade union movement, towards Europe. One could trace that back to a particular moment: the speech Jacques Delors, the President of the European Commission, gave to the Trades Union Congress in 1988, when he laid out before delegates the vision of a social Europe—I think he was named *Frère Jacques* because of that speech. The Labour party and the labour movement, which had been Eurosceptic, began moving towards a strongly pro-European position, as the Conservative party, which had been pro-European, passed us in the other direction, heading towards being a predominantly Eurosceptic party.

The Government have given a commitment to maintain employment rights and workers' rights, and I am absolutely sure that the House will hold Ministers to that commitment. I want briefly to raise four issues in relation to that. The first is the relationship between the great repeal Bill and those rights. As all Members of the House know, those rights are already enshrined in our law, but some are to be found in primary legislation—for example, the equality rights in the Equality Act 2010—so they can be amended only by primary legislation. Others—for example, working time rights and the protection of agency workers—were implemented by means of secondary legislation, and can therefore be more easily changed and repealed. There are also some EU rights that have direct effect because they are derived from the treaty.

Therefore, there is a serious question to the Government, which I hope the Minister will address in responding to the debate. Given the different basis of these rights—my hon. Friend the Member for Norwich South (Clive Lewis) made this point forcefully in his opening contribution—how exactly will they be given equal status and equal protection in the great repeal Bill? In particular, what will be the mechanism for making any changes to the different types of legislation? Could that be done by amending statutory instruments in the case of those rights that have been put in place by that means, or would primary legislation be required to entrench them and therefore give greater reassurance?

Obviously, it remains to be seen what is in the great repeal Bill, which is actually the great retrenchment Bill, because the only repeal bit will be the very last stage of the process, which is repealing the European Communities

Act 1972 to take us out, but the rest of it will entrench in legislation these rights and many others, as well as environmental protections and so on. However, I just say to Ministers that the House will need to be reassured that there will be full and proper parliamentary scrutiny of any proposal to undo or change legislation.

Given the nature of the reassurance that Ministers, including the Prime Minister, have given, there is also the related question of what will happen to the body of European Court of Justice judgments that have interpreted the way in which legislation has been applied, and of whether anyone, once we have left the European Union, will seek to re-litigate some of the judgments that the Court has made, which some people in this country have taken exception to—wrongly, in my view.

The second issue I want to raise is the relationship between our potential future access to the single market and the further development of workers' rights in the European Union pending our departure from it and after we have left. As we know, the Government have yet to make a decision about the nature of our continuing access to that market, but there is a question as to what would happen if and when the 27 member states, after we have left, decide to change or improve workers' rights inside that market, and the UK, for the sake of argument, has access to it, but is not a full member of it. Understandably, in those circumstances, other member states might be worried that the UK, by not applying those rights if we do not follow suit, is in some way undercutting those other member states or engaging in a race to the bottom. Therefore, in terms of arguing for the fullest possible access to the single market, which I presume is what Ministers will eventually conclude is the right thing to do, not least because of the assurances they have given to Nissan to secure future investment, it would be helpful to hear from the Minister what approach Ministers would intend to take in the eventuality I have described.

The third issue is the Government's negotiating objectives, which we dwelt on to a great degree in the Secretary of State's statement earlier today. The truth is that we now know what the Government's negotiating objectives are in relation to workers' rights and employment protection, because those have been set out in the debate so far: we are going to move them into domestic legislation. We therefore now know what the Government want to do on that. We also now know what their negotiating approach is to the motor manufacturing industry, because of the commitments set out clearly to Nissan. In particular, we know that their negotiating objectives for the industry are not to have tariffs, but also to ensure that there are no bureaucratic impediments—those were the words of the Secretary of State—that make it more difficult for trade to be undertaken, whether that is rules of origin, or greater certification or product standards. Therefore, it is perfectly legitimate for the rest of industry and our service sector—80% of our economy is services, and we have 1 million jobs at least in financial services—to ask, as I suspect they will, “So what are the Government's objectives for our industry, our sector, our future, our concerns and the reassurance we are looking for?” I gently say to Ministers that I really do not think they are going to be able to sustain the position they are currently taking, which is to resist such requests in the face of what will be a growing queue of people who will be looking for facts, reassurance and a plan.

That brings me to my final point, which is about transitional arrangements. Given that the Government have not ruled out transitional arrangements—if we believe today's report in *The Times*, those are under active consideration—what approach will they take to such arrangements, including in so far as they affect employment rights, pending the negotiation of a new trade and market access deal? It may be that the Government will be able to pull off the divorce negotiations, which is what article 50 is really all about—the parallel would be dividing up the CD collection and deciding who is going to pay the outstanding gas and electricity bill—in under two years. The Prime Minister has said that she wishes to trigger article 50 by the end of March. However, there are elections in France and in Germany, and in all probability we will not know the nature of the new Governments—certainly in the case of Germany—until the autumn, and it may well be hard to start substantive negotiations until such time as there is clarity about the position of the German Government. If article 50 is triggered at the end of March, we could therefore have just over a year and a half to complete all of this. If it is not going to be possible to do it all—the divorce settlement and negotiating a new trade and market access agreement—then it would be very wise for the Government to look to negotiate a transitional arrangement, and even more wise for them to say now that that is what they intend to do.

Anna Soubry: The right hon. Gentleman is absolutely right. Should we trigger article 50, very simply through a very simple piece of legislation, as soon as possible, and then look at the other arrangements that he is talking about, or does he fear, as I do, that we will have no option as soon as this place has triggered article 50—if it does so—or the Government do so in March, since the clock will start ticking as soon as that happens?

Hilary Benn: I have consistently made clear my personal view—the Select Committee has not yet considered this—that it is wise to separate out the issue of triggering article 50 and the Government publishing their negotiating objectives, for the reason the right hon. Lady gave in her speech. Those of us who campaigned for remain lost the referendum, and we have to uphold the result. I fear that bringing the two things together—conflating them—would inevitably turn any vote on the triggering of article 50, if it is allied with conditions, requirements or whatever, into what the public would see as a vote about whether we are going to uphold the outcome of the referendum. We should deal with the two things separately.

When the time comes, I shall, as I have already said, vote in favour of triggering article 50. The referendum decision having been made, the only way in which we can honour that—the only way for us to leave—is for the article 50 button to be pressed; there is no other mechanism. We are therefore bound to vote in that way. I know that not all Members will share that view, but I believe that the vast majority will accept the logic of the argument. We should keep separate our request to the Government, which we will hear increasingly in all parts of the House, to tell us what the plan is. I am sorry that earlier today we were still hearing the argument that in asking the Government to publish a plan we are somehow trying to undermine the outcome of the referendum. No we are not—we are accepting the outcome of the referendum. We are leaving, and it is therefore

really important that the House and the public know what the plan is. This is a serious business with very important consequences for the nation.

The reason for announcing that transitional arrangements will be sought in the event that this cannot all be tied up within two years is that, in particular, it will offer some reassurance to industries that are thinking, “Crumbs, we might tumble out in as little as two years with no agreement.” We know what that would mean for trade under World Trade Organisation terms. Some businesses—one thinks of parts of the financial services industry—will say, “We can't face that possibility because it creates huge uncertainty and might affect our ability to carry on doing our business.” They will therefore start working backwards and say, “We can't possibly get into a situation where we tumble out and we can't do the business we are doing at the moment so we need to make contingency plans now.” That may lead them to decide to do things that have consequences for jobs and employment here in the United Kingdom.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I am grateful to my Committee Chair for giving way; he is making a sterling argument. Are not transitional arrangements so important because there are strong noises coming from Europe that it will not even begin discussing the new relationship until the exit procedures are completed?

Hilary Benn: The hon. Gentleman makes a powerful and important point. The question in these negotiations will be the extent to which the 27 are willing to talk informally about tying up these arrangements. If the argument in Europe is, “We should leave that until later”, the need for transitional arrangements becomes even more urgent because otherwise we are left with a cliff edge, as many people have described it. If one is going to fall off the edge of a cliff, which is not something I have ever done, it is probably wise to plan where it is one is eventually hoping to land. That is a very strong argument for this.

It is not seeking to undermine the referendum result, it is not unpatriotic, it is not demanding a running commentary, it is not trying to tie the Government's hands, and it is not trying to box in the Prime Minister and the Ministers who are going to negotiate this to say to the Government, “Please share your plan with this House.” Parliament would like to be a participant in this process, which is the most important task that we have faced as a nation for decades. I sincerely hope that it will not be too long before we get a chance to see that plan.

Several hon. Members *rose*—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. This has been a very good and lively debate, and I do not want to put on a formal time limit because that curtails the quality of the debate, but if, from now on, Back Benchers would take approximately nine minutes each, then everyone who wishes to speak will have a chance to do so.

8.16 pm

Michael Tomlinson (Mid Dorset and North Poole) (Con): It is a great pleasure, Madam Deputy Speaker, to catch your eye in this important debate. It is also a great

[*Michael Tomlinson*]

pleasure to follow the right hon. Member for Leeds Central (Hilary Benn), the Chairman of the new and important Brexit Committee. I hear what he says, but I am concerned about revealing too much of the negotiating position. I enjoyed what he said about the ECJ and the body of case law. He is right that there is an important amount of work to be done in that regard. It is also a pleasure to follow my right hon. Friend the Member for Broxtowe (Anna Soubry). We approach this from different sides having fought on different sides of the argument in the run-up to the EU referendum and, I suspect, on some of the detail thereafter. I applaud the tone and maturity of her speech. I also applaud what she said about triggering article 50, and entirely and wholeheartedly agree.

Employment and workers' rights is a very important subject. I am chairman of the all-party parliamentary group on youth employment. Very sensibly, my predecessor, my hon. Friend the Member for Norwich North (Chloe Smith), changed the name of the group from "youth unemployment" to "youth employment"—an altogether more positive outlook—and I have continued that tradition. Each month, we look at the latest figures and statistics on unemployment and the labour market. My right hon. Friend the Member for Broxtowe is entirely right in her analysis of those figures. I am afraid that the hon. Member for Norwich South (Clive Lewis) is wrong in much of his analysis. I need only mention one or two points to show that that is correct. Employment is at a record level of 31.8 million—up by over 500,000 this year, and up by over 2.8 million since 2010. The hon. Gentleman said that wages are decreasing, but he is wrong. Pay, including bonuses, rose by 2.3% over the past year. There are now over 740,000 job vacancies, despite the fact that we are at record levels of employment and of people claiming jobseeker's allowance. Just touching on those figures makes it abundantly clear that when the Secretary of State for Business, Energy and Industrial Strategy and the Prime Minister say that the Conservative party is the workers' party, it is said with a very straight face, utterly seriously and sincerely.

In the nine minutes or so that you have allowed me, Madam Deputy Speaker, I want to discuss two points. First, there are the accusations made by Opposition Members that the Conservative party cannot be trusted with workers' rights. Secondly, it has been said, wrongly, that we rely on and need the European Union in order to protect workers' rights. Those accusations are wrong on all fronts.

It is successive Conservative Governments who have strengthened workers' rights. My right hon. Friend the Member for Broxtowe, who made many good points, mentioned two issues: the living wage and lifting those on low pay out of taxation. I will add a third, namely the coalition Government's measures on family rights, including maternity and paternity rights, which the Secretary of State himself mentioned. Those rights are not reliant on the EU; they go further than the EU. The EU's minimum requirement of 14 weeks is far outstripped and exceeded by the 52 weeks introduced by this Government.

I will come back to the EU, because for now I am going to concentrate on the successes and track record of successive Conservative Governments. I mentioned

in an earlier intervention the wonderfully titled Health and Morals of Apprentices Act 1802, which was introduced by Robert Peel, the father of the Robert Peel with whom we are more familiar. He was first baronet and Member of Parliament for Tamworth, and the Act was the very first document on the statute book to formally protect workers' rights. For the very first time, working hours and conditions of labour were regulated, not by a Labour Government—the party did not yet exist—or a Liberal Government, who were very illiberal at times, but by a Conservative. His son, as Prime Minister in 1844, continued that tradition and further strengthened workers' rights.

In 1878, Disraeli consolidated the Factory Acts. In 1901, Lord Salisbury further consolidated and enhanced workers' rights. Neville Chamberlain is remembered for many things, but rarely for his excellent work further consolidating and strengthening workers' rights in his Factories Act 1937. I could go on, but I will mention just one more example, because I am mindful of your time restriction, Madam Deputy Speaker. In 1961, another Conservative Prime Minister, Harold Macmillan, introduced another consolidating Act and workers' rights were strengthened.

People could say, "1802, 1878, 1901 and 1961 are ancient history. What relevance do they have?" They are relevant not only because it was Conservative Prime Ministers who strengthened the rights of workers, but because it happened before we were in the EU. Far from requiring the EU, we were leading the way and doing so at every turn.

I turn to the false argument that we need the European Union in order to have strong workers' rights. That is wrong. In fact, the United Kingdom has been ahead of the game for a long time in terms of workers' rights, particularly health and safety, which is very important. I will digress momentarily, because the Health and Safety at Work etc. Act 1974 was enacted by a Labour Government. We should not forget, however, the important work of Willie Whitelaw, who unfortunately was booted out of power before he had a chance to enact that legislation as the Secretary of State for Employment. He stood at the Dispatch Box in January 1974, before the general election, attempting to legislate on the subject.

I will stick with the theme of health and safety at work. The United Kingdom has consistently had one of the lowest rates of fatal injury across the EU. According to a 2016 paper that refers back to 2013, the rate was 0.51 per 100,000 employees. Of course, any figure relating to fatalities is too high, but it is worth noting that that figure is among the lowest in the EU—it is second only to Malta—in terms of health and safety records.

I will mention just one other statistic that is worth taking into account: only 1.4% of United Kingdom workers reported an injury occurring at work that resulted in sick leave, compared with 1.8% in Spain and 3.1% in France. Again, the figure is too high, but it is among the lowest and it demonstrates a high level of commitment in this country to the health and safety of workers. We are consistently ahead of the European Union and have been for a long time.

The hon. Member for Swansea West (Geraint Davies) mentioned—I have no doubt that he is still discussing it now—the European Court of Justice, but he was wrong to pray in aid the ECJ as some sort of helper for workers' rights. The truth is quite the opposite. Let me

give just one example. In 2007, the ECJ determined whether this country was in breach of article 361 of the 1989 European directive on health and safety at work. Thankfully, the Court eventually determined that this country was not in breach of it: it took it only 33 years to determine that this country had, in 1974, secured the very workers' rights that the proponents of the EU who opposed us had said that we had not enacted. It is a shame that it took 33 years for the ECJ to accept that the 1989 directive had already been secured by this country. Those rights that the EU said that we should protect had already been protected in 1974. We do not need the European Union in order to protect workers' rights. This country has long been ahead of the game.

Melanie Onn: In the spirit of this and the immediately preceding Government's championing of workers' rights, does the hon. Gentleman acknowledge that a rule that stood for more than 150 years, namely that a worker injured as a result of a breach of health and safety legislation could bring a civil claim for damages, was simply swept aside in 2013, meaning that only criminal sanctions are applicable, thereby reducing the rights of working people?

Michael Tomlinson: I am grateful to the hon. Lady for her intervention, because that was the very point that the ECJ looked at in 2007. It determined that a criminal sanction was a more than sufficient and adequate remedy and protection for workers. It determined that this country was ahead of the game back in 1974, albeit as a result of an Act introduced by a Labour Government. The Prime Minister is right to say that we should leave the jurisdiction of the ECJ. We do not need its help in order to be ahead of the game when it comes to workers' rights.

Does that mean that all is perfect? No, of course it does not—there is always room for improvement—but neither does it mean that the accusations levelled at us from the Opposition Benches are right. The Prime Minister and the Secretary of State have confirmed that EU law will still apply and that existing workers' rights are guaranteed.

I can see your thumbs drilling away, Madam Deputy Speaker. I have exceeded my nine minutes by a minute, but I have had an intervention. I will end by saying that the Secretary of State is absolutely right to call us the workers' party. We should not rely on the EU or the Labour party to protect workers' rights, because they will not do so. Workers' rights did not start with the EU, nor will they end when we leave. We can be confident that, under this Prime Minister, workers' rights will be protected.

8.28 pm

Melanie Onn (Great Grimsby) (Lab): I welcome the thrust of what the Secretary of State for Business, Energy and Industrial Strategy has said today, and I welcome the assurances given by the Prime Minister in her conference speech. I am genuinely inclined to believe that this is what the Secretary of State for Business, Energy and Industrial Strategy and the Secretary of State for Exiting the European Union honestly think will happen, given what the latter argued in an article on the ConservativeHome website after the referendum but before he got his current job:

“The great British industrial working classes voted overwhelmingly for Brexit. I am not at all attracted by the idea of rewarding them by cutting their rights. This is in any event unnecessary”.

However, my concern is that the Government's proposals so far simply do not measure up to their rhetoric. At the risk of echoing the salient words of my right hon. Friend the Member for Leeds Central (Hilary Benn), despite what the Secretary of State has said today about the great repeal Bill we have not been offered any more explanation about it and the Secretary of State has stopped short of offering a commitment to primary legislation to protect workers' rights. That gives me continuing cause for concern. The great repeal Bill will not protect all existing workers' rights. It will leave them in a much more vulnerable position.

According to the House of Commons Library, the Government's great repeal Bill is likely to seek to secure in its existing form all legislation passed under the European Communities Act 1972. That includes equal rights for part-time and agency workers, the working time directive and the TUPE regulations. Those who were in the Chamber for the launch of my Workers' Rights (Maintenance of EU Standards) Bill will remember that I am no fan of those regulations. However, maintaining workers' rights laws in secondary legislation while removing the minimum floor that the European Union provides will put those laws in a weaker position after we leave the European Union. This is not about saying that we must remain in the European Union. This is not, as has been suggested repeatedly, about frustrating the process of leaving the European Union. This is about ensuring that the future for working people in this country is not left hanging in the balance.

In theory, the proposals that have been laid out would allow any future Government to repeal or reduce existing employment protections without holding a debate or even a vote in Parliament. Realistically, I do not think that any Government—not even this Government—would simply repeal wholesale parental leave or any of the other fundamental rights that we have derived from the EU. I am, however, concerned about a chipping away at workers' rights after we have left the EU, in the name of efficiency, cutting red tape, easing the burdens on business and streamlining regulation. I know that the Secretary of State for Exiting the European Union has ruled that out, but his word only goes so far—much to his annoyance, I am sure. The fact is that the other two thirds of the team responsible for leaving the EU disagree with him.

In 2014, the Foreign Secretary said:

“The weight of employment regulation is now back-breaking”.

He said it was “very disappointing” that the previous Prime Minister, the former right hon. Member for Witney, took employment rights off the table during his renegotiation. The International Trade Secretary—the man who will be negotiating our trade deals post-Brexit—thinks that it is too difficult to fire staff in this country. He has said:

“It is intellectually unsustainable to believe that workplace rights should remain untouchable”.

When the hon. Member for Mid Dorset and North Poole (Michael Tomlinson) mentioned health and safety legislation, my immediate thought was to consider this country's excellent record in health and safety legislation. How has that been ensured? It has been by having health and safety representatives in workplaces, as agreed under collective bargaining rules with trade unions. Despite that, the Conservative Government have introduced

[Melanie Onn]

legislation to try to decrease the opportunity for people to have paid time off to carry out those essential roles in the workplace.

When several members of the Cabinet, including the Prime Minister herself, have gone on record with statements similar to those that I have quoted, there is more than legitimate cause for concern about the future of workers' rights. The Government could protect those rights by putting such laws into the strongest form of legislation. Any future Government that wished to reduce, alter or improve employment protections would have to hold debates and votes in both Houses of Parliament, under the full scrutiny of the parliamentary process, and they would have to make their argument in public.

Beyond allowing workers' fundamental rights to be weakened, as I have already mentioned, the Government's great repeal Bill—or the great entrenchment Bill—will also in effect cut a huge number of smaller employment protections. The Transport Secretary, when he was sent out on the Sunday morning of the Conservative party conference to explain the great repeal Bill, said that

“the Act gets rid of the supremacy of EU law. Decisions made by the European Court of Justice over the United Kingdom cease to apply.”

In practice, that means the ruling giving care workers the right to full pay for sleep-in shifts would cease to apply, as would the ruling saying that holiday pay must take account of overtime and commission payments, the provision for uncapped compensation for discrimination, the ruling that travel time is working time and the ruling protecting parents who care for their disabled child from discrimination at work. All those rulings would no longer apply.

There is a clear contradiction. If the Government's great repeal Bill means that ECJ rulings will immediately cease to apply and it does nothing to protect people in such cases, a huge number of workers' rights will be lost the day we leave the European Union. How does that square with the guarantees the Secretary of State gave the House earlier and with what the Prime Minister promised in September? The Government must address this point as soon as possible. My proposed Bill, which is currently going through this place, does exactly what I have argued for—protecting all existing workers' rights in the strongest form of UK legislation. If the Government are serious about this issue, as they have said they are, I hope they will support my Bill when it returns to the House on Second Reading.

Finally, I want to address the suggestion made by the right hon. Member for Welwyn Hatfield (Grant Shapps) in *The Times* two weeks ago, and reiterate that it would not be a sensible way to move forward. This was mentioned earlier in the debate, but there is no harm in repetition. He suggested that a sunset clause should be attached to the Government's great repeal Bill to impose a limit of five years on every law passed under the European Communities Act. Parliament would then have to agree to each law it wanted to retain, and any that were not secured in time would fall at the deadline. However, this House would spend five years on nothing other than passing laws that already apply in this country. I cannot speak for the people of Welwyn Hatfield, but I know my constituents sent me here to win them more jobs, bring them higher wages, and to argue for better schools

and hospitals, not simply to be content with the world as it is. The idea that we should allow him and his colleagues the opportunity to ransom working people's rights, which trade unions fought for decades to win, is as laughable as it is dangerous. I hope the Minister will assure the House that the Government will whip their Members to vote against this ridiculous proposal as and when it reaches the House.

Several hon. Members rose—

Mr Speaker: Order. We have about an hour left and eight Members wish to speak: they can do the arithmetic for themselves. I thank the hon. Member for Great Grimsby (Melanie Onn) for keeping to the informal limit, but I think it should now be nearer to eight minutes.

8.37 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to follow the hon. Member for Great Grimsby (Melanie Onn), a Unison colleague.

I have to say from listening to some of the Government Members that the debate so far has been a bizarre, surreal and Orwellian experience—or should I say a Dickensian experience, given that reference has been made to the Conservative party's glory days in 1802? Let us remind ourselves that Ebenezer Scrooge was a boy and children were sent up chimneys in 1802, the Conservative party's glory days. As for the Conservatives being the workers' party, I can only assume that Comical Ali is working in Conservative central office.

On the real issue about workers' rights, I disagree with the right hon. Member for Broxtowe (Anna Soubry), because I do not think we emphasised workers' rights enough during the EU referendum. I say that because of the legal advice issued by Michael Ford QC to the TUC, which states that

“employment rights in the UK are guaranteed by EU law. These rights include: protection against discrimination...; protections of workers on transfers of undertakings and in insolvency; health and safety...; rights to collective information and consultations on transfers and redundancies; working time rights; protection against discrimination of fixed-term...workers”—

I have had to use that very key EU law as a trade union representative before I came to this place—and, indeed, “data protection rights.”

Workers' rights need to be protected if the UK—or even part of the UK—leaves the European Union. As others have said, those of us on the Opposition Benches have every reason to fear for workers' rights if the Government are freed from the constraints of the EU. Our real fear is that there would be a war on workers' rights from this Government. As others have noted, the Secretary of State for International Development said in a speech to that advocate of workers' rights, the Institute of Directors:

“If we could just halve the burdens of the EU social and employment legislation we could deliver a £4.3 billion boost to our economy and 60,000 new jobs.”

I do not accept that economic illiteracy. It is a bit like the claim that the national minimum wage would cost £1 billion a year, when in actual fact it did the opposite. Who argued that position? It was the so-called workers' party, the Conservatives. Viewed from working people's end of the telescope, those so-called burdens are protections that we should be very keen on.

Which rights coming from the EU must be protected? The first is surely the EU equal treatment directive, which underpins equal pay legislation and has secured equal and improved pay for millions of women across the public services. Improvements do not rely only on directives; common law decisions of the domestic courts rely heavily on EU law. That has had the positive effect of women not needing to find a male comparator where they have suffered pregnancy discrimination.

The part-time workers directive has resulted in thousands of part-time workers gaining access to public sector pensions when previously they had been prevented from joining a pension scheme. The agency workers directive has resulted in UK agency workers gaining access to pay and leave improvements, and in many agency workers gaining permanent employment.

The much maligned working time directive has resulted in increases in holiday pay so that it includes regular allowances and so that pay is not reduced during holiday periods. It has allowed care workers on sleepover shifts in care homes to have their working time recognised when they are woken in the middle of the night to help the elderly. It has ensured safe shift patterns, reducing accidents and critical incidents, and pro rata annual leave for zero-hours contract workers for the hours that they have worked. The EU collective redundancy regulations have kept thousands of workers in work, rather than on the dole, by ensuring meaningful alternative redeployment or retraining are considered first before a final decision on employment is made.

Those are not burdens but real protections and have provided fair rights at work. Those workers' rights must be protected. If the UK, in whole or in part, leaves the EU, we must ensure that those protections stay, and are not under attack from the zealots and fanatics who believe nothing good has ever come from the European Union.

8.43 pm

Geraint Davies (Swansea West) (Lab/Co-op): It is a great pleasure to follow the hon. Member for Glasgow South West (Chris Stephens), who mentioned many of the benefits that workers get. The European Court of Justice guarantees those rights in work. The simple fact is that once we leave the EU, those rights will no longer be guaranteed. It is all very well having undertakings from Government Front Benchers that they will be there for the next few years; subsequent Parliaments may choose to repeal laws and get rid of those rights. If we stayed in the EU, they would not have that power.

It is also the case that if we leave the EU, as it looks like we will, we will face considerable tariffs and business costs. Businesses such as Nissan have already negotiated sweetheart deals, money under the table and that sort of thing; others will do the same, to have a level playing field. People suggest that there will not be tariffs, but only Germany and Holland have a net trade surplus with us. Other countries are likely to vote for some level of protectionism, if only to stop others leaving the EU.

Businesses will try to recover those costs and the Government will respond by reducing environmental standards, health standards and rights at work. The Government have already been taken to court by ClientEarth because 40,000 people are dying of diesel pollution. Why did the Government not act automatically?

Of course, once we are out of the EU there will be no mandatory enforceability under EU standards. The case will be similar for people at work.

The Prime Minister has a vision of free trade for all. The International Trade Secretary has simply signed off the comprehensive economic and trade agreement—the Canadian trade deal—without reference to Parliament. The agreement enables companies to take democracies to court in arbitration courts without due process. They can sue Governments for passing laws that increase costs and reduce profits. We know the risks, and the assurances we have heard today cannot be trusted for the future.

My view, which I know not many people share, is that we should delay triggering article 50, because as soon as we trigger it, we have no negotiating power and have handed back our membership. The 27 other states will decide the deal we get and tell us what it is, and we can like it or lump it. Up to that point, we have negotiating power, but only if the EU assumes that we will map out a settlement that we can put to the people in a vote on the exit package.

I appreciate that there is not much appetite in the House for that, but I contend that the people of Britain who voted for Brexit did so on the basis of market access and lower costs—£350 million a week for the NHS. We know from the Chancellor that he will rip up his deficit reduction plans and borrow billions more. Obviously, there will be less money because there will be less inward investment, and therefore fewer jobs. They also voted on migration, but we have yet to see what will transpire. The simple point is that if people vote in principle for a product or action, they should have the right to vote again on whether their reasonable expectations have been fulfilled. In my view, they simply will not be fulfilled. In essence, people were mis-selling to the British public, and we will end up with a situation in which we will all be the poorer.

A lot has been said about the punishment from the majority of the British people if we have a quiet reconsideration of the situation and the exit deal, but I contend that the silent majority is already no longer in favour of leaving. That is clearly borne out when we look at the polls. Obviously, if 16 to 18-year-olds or ex-patriates had also been included, we would not have voted to leave. People are becoming increasingly dissatisfied with what is happening in the economy, whether it is because of the £14 for a visa to go to Europe, because the banks are saying that they will leave Britain, or because of the 30-year low in sterling and increasing inflation.

I do not believe that the advisory vote gives the Government a blank cheque to jump over the edge at all costs. We should certainly be free to debate and discuss these things without the intimidating tactics of people such as Nigel Farage, who said that we will see

“political anger the likes of which none of us have ever witnessed in our lifetimes”,

that there will be disturbances on the streets, and that he will summon up 100,000 people to march on the Supreme Court in order to put mob rule ahead of the rule of law and of parliamentary democracy. He seems to be the new, emerging Oswald Mosley.

It is frightening that the Government, in making the poor poorer by punishing them for the bankers' errors, and in turning round and saying, “You can blame foreigners,”

[Geraint Davies]

have helped to whip up a frenzy in the Brexit debate. The reality is that people from Europe who are working in Britain on average contribute 35% more in taxes than they consume in public services. I fear the direction of travel politically in this country. It is extremely divisive. As I have said, people are conjuring up hate and violence. Assuming that this goes through without people having the opportunity to have a final look at what they have voted for before jumping, they will be dissatisfied with what they get. Those who have most hope have most to lose.

The Labour party passed a conference motion saying that many people had, for various reasons, voted to leave and that the final settlement should be agreed to if it is considered acceptable. If it is not, we should have another look at it through a vote in Parliament, a general election or a second referendum. I appreciate that that view is not held wholeheartedly by my Labour colleagues.

I will conclude now, Mr Speaker, to give other Members time to speak. My fear is that people have voted in good faith for a stronger economy, lower migration and lower costs, but will not get that. If the package that is ultimately negotiated does not achieve that, they should have the right to reject it.

8.50 pm

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Every single MP I have spoken to since the referendum respects the result, but there is considerable disquiet about the Prime Minister's hard Brexit rhetoric. She seems intent on severing not only all political ties but economic ones as well. Such a reckless Brexit would be disastrous for the economy, with a negative impact on the financial wellbeing of those we have been elected to serve.

Following the referendum, there is a clear ideological divide in this House between those who favour a hard Brexit and those who prefer a soft Brexit. I do not find the sort of rhetoric we heard following the High Court judgment—that we who prefer a soft Brexit are backsliders—particularly helpful. Since the High Court's decision, the UK Government have been briefing heavily that if the House of Commons tries in any way to undermine the chosen path of the UK Government, they will hold a snap election. A general election could be triggered by a simple majority of MPs if the Government decide to bring forward a no confidence motion in themselves. As parliamentarians, our foremost duty is to look after the interests of our constituents. It is clear that, following the referendum, a softer Brexit is the best outcome we can hope for. A hard Brexit, whereby the UK leaves both the single market and the customs union, would be fraught with economic danger, even if the UK Government were miraculously able to negotiate a comprehensive new bilateral trade deal before the completion of exit procedures.

In the event of the UK Government cynically engineering a vote of no confidence in themselves, under the terms of the Fixed-term Parliaments Act 2011, an election will be held unless an alternative Government with the confidence of the House of Commons can be formed within 14 days. The Prime Minister could risk being challenged by an alliance of MPs from all political

parties who oppose her hard Brexit trajectory. At such a pivotal moment in the UK's constitutional history, pragmatic MPs should come together, rise above party politics and negotiate a soft Brexit for the UK.

The UK Government find themselves in this position because there was no plan for Brexit if the leave side won the referendum. By contrast, during the Scottish independence referendum, the Scottish Government published a 300-page White Paper on what independence meant. The UK Government effectively have a blank canvas, which is why we find ourselves having such debates and trying to work out the Government's intentions on vital issues such as workers' rights.

Following the result, the absence of a clear plan has meant that irresponsible politicians have been interpreting the result to fit their own ideological priorities. There is now apparently a mandate to leave the single market, despite the clear pledge in the Tory general election manifesto to protect our membership, to introduce draconian immigration targets, and to force companies to produce official lists of foreign employees. There is no mandate, however, to destroy the economy, which would cost jobs and affect people's financial wellbeing. The overriding priority for all decisions should be to choose the Brexit option that minimises that impact.

Wales is, alas, more exposed because it has an exporting economy. Wales turns out a £5 billion annual surplus. Some 200,000 jobs in Wales are sustained by membership of the single market. Our great trading success is driven by our relationship with the European Union, not least the 53 deals we have with countries across the world as a result of the customs union. In answer to my parliamentary question, the UK Government disclosed that 15% of UK exports are dependent on those 53 international trade deals. The key question, therefore, is this: how long will it take to renegotiate all those international trade deals if we choose a path outside the customs union?

A trade deal with the EU might not even solve the wider issues around trade barriers, as they often just focus just on tariffs. Tariffs are, of course, a concern, but a blinkered focus on these obvious obstacles to trade detracts from the greater impediment of non-tariff barriers. On average, non-tariff barriers are over six times more costly than tariffs in the EU, and there is only one way to ensure that these non-tariff barriers are kept to a minimum—full single market membership.

Very simply, the terms of debate around Brexit are being driven by what is most important—economic concerns or concerns over immigration—and it appears that public opinion is already shifting. A poll earlier this month said that the economy was far more important than controls on immigration as people began to focus on the impact of Brexit on their jobs and wages. Perhaps the big driver has been the fall in the pound. I am someone who is normally seduced by arguments around devaluation, but the 20% fall that we have seen has been driven not by deliberate central bank policy, but by currency markets that are now betting heavily against sterling, affecting future confidence in the economy of the UK. That means that the sterling zone is now up there with the Nigerian naira, the Azerbaijani manat and the Malawian kwacha as one of the worst-performing currencies in the world. The impact of devaluation on people's lives is, of course, that disposable income gets compressed as prices for food and fuel increase.

We should also be concerned about the extra costs that the UK Government will face if they want to borrow. We urgently need direct capital investment in infrastructure to drive economic growth, but the cost of putting that in place will be far dearer because of the fall in the pound. That is not to mention the £66 billion deduction in revenues that has been leaked by the Treasury. As the hon. Member for Swansea West (Geraint Davies) mentioned earlier, supply-side reforms in the economy could endanger workers' privileges, protections and rights. The end result of these reduced revenues will be to smash the Treasury's deficit targets, so we await the autumn statement, and not least the Office for Budget Responsibility report, with great interest.

The Prime Minister has triumphantly proclaimed that existing workers' rights will continue to be guaranteed in law as long as she is in office. However, as the House of Commons Library and other legal experts have pointed out, many workers' rights stem directly from EU treaties—the right to equal pay between genders, for example—and once we leave the EU, those rights would cease to exist, so new primary legislation would be needed to reinstate them. Do the UK Government intend to bring forward primary legislation to ensure that all rights currently enshrined at EU level are secured in domestic legislation? Rather than bringing in a repeal Bill, should we not be bringing forward a continuity Bill? As events proceed, people will become increasingly angry about the way things are going.

We have heard good points from SDLP Members about devolved competencies, but I do not think we had a clear answer to how the great repeal Bill envisaged by the UK Government will work with the devolved nations. As we know, there is a hugely diverging agenda between the Welsh Government and the UK Government when it comes to workers' rights, as was evidenced by the recent court case over the agricultural workers dispute.

Returning to trade, we have heard a duality of messages from Brexiters since the referendum. There was supposed to be a protectionist paradise. Such arguments held considerable sway in the steel industry in south Wales in the face of Chinese dumping. Of course, dairy farmers face competition from Ireland and hill farmers in Wales are challenged by lamb coming from New Zealand. Yet the rhetoric that we currently get from the UK Government is that Brexit will lead to a free trade bonanza.

Given the time constraints, I shall finish now. If there is to be a future outside the customs union—as envisaged, I fear, by the UK Government—it is vital that the devolved nations have a veto and a direct say in discussions about international trade deals.

8.59 pm

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I am grateful for the chance to speak in today's debate at a very critical stage in our nation's history. Today's debate is on workers' rights and leaving the EU. It is very important because it is also symbolic of who could win or lose in post-Brexit Britain. The debate is vital, I believe, for our future fairness and prosperity. I hope that the choice of debate reflects an understanding on the Government's part that this is one aspect of Brexit that it is vital for us to get right. Workers' rights must be maintained in post-Brexit Britain. I also believe that the debate must strongly engage, and respect, the voices of those who voted or campaigned for leave as well as the voices of those who voted or campaigned for remain.

Over the summer, along with my hon. Friend the Member for Aberavon (Stephen Kinnock), I wrote a piece proposing a six-point Brexit plan to help to support our prosperity and security. We said we believed that the UK needed to remain a member of the single market, although some reform of the market might be necessary if it were to do so. We recognised that the Tories' 2015 manifesto promised to safeguard Britain's interests in the single market. We called for, and understood the need for, greater controls over freedom of movement, on which, in my view, we should seek to negotiate with other countries. We said that we should protect our financial services sector—for example, through passporting rights—and keep up with the EU in respect of measures to tackle tax avoidance. I believe—I shall say more about this shortly—that we must keep our stake in the European Investment Bank. We said that we must shadow the EU's environmental legislation, and must not become the weak link in Europe when it comes to tackling pollution and climate change. Vitally, however, we need to shadow the EU's employment legislation: that, I believe, is absolutely crucial.

During the referendum campaign, people were promised that workers' rights would be protected in a post-Brexit Britain. Yes, that means protecting the rights that we currently have, but it must also mean keeping up with future rights so that people in Britain, including the workers, do not have worse terms and conditions than their counterparts in Europe, where there may be companies that work across boundaries, and, indeed, where we want to ensure that our workers, particularly young people, have the best chances and opportunities for their futures as well. We want to ensure that we do not have weaker employment legislation than the rest of Europe. That would send all the wrong messages about Britain, which, as a progressive nation, has fought for so many rights over so many years, and, indeed, has been a leader in Europe in many debates of this kind.

Last week, I was proud to be part of the launch by the Fabian Women's Network of a charter to help to protect the rights and support that we currently receive from the European Union, which make such a difference to women's lives in the UK and whose loss could well have the most impact on women. That includes maintaining our workplace rights, much of which are underpinned by EU legislation; meeting

“funding requirements for the work programmes currently reliant on the European Social Fund which support women moving into work”;

safeguarding and protecting

“funding for programmes addressing violence against women and girls”;

and safeguarding the rights of survivors of such violence by ensuring that women have the same access to rights and legal remedies as they have under EU law; continuing to “push for wider representation of women in top positions across all industries within the public and private sector, and step in to support female entrepreneurship and start-ups”;

including those in industries of the future, such as innovation and tech; and making a commitment

“to tackle the rise of hate crime and protect the rights of refugee women and ensure that the health and maternity needs of women who are imprisoned or detained are properly attended to.”

Women who voted leave did not vote to be worse off, or vote for their daughters to be worse off, and I hope that the gender impact assessments will form part of the Government's plans.

[*Seema Malhotra*]

We have big questions that need answering, and that is why the political process that we go through is important. We have big questions that must be answered before we are ready to get to grips with the details of how to protect employment legislation. My right hon. Friend the Member for Leeds Central (Hilary Benn) laid out very clearly the disparities in the basis of our rights in law and how a lot of detailed work will need to be done to make sure that they can all be embedded in UK law going forward and be on an equal basis.

It is because of the importance I place on getting this right for workers that I am so concerned about the process that we put in place now. If Parliament does not even have a say without there being heckling on the membership of the single market, what hope do we genuinely have of making sure we keep up with the finer points of employment legislation? As things stand, it appears the Prime Minister expects us to do nothing but rubber-stamp whatever deals she manages to negotiate by 2019. This seems to expect a sovereign Parliament to sit quietly by while she and her Ministers strike a deal behind closed doors. To say that her Cabinet Ministers are giving mixed signals would be an understatement. She called for a hard Brexit precipitating a fall in the pound to a 168-year low and she then started promising exceptions to some sectors, including the automotive industry and top banks. She has picked a time to trigger article 50 just seven months before federal elections in Germany and presidential elections in France, effectively wasting a quarter of our negotiating period, and meanwhile three of her MPs have resigned. More than four months after the referendum, we still have no idea what her plan for Brexit is, and as a senior leader recently said to me, we appear to be the only country in the world without a plan for Brexit.

As parliamentarians, our vital role is to hold the Government to account, and that means to scrutinise and have a say in the decisions that affect our constituents. We are not trying to kill off Brexit, and castigating those who ask probing questions as being enemies of the people or something similar is frankly a terrifying way for the Government to behave, and is not where we should be. We respect the mandate for leaving, but the terms matter. The precise terms on which we negotiate are vital and Parliament should have sight of, and comment on, those terms. Indeed our constituents—their lives, livelihoods and families—could face a very different outcome and future depending on the terms we negotiate.

We need a strategy for negotiation, therefore, and the Government must urgently review their approach and put their plans for Brexit before the House of Commons, and if not their detailed plans yet, then their priorities. They should include ensuring ease of doing business, ensuring that there are still maximum opportunities for young people to travel and learn, ensuring that there will still be opportunities for collaboration between scientists and investment in our universities, and making sure that our country is open and that people see we are ready for investment. We would then not have the sort of comments we have heard this week from the former high commissioner for India, who said that Britain is no longer seen as open and is becoming less relevant and less influential. We need to fight for the best possible deal—a deal that protects jobs, the economy and workers' rights.

It is important that we maintain our stake in the European Investment Bank, and that we maintain a relationship that is as close as possible to what we have now. We need that infrastructure investment to support our economy now more than ever. It is the way we will address poor productivity and drive up growth and wages. When it comes to infrastructure investment, the EU has been critical to Britain's prosperity and competitiveness. We currently hold a sixth of the shares in the EIB and last year it lent about £6 billion for 40 projects up and down our country, a 10% increase on the year before. Those cheap loans have been a vital source of funds, including £400 million for social housing in London. They have supported skills, jobs and apprenticeships and we should be doing all we can publicly as well as privately to push for this very beneficial relationship to be maintained post-Brexit. Indeed, how are we to ensure, understand and believe that the Government are doing all they can to negotiate the best possible deal if there is no scrutiny?

I welcome today's debate. I also welcome the fact that the Government say that they want to secure our rights, but they need to do much more to cement their commitment. They need to address the questions about our different sets of rights. Some have their basis in primary legislation and some in secondary legislation, and different areas of our rights are underpinned by EU law. The Government need to set out how this will be taken forward in their great repeal Bill and how these rights will be maintained on an equal footing.

The Government must also make clear their position on a sunset clause in any great repeal Bill. They must give a cast-iron guarantee that there will be no dilution of current workers' rights, and they must recognise the wider concerns expressed by stakeholders about the uncertainty that is currently being created. For example, the British Chambers of Commerce has reported that skilled EU migrant workers who have played an important part in our economy are leaving this country and going home because of uncertainty about their future. That is a wider issue relating to skills and employment. We also need to look closely at the transition arrangements, to ensure stability for investment in industry. There is a bigger picture here as well. We need to be assured that rights and fairness for workers will be clearly set out so that we will not be worse off in a post-Brexit Britain. There is more than one way to Brexit, so let us make sure we get it right.

9.12 pm

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): It is a pleasure to follow the hon. Member for Feltham and Heston (Seema Malhotra). Like her, I shall restrict most of my remarks to the subject of women, who are often disproportionately affected by the decisions that are made here. First, however, I should like to pay tribute to my hon. Friend the Member for Airdrie and Shotts (Neil Gray), who so eloquently laid out the Scottish National party's position on Brexit and on workers' rights. In a similar vein, I also want pay tribute to my hon. Friend the Member for Glasgow South West (Chris Stephens), who has impeccable credentials in this respect. He has been a champion of workers' rights all his working life. We have heard mention of democracy and democratic will throughout the debate. I again want to put on record—in case anyone has forgotten—how Scotland voted in the European

referendum. I remind the House that 62% voted to remain. We have heard today about the democratic will of the people of Scotland and the fact that the Scottish Government have a triple mandate to keep Scotland within the EU.

The subject of today's debate is workers' rights. In the past few decades, our membership of the EU has played a pivotal role in protecting and promoting equality and the rights of women in our country and across our continent. Thanks to EU legislation, women in the UK secured the right to equal pay for work of equal value. While there is still a long way to go in closing the gender pay gap, the protections that have emanated from our EU membership have served to push this agenda forwards. Thanks to EU laws, pregnant women and new mothers have been protected by a day-one right to unfair dismissal rights and to protection from discrimination. It was not that long ago that pregnant women could be immediately dismissed by employers, who had no responsibility whatever to re-hire mothers who had taken leave to have a baby. Now, specific rights have been enshrined in EU regulations, which provide protection for pregnant workers and new mums. Rights to paid time off to attend antenatal appointments are also now secure for pregnant women, keeping them in work.

The parental leave directive, as mentioned by my hon. Friend the Member for Airdrie and Shotts, has helped 8.3 million working parents—a huge number—across the UK to take up to 18 weeks' unpaid leave to care for a child. The directive also protects workers who need to deal with family or domestic emergencies. There is, however, still some distance to travel to deliver true gender equality at work, and the EU has brought us some way to protect families who are struggling to balance paid work and care for their children.

Over and above those specific rules to promote equality for women, EU legislation guarantees workers' rights in areas such as protecting our entitlement to paid holidays and ensures, most importantly, that part-time, fixed-term or agency workers get fair and equal treatment in the eyes of the law. The rules protect everyone, but women in particular reap the benefits of a fairer, more equal workplace. The rights are some of the key reasons why I and so many others voted to remain in the EU. It is also the case that many who voted to leave want to see the rights maintained. The Prime Minister clearly stated to her party conference last month:

“And let me be absolutely clear: existing workers' legal rights will continue to be guaranteed in law – and they will be guaranteed as long as I am Prime Minister.”

That is a welcome start, but I remain concerned that the Government's actions are not matching that rhetoric.

I am particularly concerned by a written answer given last week to a question from the hon. Member for Greenwich and Woolwich (Matthew Pennycook). When asked about the Government's plans to give domestic effect to the agency workers directive through the so-called great repeal Bill, the Minister of State, Department for Exiting the European Union, the right hon. Member for Clwyd West (Mr Jones) ominously stated:

“The Bill will convert existing European Union law into domestic law, wherever practical.”

How does “wherever practical” fit with the cast-iron assurance given by the Prime Minister on this wider issue only weeks ago? What practical issues have the Government identified so far regarding giving domestic

effect to these vital rights? Which of the protections that have been given to workers in the UK are now under threat due to these practical issues? Can the Minister set that out today?

Throughout today's debate, the Conservatives have sought to portray themselves as the party of workers' rights. Our current rights were often resisted by the UK Government during EU negotiations, such as with agency workers' rights and limitations on working time, so I am not quite sure why they are asking us to trust them today—we certainly do not button up the back. The ever-helpful House of Commons Library's note prepared for this debate states:

“For example, having negotiated concessions in the proposal that became the Working Time Directive and then abstained from the final vote, the UK challenged the Directive's legal basis”.

Those rights are now under threat again today. For example, we need clarity from the Government about the impact of Brexit on a range of specific rights and provisions for workers.

We are constantly, and rightly, contacted by constituents, such as mine in Ochil and South Perthshire, about what the result means for them, so I want to ask the Minister a series of questions. Will the Government seek to impose a cap on the compensation available for discrimination claims? Do Ministers intend to re-evaluate whether workers should continue to accrue holiday entitlement during a period of sickness absence or maternity leave? At present, workers cannot work in excess of 48 hours a week unless they opt out of this protection, but do the Government plan to consider removing that restriction? Following Brexit, what plans are being considered to remove or reduce worker's TUPE rights? The Agency Workers Regulations 2010 give agency workers the same rights to basic employment and working conditions as other workers, so will the Government seek to remove or amend those regulations, which protect so many female workers?

It is all very well to say, as we have heard throughout the debate, that all rights will continue on day one. As the hon. Member for Foyle (Mark Durkan), who is not currently in his place, has said so often and so eloquently, the Government may well intend to highlight and copy in some of the rights from day one, but I am more interested in where “Select all”, copy, delete or paste will apply. We want to know that the rights will continue. Indeed, we want to know whether the UK will continue to keep up with much or all of the good legislation that comes out of the European Union about protecting workers' rights if and when the UK leaves the EU. The Government need to be transparent about their intentions and act to reassure workers who are watching at home right now and guarantee the rights that have served women and men in this country for so long.

9.19 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I rise to speak as a Member with more than 15 years' experience as an employment lawyer before I entered this place and as someone who was motivated to seek election here in part because I do not believe our current system of workplace protection is adequate.

As we saw in the EU referendum, telling someone on a zero-hours contract or in agency work that there is a risk to their job from Brexit just did not cut it; a culture has been created in this country that views employment

[Justin Madders]

as a flexible, disposable concept. People do not know from one week to the next how many hours they will work or whether they will work at all, yet some still wonder why millions of people voted to reject the status quo. So although I welcome the assurances given on workers' rights so far, I believe we need to go much further to obtain a workplace settlement that puts fairness at its heart. As I will explain, I am still concerned, despite the assurances given, about whether employment rights will be retained, given the track record of many in the Cabinet on this matter.

Employment workplace protection in this country at its current level is woefully inadequate. A person can work somewhere for two years of their life but still find themselves cast aside without any reason and without recompense, even if they have done nothing wrong—that was introduced by the coalition Government. How can people feel confident enough to plan for their future if we have a system that sacrifices that future at the altar of flexibility? We need a country where people have the security of knowing that if they do a good job and if their employer runs the business well, they are going to be rewarded properly and are likely to stay in work. What we have instead is a hire-and-fire culture where workers are seen as disposable commodities and where loyalty counts for nothing.

I would like to see many improvements in the current law—a reduction in the qualifying period for unfair dismissal claims, the strengthening of unfair dismissal laws and the abolition of employment tribunal fees, which we are still waiting for the Government's review of—but in the context of Brexit the immediate concern has to be to retain what we currently have.

As I said, I welcome the assurances given, but they do not go far enough. We are all familiar with the term “gold-plating”, and in 2011 the Government announced they were ending the gold-plating of EU legislation and would not go beyond the minimum requirements of the EU legislation when implementing it in this country. I consider the term “gold-plating” to be misleading and insulting when talking about basic rights at work, as it conjures up images of opulence and extravagance that simply do not reflect the reality of most people's experience in the workplace.

One example of where employment legislation is considered to have gone beyond the original EU rules is what is covered by the definition of “pay” in the agency worker regulations, but probably the most widely discussed relates to the working time regulations. The most obvious example of supposed “gold-plating” is the requirement for 28 days' paid leave in UK law, whereas only 20 days' paid leave is granted in the directive. It is not just the removal of the gold-plating that concerns me, as many other facets of the regulations could be altered domestically which would fundamentally change and weaken those rights. Could the maximum working week be increased? Could the number of hours worked before entitlement to a rest break accrues change? Could the way weekly rest breaks are calculated alter? Could these be changed across industries to suit? Could we see a return to the prevention of the accrual of holiday pay during sick leave? On collective redundancies, we have already gone down from 90 to 45 days in respect of the consultation, but the Government could go even lower. At the moment, businesses are required to consult trade unions where

they are recognised, but what is to stop this Government taking the opportunity to undermine trade unions yet again by altering the rules so that employee representatives could be consulted instead?

There are similar provisions in the TUPE regulations, where there is also another good example of supposed gold-plating, with the application of the service provision changes. That applies to thousands of transfers every year, so I hope there will be no attempt to restrict TUPE's reach. Another area where there is an opportunity for those who want to see an erosion of rights is in relation to post-transfer changes to terms and conditions of employment, a fiendishly complicated area of law, much of it subject to European Court of Justice judgments. I fear there will be a temptation for those who want to rid us of supposed red tape to say that it would be much simpler just to say there are no specific post-transfer restrictions on changes to terms and conditions.

So the Government can claim to be protecting employment rights derived from the EU, but they could, if they chose to, nibble away at those rights in the way I have outlined. I believe the temptation will be too great for many Government Members—I refer not to removing rights altogether but to significantly weakening them. Why do I say that? One has only to look at what members of the Cabinet have said in the past to get a flavour of where they are coming from. Although we have heard plenty about them tonight, these comments are so concerning that it is worth repeating a few again. Let us start at the top, because the Prime Minister, in an interview with HR magazine in March 2010, when she was shadow Work and Pensions Secretary, said:

“Issues we are particularly concerned about are the Working Time Directive...and the Agency Workers Directive.”

In 2012, the Foreign Secretary said that the UK should scrap the social chapter. Last year, he said that the Government should “weigh in” on all that “social chapter stuff”. He claimed that the weight of employment regulation was “back-breaking”. When the Secretary of State for Defence was Minister for Business and Enterprise, he said that the Government must

“turn the screws tighter on burdensome red tape”,
and “de-regulate further and faster.”

The Secretary of State for International Trade and President of the Board of Trade, the right hon. Member for North Somerset (Dr Fox), has also had quite a lot to say on the subject:

“To restore competitiveness we must begin by deregulating the labour market. Political objections must be overridden...It is too difficult to hire and fire, and too expensive to take on new employees...It is intellectually unsustainable to believe that workplace rights should remain untouchable”.

I could not disagree more with that. It is not just what the Government have said, but what they have done. The last coalition Government introduced legislation that enabled employees to be bought out of their statutory employment rights. They also introduced employment tribunal fees that have proved to be a massive barrier to people seeking to enforce their rights, as well as doubling the qualifying period before people can claim unfair dismissal.

If there has been a sudden and belated conversion to the importance of employment rights, I would welcome it and encourage Government Members to join me in

arguing for increased workplace protection. If they agree that these rights are important, they will also know that not only are they about individual dignity and respect in the workplace, but they have social and economic value and are an essential component of a healthy, stable and progressive country.

Employment rights ensure that people can participate in the labour market without facing unfair discrimination. They give vulnerable workers more job security and stability of income. They help to encourage a committed workforce and the retention of skilled workers. They are not something that we spend enough time talking about in this place, but most of our constituents will be affected by them. While we need more workplace protection not less, I and everyone else on Labour's Benches will be keeping a close eye on this Government in case they attempt to water down the rights that we currently have.

9.26 pm

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Last year, the people of Scotland made their voices heard loudly and clearly by filling these Benches with Scottish National party Members. The public discontent was palpable during the election campaign. Many people were sickened by the broken promises of the better together campaign. One may find no better example of that than being told that the only way to secure EU membership was to vote no. Indeed, people clearly remember Ruth Davidson MSP promising just that during a live televised debate on 2 September 2014, when she said:

"I think it is disingenuous...to say that no means out and yes means in, when actually the opposite is true. No means we stay in; we are members of the European Union."

Let me be clear from the outset. I am here to represent my constituency, but as a member of the SNP, I was put here to ensure that the interests of Scotland are heard in this place. I was elected on a manifesto commitment to oppose withdrawal from the European Union.

The SNP Scottish Government were returned for an unprecedented third term in May on a pro-EU manifesto. It was the express will of the Scottish people a few weeks later in June to remain within the European Union. Scotland as a whole voted overwhelmingly to remain, as did every single one of Scotland's 32 local authority areas.

While the Prime Minister fumbles around with what Brexit means—something that the people of Scotland rejected which is now being forced upon them—I can categorically tell her what it means to us. It represents economic uncertainty, a devalued currency, rising inflation, higher bills and mortgage payments, and a loss of up to 80,000 jobs. This is the plague of locusts that was supposed to follow a yes vote, according to the no campaign during the independence referendum. It really is not good enough for Scotland to be treated as secondary partner during Brexit negotiations. Scottish citizens are EU citizens, and their interests should not be sidelined by a Tory Government for whom they did not vote.

People in Scotland voted to remain for a whole host of reasons, but when I was out campaigning in the run-up to the referendum, workers' rights were a common refrain from voters. They recognise the impact that the EU has had on the health and safety duties of employers to evaluate, avoid and reduce workplace risks. According to the TUC, the number of worker fatalities in the UK has declined significantly since EU directives were

implemented. Pregnant women and new mothers have been protected from day one by unfair dismissal rights. There is a real understanding of the enhancements that the EU has delivered to the UK's discrimination laws to include rights on grounds of sexual orientation, religion or belief, and age. The Prime Minister has been unable to give a cast-iron guarantee to Scottish citizens on the future of these and other workers' rights after we leave the EU.

The European Union has ensured that workers are not subjected to exploitation or discrimination. Through its promotion of beneficial working practices, it has ensured that workers are treated fairly. As we have seen already with the introduction of tribunal fees, the draconian Trade Union Act 2016 and the increase in the qualifying period for unfair dismissal claims, the Tories seem intent on eroding the rights of people in the workplace. The bottom line is that the Conservative party cannot be trusted with workers' rights. I worry about what the Government will attempt to do post-Brexit, unfettered by the EU.

Although EU-derived employment rights which feature in primary legislation would be relatively cushioned from the effects of Brexit, the greatest risk is the massive uncertainty that surrounds the protections afforded in secondary legislation, in which much employment law is contained. These laws are susceptible to revocation by secondary legislation. As my hon. Friend the Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) said, the Prime Minister made a commitment at the recent Tory party conference to guarantee existing workers legal rights as long as she is Prime Minister. This gives me and many others little comfort. We have heard nothing of plans to move EU employment rights contained in secondary legislation into primary legislation as part of the great repeal Bill. If the Prime Minister wants to give guarantees, that would represent a good starting point.

A report recently published by Professor Alan Page of the University of Dundee entitled "The implications of EU withdrawal for the devolution settlement" suggests that many laws affecting devolved issues could be unilaterally scrapped by Westminster following a withdrawal from the EU. The repeal of EU regulations brought about by secondary legislation would not require the consent of Members of the Scottish Parliament. Professor Page has described this as "a significant potential gap" in law-making in devolved areas, and he points out that

"there is no requirement of the Scottish Parliament's consent to UK subordinate legislation transposing EU obligations in the devolved areas".

I agree with Professor Page's conclusion that there are very considerable implications for devolution.

I say this today as a warning to the Prime Minister. What she does now—the action that she takes which affects Scotland—must be carefully considered. Her party holds no mandate north of the border, and people there will not stand idly by while she disrespects their wishes. Whatever Brexit means to her, she can rest assured that it will mean something completely different in Scotland. Those of us on the SNP Benches will not vote for anything that will damage the interests of the people of Scotland, and if the Prime Minister is serious about keeping Scotland in the United Kingdom, she will not ask us to.

9.33 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to be called in this debate. I thank the Minister and hon. Members for giving us all a chance to participate. There are a number of issues that my constituents have asked me to raise in the House and I intend to do so.

My office staff will laughingly point to a sign in the office which works out time off in such a way that they owe me. Annual leave is only one of many workers' rights that will be discussed and, more importantly, protected during negotiations. The Government told us:

"This is your decision. The government will implement what you decide'—no ifs, no buts",

no second referendum. It was not a regional or a constituency referendum. It was a decision which all the people of the United Kingdom of Great Britain and Northern Ireland took collectively, and that decision was to leave. Let us get on with the job and make sure that that happens.

The Government have been clear about the protection that will remain. The Prime Minister said that

"by converting the *acquis* into British law, we will give businesses and workers maximum certainty as we leave the European Union. The same rules and laws will apply to them after Brexit as they did before. Any changes in the law will have to be subject to full scrutiny and proper Parliamentary debate. And let me be absolutely clear: existing workers' legal rights will continue to be guaranteed in law—and they will be guaranteed as long as I am Prime Minister."

That is what our Prime Minister said. It is very clear. Let us focus on that as well.

I am probably a lone voice on the Opposition side of the Chamber, as one of those who voted out. I am very happy to say that I voted out, and my constituency voted that way as well. I genuinely respect every Member on this side of the House, and I enjoy their friendship, but the fact of the matter is that I have a different opinion from many of them.

Geraint Davies: Will the hon. Gentleman give way? Will he say how long the Prime Minister is going to be—

Mr Speaker: Order. The hon. Gentleman should not chunter from a sedentary position. We have to start the wind-ups at 9.40 pm.

Jim Shannon: Thank you, Mr Speaker, and I am quite clear on what my time is.

Workers in the UK are entitled to five weeks and three days of paid holiday a year, including public holidays. The Working Time Regulations 1998 guarantee four weeks' paid leave as a European minimum, but for 35 years before joining the EU, the United Kingdom had legislation on paid holidays, so that is very unlikely to change or to be reneged on—indeed, my office staff would be the first to revolt if it were, and my life would not be worth living.

It is clear that we have the morals and the principles in terms of European law. At times, we have even furthered protections and enhancements. Such is the case with maternity leave. My parliamentary aide had a child and came off maternity leave after only six months, as she was expecting another baby. Although our law would have enabled her to have two years off—one after the other—and we have said that mothers should be allowed to take that decision, she felt she needed to

return to work for a few months to keep her head in the game. However, the ability to take that leave is what we have enshrined in the law at present.

We have even enshrined it in law that mothers must take two weeks off work—or four if they work in a factory. That law will stand. It is the mother's decision. I wonder at those who seem to say that mothers will have fewer rights if they decide to have another baby after article 50 is invoked. That is nonsense. The 52 weeks of statutory maternity leave in the UK are considerably more than the 14 weeks guaranteed by EU law, and of those 52 weeks, 40 are available for shared parental leave.

EU workers are important in my constituency, as they are in everybody's constituencies. The agri-food sector in my constituency depends a great deal on them for the work they do in companies. We will enshrine their needs and rights and ensure that they are protected.

The issue of workers' rights will differ from person to person. I have had small and medium-sized enterprise owners asking for the opportunity to have an input into any new regulations, and Brexit gives them that ability. If there is a need to change law, it will be done in the normal way in this place. That will allow people to sow into the legislation they harvest from.

The issue of small and medium-sized businesses needs to be re-addressed. It is sometimes argued that employment regulation is fine for larger organisations with human resources departments, which have the resources to deal with red tape, but it is much more difficult for small and microbusinesses to cope with it. The nuances of employment law will remain unchanged unless we act to change things in this place. I therefore ask the Minister for more help for the small businesses that do not have the HR budget or the resources, so that they can know their rights and help their employees to understand their rights as well.

For those who have told employees that they will lose their holiday, sick pay and maternity rights, it must again be underlined that, if anything, our rights have been more robust than the ones imposed by Europe. We take protection of our workers seriously, and that is highlighted by the fact that recent changes to the unfair dismissal qualification period, and the introduction of fees for employment tribunal applications, emanated from the UK, not Brussels, as did the introduction of shared parental leave regulations in April last year. The hon. Member for Great Grimsby (Melanie Onn) talked about some of the issues we need to address, and there are issues that have been raised on the Opposition side of the House that need to be looked at.

There is uncertainty as to the practice in terms of primary and secondary legislation, but it has been made clear that any change in rights will come through legislation and not through a repeal of all rights that come from Europe—that cannot happen, and will not happen, in what we fondly call the highest seat of democracy in the world, which is right here, in this House. The scaremongering must stop. People should rest assured that, should article 50, by some miracle, be invoked on new year's eve, new year's day will still be a public holiday, they can still have their Easter eggs and summer holidays, and they can have as many children as they like without fear that they will be sacked from work. That is a fact of life.

I recently watched the film “Amazing Grace”, which shows Wilberforce’s journey to get this House to ban slavery. I do not believe that any Member here is interested in reinstating slavery for anyone in the world, let alone our own citizens. We have a history of protecting the little man and little woman, and that will not change because, in theory, there is a possibility that it could change. We are still interested in doing the right thing in this place, and we are still accountable to the public for the decisions that are made. Yes, the Brexit team will need to work on the nuances of the rights of our workers in Europe, but intimating that this will be the time to eradicate rights is mischief and nothing more.

9.39 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure to follow the hon. Member for Strangford (Jim Shannon) and to contribute to the first of an important series of debates.

We have heard a number of thoughtful contributions from Members on both sides of the House and from all parts of the United Kingdom, but I want to pick out four in particular. My right hon. Friend the Member for Leeds Central (Hilary Benn) spoke with his usual eloquence, setting out a very detailed case with questions and points that I hope the Minister will respond to. My hon. Friend the Member for Great Grimsby (Melanie Onn) made a very thoughtful speech. She should be commended for the ten-minute rule Bill she introduced a few weeks back, which raised lots of the concerns that have been aired today. My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders), who brings a considerable amount of expertise to the debate, rightly raised concerns about the Government’s intentions in this area. I must also single out the right hon. Member for Broxtowe (Anna Soubry), who is not in her place at the moment. I did not agree with everything she said, but she spoke with her customary candour and robustness, and brought an important set of views to the debate.

There has been a fair amount of consensus on the view that our membership of the European Union has played an important role in protecting working people, particularly women, from exploitation and in combating discrimination, and has acted as a vital bulwark against pressure for the further deregulation of our labour market. Of course, it is right to argue, as many Conservative Members did, that in some areas where the EU has legislated, the UK already had laws in place, such as on equal pay and maternity rights, and we have indeed gone further in a number of areas. Even so, EU action has improved and extended a wide range of rights and delivered stronger protection with regard to equal pay for women, workplace discrimination, equal treatment at work for agency workers, rules limiting working time, health and safety protections, and a host of other essential safeguards.

Britain has one of the most lightly regulated workforces in the OECD. As my hon. Friend the Member for Norwich South (Clive Lewis) said, many of us would like to go further on employment protections to adjust to the changes we are seeing in our economy and in our labour market. As a minimum, the Government have a duty to maintain and protect the floor of rights that workers currently enjoy, which are underpinned by EU law. There is also good reason to believe that that is what British workers, and the majority of remain and

leave voters, expect. In a TUC poll carried out in the wake of the referendum, the vast majority of remain and leave voters backed, by considerable margins, safeguarding vital rights such as maternity leave and protection against discrimination at work. That is important because, as my hon. Friend the Member for Feltham and Heston (Seema Malhotra) argued, this is ultimately about who wins and who may lose from Brexit.

We have heard a number of pledges from the Secretary of State and other Conservative Members that reiterate those made by senior leave campaigners during the referendum. I want to be very clear that those pledges are welcome. However, Conservative Members protest too much when they disparage our very real concerns that in the process of bringing EU-related law into domestic effect, parts of that legislation may be chipped away and watered down. The record of this Government and of the previous coalition Government, whether on increasing the qualifying period before individuals are able to claim unfair dismissal or introducing fees to access employment tribunals, gives cause for concern. I do not doubt in any way that there is a genuine Conservative tradition of social reform. Nevertheless, I hope that Conservative Members can understand why some of us are concerned, not least given the comments made by some senior leave campaigners, including some who are now members of the Cabinet.

However, let us take the Government’s pledge at face value. I am willing to do that, and I am sure that the Minister will further clarify the position. That said, the form and details of the mechanism by which those workers’ rights are transposed into British law is important, as the right hon. Member for Broxtowe has said, and Members have raised a number of concerns. I hope that the Minister will provide further detail on them.

First, a number of hon. Members have pointed out that UK laws that derive from EU law and have been implemented not by primary legislation but by regulation—from protections relating to the transfer of staff to new companies, to maximum hours of weekly work—are more vulnerable in the process that we are about to undertake. We have heard conflicting messages from the Government. I recently wrote to the Minister, asking him specifically whether the repeal Bill—I think that, technically, that is its correct title, rather than the great repeal Bill—would give effect to 18 EU directives and regulations in domestic legislation. He replied that the Government will convert existing EU law into domestic law, “wherever practical”. There is a discrepancy between that reply and what we have heard today, so it would be useful if that was cleared up.

When he winds up, the Minister has another chance to confirm how workers’ rights that derive from EU law and have been implemented by regulation will be given domestic effect by the repeal Bill. Will he confirm, as a number of my hon. Friends have asked, whether they will be underpinned by primary legislation? It would also be useful if he touched on those EU directives and regulations that may come into force in the next two years, as we negotiate an exit, and whether they will be introduced as primary legislation.

Secondly, a number of hon. Members have raised concerns about what the Government intend to do to protect workers’ rights that derive from rulings of the European Court of Justice, including those on equality and working time, and the Court’s recent decision that

[*Matthew Pennycook*]

the calculation of workers' entitlement to holiday pay should include earnings from bonuses, commissions and overtime payments. The Prime Minister has been clear that her vision of Brexit involves the UK leaving the jurisdiction of the ECJ, so it would be useful to know the Government's intentions with regard to those employment rights that have been given greater legal strength as a result of ECJ case law, and how and whether they will be enshrined in the forthcoming repeal Bill.

Thirdly, this may be a minor point, but primary legislation influenced by EU law will not be automatically repealed once we leave the EU, but it could be modified. For example, the Equality Act 2010, which was opposed by the Conservative party, could be amended to introduce a cap on compensation for discrimination claims, as contemplated by the coalition Government-commissioned Beecroft report in 2011. Will the Minister confirm that it is not the Government's intention to use Brexit to repeal or amend vital rights delivered by previous Governments?

Finally, the Minister needs to rule out the possibility of any attempt by the repeal Bill and the Brexit process to time-limit existing workers' rights. Pledges have been made and we have heard denials of the proposal of the right hon. Member for Welwyn Hatfield (Grant Shapps) to insert a sunset clause in the repeal Bill. Support for that proposal may be confined to a minority consisting of just the right hon. Gentleman, but I suspect that other Government Members share his view. It would be useful to know how the Government intend to get the repeal Bill through without amendments and without time-limiting any of the legislation so that, although it might be amended by a future Government, all existing workers' rights given effect by EU law will be pulled over for the remainder of this Parliament.

My right hon. Friend the Member for Leeds Central raised a number of points about the impact of the negotiations on workers' rights and employment regulations. How will our potential access to the customs union free market on whatever terms that the Government may secure influence employment rights? It would also be useful to hear from the Minister about the impact that any transitional arrangement with the European Union would have.

I disagree with my hon. Friend the Member for Swansea West (Geraint Davies). Like the vast majority of my fellow Labour Members, I accept that the British public voted to leave the European Union and the democratic imperative that that vote created. In voting to exit the EU, however, the British public did not vote for any diminution or dilution of their employment and workplace health and safety rights. If any of those existing rights are lost or watered down in the process of Brexit, it will be seen as a gross betrayal. Labour will keep a close eye on how the Government bring those rights across, and I look forward to hearing the Minister's wind-up.

9.49 pm

The Minister of State, Department for Exiting the European Union (Mr David Jones): It is a pleasure to follow the hon. Member for Greenwich and Woolwich (Matthew Pennycook) in what was, I believe, his first appearance at the Dispatch Box. This has been an

excellent debate, and I thank all hon. and right hon. Members who have contributed to it. It is right that the question of workers' rights should be debated at length and in some detail, because it is of fundamental importance to Members on both sides of the Chamber.

This has been the first in a series of debates on important issues that arise in the context of the UK's withdrawal from the European Union promised by my right hon. Friend the Secretary of State for Exiting the European Union. My Department intends to bring forward, in Government time, a number of further debates on key issues related to EU withdrawal over the coming weeks and months.

Let me first reiterate that, as my right hon. Friend the Secretary of State for Business, Energy and Industrial Strategy said in his opening speech, the Government fully recognise the fundamental importance of strong workers' rights in this country, and we are determined to preserve them. Not only do they exist for the protection of all employees, but they have a vital function in encouraging the development of a productive and thriving economy. It is clear that the Government's determination to preserve, and not to erode, employment rights is shared by hon. Members on both sides of the House. My right hon. Friend the Member for Wokingham (John Redwood) celebrated the fact that we were experiencing a rare moment of accord between the Conservative and Labour parties.

The Prime Minister has made it clear that the Government will not, as a consequence of our withdrawal, allow any erosion of rights in the workplace, whether those rights derive from EU or UK law. She has further made it clear that the Government are determined to deliver an economy that works for everyone, and fundamental to that is the preservation of existing workers' rights.

I repeat the point made by my right hon. Friend the Secretary of State for Business, Energy and Industrial Strategy in his opening speech that the UK already goes beyond EU minimum requirements in a number of areas of employment legislation. For example, UK domestic law already provides for more than a week's additional annual leave—5.6 weeks rather than the minimum of four weeks set by the EU—nearly four times the required amount of statutory maternity leave and much greater flexibility around shared parental leave, as the hon. Member for Strangford (Jim Shannon) pointed out.

Furthermore, we have recently adopted a number of measures to strengthen further the protections provided to workers, including introducing the national living wage in April this year and increasing funding for enforcement activity to ensure that employers are meeting their responsibilities. We have commissioned a review of modern employment practices—the Taylor review—with a view to ensuring that new practices of working, which were touched on by the hon. Member for Norwich South (Clive Lewis), do indeed work for everyone. We are legislating to ban exclusivity clauses in zero-hours contracts to stop the abuse of such contracts. We introduced shared parental leave in 2015 and extended the right to request flexible working to all employees from June 2014. Those are measures pursued by a Conservative Government committed to providing strong protections for workers. We are determined to maintain those protections beyond withdrawal from the EU by enshrining them in our law under the great repeal Bill.

A number of points were touched on by hon. and right hon. Members, and I will seek to address them in the brief time available to me. One point that was made by a number of Members—including by my right hon. Friend the Member for Broxtowe (Anna Soubry), in what I thought was an excellent and passionate speech, and by the right hon. Member for Leeds Central (Hilary Benn)—was the need to heal the wounds, so to speak: to build a national consensus ahead of our exit from the European Union. That is what the Government are seeking to do, and we hope that debates such as this will help to achieve it.

The hon. Member for Airdrie and Shotts (Neil Gray), echoed by the hon. Members for Carmarthen East and Dinefwr (Jonathan Edwards) and for Rutherglen and Hamilton West (Margaret Ferrier), raised issues about devolved competence and how they will affect the negotiations. The Government have made it absolutely clear that the concerns of the devolved Administrations will be central to the negotiations that we are embarking on. Indeed, the first meeting of the Joint Ministerial Committee for the exit negotiations will be held this very week, so there is close consultation between the Government and the devolved Administrations.

Geraint Davies: Will the Minister give way on that point?

Mr Jones: If the hon. Gentleman will forgive me, I will not give way. I have very little time, and I am trying to deal with as many points as I can.

The right hon. Member for Leeds Central made an excellent speech, which underlined his credentials as the chief scrutineer of the Government in his capacity as Chairman of the Select Committee. He raised a number of issues, and I will briefly touch on them. He asked what changes to employment legislation in the great repeal Bill will be made through primary as opposed to secondary legislation. Such issues fall to be considered during the passage of the Bill. The House will therefore have the opportunity to debate those issues in full in due course. There will have to be full parliamentary scrutiny, and I have no doubt that his Committee will play an important role in that regard.

The right hon. Gentleman raised, as did the hon. Member for Great Grimsby (Melanie Onn), the issue of what will happen to EU case law and judgments of the European Court of Justice. I wish to make it clear that the starting position of the Government is that EU-derived law, from whatever quarter, will be transferred into United Kingdom law in full at the point of exit.

The right hon. Gentleman raised the important issue of what happens if the United Kingdom has access to the single market, but we do not follow whatever new legislation may be developed in the EU. The word “if” is of course important, and it remains to be seen whether we will have full access to the single market. It is fair to say that the Government are still working on the many details that will determine our future relationship with the European Union. This will be an important consideration in that process, and, again, I have no doubt that his Committee will want to explore this issue further.

The hon. Member for Swansea West (Geraint Davies) made what I have to say was rather a bleak speech, although he seemed to recognise that Members on both sides of the House accept that Britain is indeed leaving

the European Union, and he acknowledged that his is a minority opinion. He seemingly accepted the word of my right hon. Friend the Secretary of State for Business, Energy and Industrial Strategy that workers' rights would not be eroded, but he expressed concern about what future Parliaments might do. I must point out to him that no Parliament can bind its successors, but the whole purpose of exiting the European Union is to restore sovereignty to this Parliament and to place our trust in our successors in the Parliaments of the future.

The hon. Member for Feltham and Heston (Seema Malhotra) made a very thoughtful and useful speech. She raised several important issues, particularly women's issues, which were echoed by the hon. Member for Ochil and South Perthshire (Ms Ahmed-Sheikh). May I say that the contribution of the hon. Member for Feltham and Heston to this debate is exactly the sort of contribution that the Government are looking for in debates such as this? Such contributions will certainly inform the Government's consideration of the future relationship of the United Kingdom with the European Union. There were several other excellent speeches, but, sadly, I do not have the time to deal with them all.

The United Kingdom has a long and distinguished history of protecting workers' rights, as my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) pointed out in his erudite and instructive speech. For example, the principal plank of our workplace safety legislation is the Health and Safety at Work etc. Act 1974, which was developed independently of the EU. In this country, we have a comprehensive framework of legally guaranteed minimum rights for workers that seek to ensure that everybody is treated fairly at work and that businesses thrive. The UK has led the way on improving workplace diversity. Our generous provisions on maternity and parental leave have helped record numbers of women into work, and as a consequence of our approach the UK economy is thriving.

This has indeed been an excellent debate. It has fully justified the Government's approach of holding general debates. As I have said, all the contributions have been valuable, and they will inform our consideration as we leave the European Union.

Question put and agreed to.

Resolved,

That this House has considered exiting the EU and workers' rights.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

NORTHERN IRELAND

That the draft Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (Independent Reporting Commission) Regulations 2016, which were laid before this House on 15 September, be approved.—(*Christopher Pincher.*)

Question agreed to.

DELEGATED LEGISLATION (COMMITTEES)

Ordered,

That the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (S.I., 2016, No. 946), be referred to a Delegated Legislation Committee.—(*Christopher Pincher.*)

EUROPEAN SCRUTINY COMMITTEE

Ordered,

That Damian Green, Alec Shelbrooke, Kelly Tolhurst and Heather Wheeler be discharged from the European Scrutiny Committee and Steve Double, Michael Tomlinson, David Warburton and Mike Wood be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

EXITING THE EUROPEAN UNION COMMITTEE

Ordered,

That Mark Durkan be a member of the Exiting the European Union Committee.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

FINANCE COMMITTEE

Ordered,

That Helen Jones be discharged from the Finance Committee and Sir Alan Meale be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

PROCEDURE COMMITTEE

Ordered,

That Ian C. Lucas be discharged from the Procedure Committee and Jenny Chapman be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

Midland Main Line Electrification

Motion made, and Question proposed, That this House do now adjourn.—(Christopher Pincher.)

10.1 pm

Nicky Morgan (Loughborough) (Con): Thank you very much indeed, Mr Speaker, for granting this Adjournment debate. I thank colleagues from the midlands who are here this evening to support the debate; we have representation here from Leicester, Leicestershire, Northamptonshire, Derbyshire and even as far north as Sheffield.

In politics there is often a sense of *déjà vu*. Back in April 2012 I led a similar Adjournment debate on proposals to upgrade and electrify the midland main line between Bedford and Sheffield. The line serves the cities of Derby, Leicester, Nottingham and Sheffield, my own constituency of Loughborough, and a number of other growing towns across the east midlands, including Chesterfield, Market Harborough, Corby, Kettering and Wellingborough. Together, those places are home to more than 5 million people and 2.1 million jobs; we believe that they comprise the economic backbone of England.

The east midlands in particular has helped to lead the United Kingdom out of recession, with strong private sector job growth over the past five years. We have huge potential for export-led growth, already accounting for 20% of gross value added. Latest projections from the Office for National Statistics suggest the population of the east midlands will rise by half a million people by 2030 to 5.1 million, which will be the fastest growth outside London and the wider south-east.

The midland main line itself has been a huge success story. As those of us who are frequent travellers on the line know all too well, passenger numbers have increased by 130% in the past 15 years—I can probably say on behalf of colleagues that there are times when it feels like all 130% are on the particular train I have caught from London St Pancras—and a further 30% rise is expected in the next 10 years. Rail freight is also booming, showing a 70% increase since the mid-1990s, but the line has suffered from years of under-investment. It is the only north-south rail route yet to be electrified. It has some of the slowest mainline speeds in the country, meaning that trains are rarely able to go at their top speed.

Chris Leslie (Nottingham East) (Lab/Co-op): I am grateful to the right hon. Lady for securing this vital debate. She points out, correctly, that inter-city connectivity between these crucial areas of growth is so poor that without electrification we cannot legitimately look for a midlands engine, which is, after all, the Government's supposed priority for the next Budget.

Nicky Morgan: The hon. Gentleman is absolutely right. We know from our constituency experiences just how much the east midlands is driving economic recovery in this country. He is right to highlight the importance of transport connectivity to the success of the midlands engine, which we believe can rival the northern powerhouse.

Some of the rolling stock is more than 40 years old, so I was delighted when in July 2012, the then Secretary of State for Transport announced that the upgrade and

electrification scheme, which had been promoted by councils, local enterprise partnerships and business groups in the east midlands and south Yorkshire, was to be delivered in full by 2020. Since then, there has been progress on implementation, but not everything has gone according to plan. The pausing of the electrification elements in 2015 resulted in the demobilisation of a high-skilled technical team within Network Rail, which has taken time to reassemble. The pause also had a considerable financial impact on local companies in the supply chain.

Lilian Greenwood (Nottingham South) (Lab): The right hon. Lady makes a compelling case. Does she share my concern that any further delay to electrification would not only break the promises that Ministers made to our region, but further damage our vital east midlands rail industry, which is important to her constituents? Businesses have told me that that will mean less investment, fewer jobs and fewer apprenticeships, and that it could harm their prospects of export growth.

Nicky Morgan: The hon. Lady makes an excellent point. As I understand it, the east midlands has the largest cluster of companies that rely on the railways and rolling stock, and other businesses that form part of the supply chain, anywhere in the world. The point is that the debate is not just about one railway line. As she says, it is about economic growth, and the impact on local companies and local jobs.

Alberto Costa (South Leicestershire) (Con): I congratulate my right hon. Friend on bringing the debate to the House. Does she agree with the east midlands chamber of commerce that electrification is vital to the long-term economic needs of constituencies such as Loughborough and South Leicestershire, and those throughout the east midlands? Does she also agree that any further delay will only increase the costs of electrification and reduce the confidence that businesses in Loughborough, South Leicestershire and elsewhere have in Government projects?

Nicky Morgan: My hon. Friend makes an excellent point. Hon. Members on both sides of the House will agree that this is about driving economic growth and reflecting the fact that the midlands is an engine for that growth. He is right that the costs of the project go up the longer it takes, which is why Members are so keen for the Government to give the project the full green light so that we can get on with it.

Several hon. Members *rose*—

Nicky Morgan: I am very popular. I give way to the hon. Member for Sheffield Central (Paul Blomfield) first.

Paul Blomfield (Sheffield Central) (Lab): I thank the right hon. Lady for giving way to a voice from as far north as Sheffield. She makes a powerful case about the midlands economy, but does she recognise the importance of the electrification of the midland main line to the northern economy? Does she also recognise that, should there be a further delay in that investment, it will be taken as a very bad signal of the Government's commitment to investment in northern infrastructure and to regenerating the northern economy?

Nicky Morgan: The hon. Gentleman makes an excellent point. He is right that we are talking not only about the midlands, as they might be known, but the impact on the train line to Sheffield and further north. I will talk about HS2 in a moment, but he is right, as we all know from those who journey north from our constituencies, that the electrification project is important for connectivity further north.

Vernon Coaker (Gedling) (Lab): I thank the right hon. Lady for bringing this vital debate to the House. Does she share my concern—my constituents and lots of people along the midland main line share it—that the line is the poor relation of the rail network? If the Government have to find savings for investment in other lines, the midland main line will once again be delayed and have its investment cut. The people in our constituencies will be the losers. The Government need to listen to her and other hon. Members, and get on with doing something about the midland main line.

Nicky Morgan: As I said, the midland main line is the only north-south rail route yet to be electrified. In fact, I think it is the only inter-city line that remains to be electrified. It is fair to say that the midlands should not be paying the price for cost overruns on other infrastructure projects around the country.

Mr Dennis Skinner (Bolsover) (Lab): I do not want to tempt the right hon. Lady too much, but does she agree that the electrification of the midland main line is more important than HS2? Go on, have a punt!

Nicky Morgan: I have resisted the hon. Gentleman's blandishments for many years. The point I will come on to in a moment is that the schemes go together. There are strong feelings about HS2, in the midlands and elsewhere, but both projects need to be delivered.

Mr Skinner: It costs a lot less.

Nicky Morgan: The hon. Gentleman is right to say electrification of the midland main line offers better value, but both are needed for capacity.

Keith Vaz (Leicester East) (Lab): I feel I have to say something on behalf of myself and my hon. Friend the Member for Leicester South (Jonathan Ashworth), because Leicester has not been mentioned so far—[*Interruption.*] The right hon. Lady did refer to Leicester, but it has not been mentioned during the debate. On behalf of Leicester, may I say that the electrification will provide not just growth but additional jobs? We should also pay tribute to the staff on the railway who work very long hours, sometimes for very low pay. Does the right hon. Lady agree that electrification would increase the number of jobs?

Nicky Morgan: I absolutely agree with the right hon. Gentleman. He is right to pay tribute to the staff of East Midlands Trains. We are fortunate to have such a good train operator. I enjoy reading its tweets and how it responds to customers, both the good and the bad. He is right that jobs would be created along the line. It would also enable people who live in the midlands to commute elsewhere to work on a safe and reliable service.

Mr Clive Betts (Sheffield South East) (Lab): May I draw attention to the point that the right hon. Lady made about some trains being 40 years old? The HST trains will have to be replaced in 2020 because they are no longer compliant with disability legislation. If electrification does not get the go-ahead as per the current programme, there will not be a case in 2020 for replacing the old rolling stock with electric-compatible rolling stock. The whole programme could be delayed, effectively for ever.

Nicky Morgan: The hon. Gentleman makes a good point. It is important that the Government make a commitment now because of the need to procure new rolling stock.

Nigel Mills (Amber Valley) (Con): I am grateful to my right hon. Friend for giving way—I would have hated to miss out. Perhaps I can take her back to HS2, which I support. Given its strong benefit-cost ratio, does she agree that if the Department or Network Rail are short of money, the electrification scheme has the best return? It should be prioritised, not put to the back of the queue.

Nicky Morgan: My hon. Friend makes a good point. He is right to say that the scheme represents very good value. The Minister might want to address the benefit-cost ratio. It is why we midlands MPs, as well as those from further north, feel so strongly that it should not be our area that pays yet again for cost overruns elsewhere in the country.

I mentioned the pausing and how it led to the technical team that Network Rail put together being demobilised. The extended completion date of 2023 is not ideal, but the decision of the previous Secretary of State to press ahead gave certainty to passengers, local communities, businesses and investors. I am reassured that the main upgrade measures remain on track to be delivered by 2019, and by recent public statements from Network Rail that work on electrification is also progressing. The reason for holding this debate is that colleagues in the industry tell me that there is no such thing as a committed transport scheme until it is actually built. A number of local interests have contacted me and other Members to say that another pause, or worse, could be in the offing.

The debate gives the Government the opportunity to set the record straight and confirm support for the whole scheme. The economic, environmental and practical arguments for electrification remain as strong as ever. In addition, I draw the Minister's attention to the impact that any further delay or uncertainty over the electrification of the midland main line would have.

Rolling stock has already been mentioned. As we have heard, the current fleet of high-speed trains is approaching 40 years old and will have to be replaced by 2020. Currently, there is no clear plan for that. While I understand that the Government's stated preference is to procure new rolling stock through the forthcoming franchise competition, as the new franchise is not planned to commence until July 2018, it is unclear whether that can be achieved. Without certainty over the electrification process, it will be difficult for the private sector to make that investment, unless the Government specify electric-diesel bi-mode rolling stock.

It has been mentioned that the plan for re-letting the east midlands franchise already falls mid-way through electrification and track upgrades, and that the revised completion for electrification to Sheffield already falls mid-way within the next franchise period. Both of those will present significant challenges for the next operator.

HS2 has been mentioned, too. The east midlands has developed a strong local consensus in support of HS2 and a hub station at Toton. Key to unlocking wider connectivity via HS2 is the ability to run so-called "classic compatible services" via the hub station, which will require an electrified midland main line. HS2 Ltd's recent proposals for serving Sheffield midland station via Chesterfield will also require an electrified railway.

Mr Philip Hollobone (Kettering) (Con): My right hon. Friend has made a hugely impressive speech and a devastatingly powerful case, uniting both sides of the House. Should not the Minister commit in his response to meeting all of us with the Secretary of State so that we can impress on them how important this issue is to all our constituencies and the fact that we refuse to be left behind again?

Nicky Morgan: My hon. Friend has it absolutely right. Yes, the midlands refuses to be left behind on this important infrastructure project. I hope that the Minister will agree to facilitate a meeting with the Secretary of State as well as him, so that we can continue these discussions. I look forward to hearing the Minister confirm that.

We have also talked about the impact on the local supply chain. Any further delay or uncertainty will fundamentally undermine business confidence in the Government's ability to deliver major investment. We have also heard about the potential impact on apprenticeships. For our residents and constituents, electric trains offer a quieter, smoother and more reliable passenger experience. They have a positive impact on air quality and thus on people's health, which is becoming a major issue in many areas along the midland main line.

In conclusion, the midland main line is a major driver of local economic growth and a key asset, as we have heard, for the Government's midlands engine initiative. The upgrade and electrification scheme was conceived as an integrated package. Only by implementing the whole scheme can the benefits to passengers, freight operators and local businesses be delivered in full. It remains vital that the Government deliver the upgrade and electrification scheme in full by 2023 at the latest. I hope that the Minister will acknowledge the concerns of Members and give his commitment to the whole scheme. We heard the invitation of my hon. Friend the Member for Kettering (Mr Hollobone) for the Minister to agree to facilitate a meeting between himself, the Secretary of State and Members present today.

10.18 pm

The Parliamentary Under-Secretary of State for Transport (Paul Maynard): I congratulate my right hon. Friend the Member for Loughborough (Nicky Morgan) on securing this debate, and I note the presence of so many regional MPs in the Chamber to show their interest in, and concern about, this issue—[*Interruption.*] The hon. Member for Sheffield South East (Mr Betts) will just have to wait, and he should not intervene from a sedentary

position. My right hon. Friend is, of course, chair of the all-party parliamentary group on heritage rail, which I look forward to addressing in the coming weeks. I also note that this particular midland main line programme uses local suppliers such as Brush Traction in my right hon. Friend's Loughborough constituency, as well as supporting new apprenticeships in Network Rail and the private sector. I think my right hon. Friend spoke powerfully about the importance of this project to her constituents—not just as passengers, but economically.

Let me talk first about why this Government have chosen to invest in our rail network and why we chose to invest in it for the future. We are making journeys better, simpler, faster and more reliable. Most importantly, we want to make transport not just safer, but more sustainable. I thus entirely agree with my right hon. Friend that the investment we are making today will help prepare our country for tomorrow. Our national plan will support jobs, enable business growth and bring our country closer together.

That is why we are supporting a record £70 billion investment in rail, roads, ports and airports, and we are undertaking the biggest rail modernisation since Victorian times. We are ensuring that every part of Britain benefits from a growing economy, and that all those who work hard have the opportunities that they need in order to succeed. As Members have pointed out tonight, the midland main line services provided for passengers today are compromised. The attempt to serve all passengers with inter-city trains means that, as my right hon. Friend has said, long-distance passengers suffer from slow peak journeys, and commuters to London have to board already crowded inter-city trains.

To solve the problem, as we design and build the next franchise, we will create two distinct services, one for commuters from Corby, Kettering and other stations to London and one for long-distance travellers, in order to serve both more effectively. That will significantly reduce journey times from Sheffield and Nottingham to London by reducing the number of stops on those long-distance services, as well as speeding up the trains themselves. On average, the slow Sheffield morning peak services will be reduced by between 20 and 30 minutes to about two hours, and the Nottingham services will be reduced, on average, by between 10 and 20 minutes to about an hour and a half.

It is vital for the first steps of the capacity work to be completed, and I am delighted to say that we are making good progress in delivering that. We will make the whole route between Bedford and Kettering four-track, and the whole route between Kettering and Corby two-track. The stops between Corby, Kettering and other stations and London, mainly used by commuters, would then be served by electric trains up to 12 carriages long.

That proposed approach will be consulted on as part of the upcoming East Midlands franchise competition, ahead of a planned invitation to tender in May 2017. I would greatly welcome engagement and input from Members to help us to achieve the right balance between journey time and connectivity on the route, and I am more than happy to accept the offer from my hon. Friend the Member for Kettering (Mr Hollobone) to meet the Secretary of State and me to discuss such matters further. I look forward particularly to seeing

bidders' innovative proposals to improve services for passengers and other users of the railway, building on the Government's substantial investment.

We are committed to electrification on the midland main line. We will deliver electrification from London to Kettering and Corby by 2019. Electric train services taking advantage of those improvements will begin as soon as possible after the completion of the infrastructure works, providing passengers with better trains, more seats, and better facilities on board. Those enhancements will provide increased capacity to relieve congestion on the railway.

Lilian Greenwood: Will the Minister give way?

Paul Maynard: If the hon. Lady waits for one minute, she may hear what she is hoping to hear.

The move to electric services to Corby will mean that we are able to deliver a third more carriage miles than today across the route. I can also assure Members on both sides of the House that development work is continuing on further electrification of the route to Sheffield and Nottingham. I am keen to ensure that the scheme delivers value for money for the taxpayer, and a better experience for the passenger.

We recognise that this is a challenging programme, with many difficult engineering hurdles to overcome, but we are determined to work with Network Rail to face the challenges and deliver the best possible railway for the people of this country. Work has already started to deliver the programme. If one travels from Corby to Kettering, one can see that the track-doubling and electrification are already in delivery. A major blockade to deliver those enhancements has just finished where work on strengthening bridges and viaducts was successful. Tens of millions of pounds are being spent on the project, which is laying the foundation for the new electric services.

We will remove the long-standing bottleneck at Derby station in 2018, to speed up midland main line, CrossCountry and freight services. We are improving the line speed between Derby and Sheffield, and at both Leicester and Market Harborough. Platform-lengthening work is going on throughout the network to enable longer trains to run. Overall, the programme will nearly double capacity into London in the morning peak, giving passengers a significantly quieter and smoother ride as well as a shorter journey. I believe that there will be a much better service for both current and future passengers.

Vernon Coaker: The Minister has made some interesting comments, particularly about the line from St Pancras to Kettering and Corby. Can he, in a nutshell, tell me and the House what he is saying about the Government's commitment to investment in the electrification of the line from Kettering and Corby to Sheffield, Derby, Nottingham and the stations in between—

Keith Vaz: Leicester!

Vernon Coaker: And Leicester, of course.

Paul Maynard: Let me make it clear that we are committed to continuing the ongoing development work, and my focus today is on how, in the shorter term, we can deliver faster journeys and better trains for the hon. Gentleman's constituents.

Lilian Greenwood: Last year, the then rail Minister assured hon. Members that the Hendy re-plan would mean that

“we will have a deliverable and affordable set of improvements.”—
[*Official Report*, 16 September 2015; Vol. 599, c. 330WH.]

When the project was unpaused, the chairman of Network Rail assured us that

“the line north of Kettering to Derby/Nottingham and Sheffield can be electrified in stages by 2023.”

Will this Minister commit to that timescale?

Paul Maynard: I will merely repeat what I have just said, which is that we are committed to the development of the ongoing electrification programme. I urge the hon. Lady today to consider the benefits that will accrue to her constituents and her local economy from the improvements in journey times that we are going to be accelerating through the new franchise process. There will be faster, better trains for her constituents, as well as constituents in Leicester, Sheffield and around the east midlands because of that.

Mr Betts: Let us be absolutely clear about something. We were given a promise in this House by Ministers when the electrification was unpaused that electrification would happen—to Sheffield, with the whole line complete—by 2023. Is the Minister now rowing back on that commitment or is he prepared to confirm it?

Paul Maynard: I am continuing to stress to Labour Members that we are continuing to develop the electrification proposals. What we are focusing on today is ensuring that we have better quality train services on the inter-city routes by ensuring that the longer distance trains have fewer stopping places south of Kettering. Therefore, we are continuing that development work. I am not going to take lectures from Labour Members about the pace of electrification, given that the Labour party failed to electrify more than 6 miles in its entire time in government. We are electrifying the line from St Pancras to Corby and Kettering to enable faster journeys for commuters on that route, and then we are continuing the development work as planned to ensure that we continue to improve services to Leicester, Nottingham and Sheffield, as we laid out.

Let me stress again that I recognise what my right hon. Friend the Member for Loughborough has said about the ageing rolling stock on the midland main line, but I remind her that although the HSTs are 40 years old, about three quarters of the inter-city fleet is made up of the Meridians, which are only 10 years old and are performing relatively well. Through the franchise competition, we will look to improve the rolling stock on the long-distance inter-city services. Across the country, rail passengers today are seeing the fruits of this approach to improving rail services. We need only look at the new stations at Manchester Victoria, Birmingham New Street and elsewhere across the country to see that.

My right hon. Friend also referred to freight, which I just want to touch on because it is very important to consider this in the context of the midland main line.

The movement of freight is vital to the economic prosperity of the regions that export and manufacture. Indeed, a number of upgrade projects across the region, such as on the great northern great eastern line, have been specifically designed and delivered to improve freight paths for manufacturers in the region. Investment in transport across the UK—

Lilian Greenwood: Will the Minister give way on that specific point?

Paul Maynard: I have a minute left, but I am happy to give way.

Lilian Greenwood: Does the Minister not recognise that electrification also provides the additional capacity and gauge clearance that freight requires? Is that not one of the reasons why electrification on this line is so important?

Paul Maynard: I can only repeat what I keep saying to the hon. Lady, which is that she needs to focus on the fact that we are continuing our development work on the further stages of electrification. This is an incremental process. I am trying to emphasise that we as a Government are seeking to deliver the benefits that will accrue from a range of projects on the line as soon as possible through the new franchising process. I urge her, when she gets the chance—[*Interruption.*] I ask the hon. Member for Sheffield South East very politely not to interrupt from a sedentary position. I urge hon. Members to look at *Hansard* tomorrow morning and to read carefully what I have said about what we wish to do with the new franchise. I have already offered to meet the hon. Gentleman and his colleagues and the Secretary of State to discuss how best we can improve the service to Nottingham, Leicester and Sheffield in the short term while we continue to improve and deliver on the electrification process alongside that by continuing the development work. I have been clear about that today, and I am happy to make it clear to the hon. Gentleman again in any meeting that we might subsequently have.

Our enhancements are already being delivered, and we will be running an additional passenger train per hour on the midland main line into St Pancras as well as opening up additional capacity for crucial freight services. This will provide much needed extra capacity for passenger services on the stops from Kettering and Corby and other stations into London used by regular commuters into London, as well as allowing a reduction in journey times for passengers travelling from Sheffield and Nottingham via Derby and Loughborough into London.

I always welcome fact-filled debates and submissions from Members on both sides of the House. I thank them for their attention today, and I look forward to discussing this in more detail in the weeks to come.

10.31 pm

House adjourned without Question put (Standing Order No. 9(7))

Written Statement

Monday 7 November 2016

CULTURE, MEDIA AND SPORT

Information Commissioner's Office: Triennial Review

The Secretary of State for Culture, Media and Sport (Karen Bradley): Following a statement by the then Parliamentary Under-Secretary of State for Human Rights, my hon. Friend the Member for Esher and Walton (Mr Raab) on 16 July 2015, I wish to inform the House that the triennial review of the Information Commissioner's Office (ICO) that was announced in Parliament on Tuesday 25 November 2014, has been published today and a copy has been placed in the Libraries of both Houses.

The Government welcome the review's positive assessment of the ICO's contribution to the protection of personal data and the increased transparency in public life over the last 30 years. The review rightly notes the considerable strides the ICO has made in improving its performance in a number of areas against a challenging economic backdrop.

The review also recognises that the environment in which the ICO operates has changed considerably over the last decade due to the proliferation of digital information and rapid changes in technology. In turn, the ICO's powers and functions have grown to meet this challenge. In response, the review concludes that the functions of the ICO are still required but recommends that the organisation should be restructured as a multi-member commission to encourage a greater breadth of decision-making and accountability.

The Government have considered the review's recommendations very carefully. It agrees that the expansion in role highlighted by the review does necessitate a step change in governance and leadership at the ICO and

that is why we welcomed the separate decision by the previous Information Commissioner, Christopher Graham, to widen the existing leadership cadre to allow for greater collective decision-making on regulatory matters.

However, the Government have decided that reconstituting the ICO as a multi-member commission is not the right change to make to its governance arrangements. The new Information Commissioner, Elizabeth Denham, took up post in July 2016. Her first priority is to ensure that the organisation is properly equipped to take forward the requirements of the general data protection regulation (GDPR), which will come into force in the UK in May 2018; and to provide clarity and certainty to businesses and organisations as they make preparations to implement the regulation. Alongside this is a need to prepare the organisation for any changes to data protection regulatory landscape after the UK exits the European Union.

Strong and stable leadership is crucial during a period of rapid organisational change and the Government believe that a single Information Commissioner working through an enhanced senior leadership team is the best model for achieving this. We therefore do not intend on making any statutory changes to the governance model of the ICO.

More broadly, the review recommended that the ICO improves its digital and technological capability to meet the economic and societal challenges posed by the rapidly growing digital economy. A number of improvements have been made over the last year, expanding the number of technology experts at the ICO and improving the visibility of technology in the ICO's communications. This additional expertise has significantly strengthened the ICO's investigation and enforcement capability in relation to cyber and other data protection breaches. The Information Commissioner is committed to publishing a refreshed technology strategy in 2017, including further investment in expertise available to the ICO and drawing on external knowledge through better research and collaboration with experts from academia and industry.

[HCWS238]

Petitions

Monday 7 November 2016

PRESENTED PETITION

Petition presented to the House but not read on the Floor

Implementation of the 1995 and 2011 Pension Acts

The petition of residents of Blyth Valley,

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.—[Presented by Mr Ronnie Campbell.]

[P001975]

OBSERVATIONS

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Royal Mail delivery office in Bredbury

The petition of residents of the UK,

Declares that the Royal Mail delivery office in Bredbury, which enables local residents to collect parcels and items of mail, provides a service that is vitally convenient; further that there is no local alternative provision of this service; and further that the nearest facility is not in easy reach of the local population and has no direct public transport links.

The petitioners therefore request that the House of Commons urges Royal Mail plc to keep a Royal Mail delivery office open in Bredbury.

And the petitioners remain, etc.—[Presented by William Wragg, *Official Report*, 6 September 2016; Vol. 614, c. 302.]

[P001705]

Observations from the The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):

The closing or relocation of delivery offices is an operational matter for Royal Mail's management, provided it does not affect its ability to deliver the universal postal service—the collection and delivery of letters six days a week throughout the UK at uniform, affordable prices.

No final decision has been taken in respect of the closure of the Bredbury delivery office. Royal Mail is conducting a feasibility study to look at the impact of

relocating the delivery operations of the Bredbury Office to its Stockport delivery office. The study includes discussions with its staff and trade unions.

In the event that the move goes ahead, detailed planning will take place to ensure a smooth transition for the postal operator's operations, its staff and customers. It is standard practice for Royal Mail to put plans in place to minimise disruption to local services. For example, it offers re-delivery to a nominated neighbour and delivery on a day nominated by the customer. These are free of charge services. Alternatively, Royal Mail can deliver items to a different address within the same postcode area.

The House may also be interested to know that there are existing arrangements, available as standard across the country, which provide delivery or redelivery for many items free, or at low cost, to a nearby Post Office branch, at the request of the recipient.

Royal Mail delivery office in Marple

The petition of residents of the UK,

Declares that the Royal Mail delivery office in Marple, which enables local residents to collect parcels and items of mail, provides a service that is vitally convenient; further that there is no local alternative provision of this service; and further that the nearest facility is not in easy reach of the local population and has no direct public transport links.

The petitioners therefore request that the House of Commons urges Royal Mail plc to keep a Royal Mail delivery office open in Marple.

And the petitioners remain, etc.—[Presented by William Wragg, *Official Report*, 6 September 2016; Vol. 614, c. 302.]

[P001706]

Observations from the The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):

The closing or relocation of delivery offices is an operational matter for Royal Mail's management, provided it does not affect its ability to deliver the universal postal service—the collection and delivery of letters six days a week throughout the UK at uniform, affordable prices.

No final decision has been taken in respect of the closure of the Marple delivery office. Royal Mail is conducting a feasibility study to look at the impact of relocating the delivery operations of the Marple office to its Stockport delivery office. The study includes discussions with its staff and trade unions.

In the event that the move goes ahead, detailed planning will take place to ensure a smooth transition for the postal operator's operations, its staff and customers. It is standard practice for Royal Mail to put plans in place to minimise disruption to local services. For example, it offers re-delivery to a nominated neighbour and delivery on a day nominated by the customer. These are free of charge services. Alternatively, Royal Mail can deliver items to a different address within the same postcode area.

The House may also be interested to know that there are existing arrangements, available as standard across the country, which provide delivery or redelivery for many items free, or at low cost, to a nearby Post Office branch, at the request of the recipient.

ORAL ANSWERS

Monday 7 November 2016

	<i>Col. No.</i>		<i>Col. No.</i>
DEFENCE	1235	DEFENCE—continued	
Armed Forces	1246	Military Campaign against Daesh	1247
Armed Forces Covenant	1241	Mosul: Reconstruction and Governance	1239
Defence Spending	1244	Procurement Programmes: Supply Chain.....	1235
Departmental Funding	1249	Topical Questions	1250
Iraq and Syria: RAF Campaign.....	1237	Yemen	1240
Mental Health Services: Veterans.....	1242		

WRITTEN STATEMENT

Monday 7 November 2016

	<i>Col. No.</i>	<i>Col. No.</i>
CULTURE, MEDIA AND SPORT	35WS	
Information Commissioner's Office: Triennial Review	35WS	

PETITIONS

Monday 7 November 2016

	<i>Col. No.</i>		<i>Col. No.</i>
PRESENTED PETITION	7P	BUSINESS, ENERGY AND INDUSTRIAL	
Implementation of the 1995 and 2011 Pension Acts	7P	STRATEGY	7P
		Royal Mail delivery office in Bredbury.....	7P
		Royal Mail delivery office in Marple.....	8P

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned, and *must be received in the Editor's Room, House of Commons,*

**not later than
Monday 14 November 2016**

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE
PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

CONTENTS

Monday 7 November 2016

Oral Answers to Questions [Col. 1235] [see index inside back page]
Secretary of State for Defence

Article 50 [Col. 1255]
Statement—(Mr David Davis)

Defence Estate [Col. 1286]
Statement—(Sir Michael Fallon)

Exiting the EU and Workers' Rights [Col. 1302]
General debate

Midland Main Line Electrification [Col. 1366]
Debate on motion for Adjournment

Written Statement [Col. 35WS]

Petitions [Col. 7P]
Observations

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
