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20 January 2017

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 20 January 2017

House of Commons

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

9.34 am

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

Question put forthwith (Standing Order No. 163).

The House proceeded to a Division.

Mr Speaker: Would the Serjeant care to investigate the delay in the voting Lobby?

The House having divided: Ayes 1, Noes 40.

Division No. 127]

[9.34 am

AYES

Rees-Mogg, Mr Jacob

Tellers for the Ayes:

**Philip Davies and
Mr David Nuttall**

NOES

Barwell, Gavin
Blackwood, Nicola
Blomfield, Paul
Bone, Mr Peter
Brokenshire, rh James
Crouch, Tracey
Ellison, Jane
Ellwood, Mr Tobias
Esterson, Bill
Eustice, George
Evennett, rh David
Freer, Mike
Garnier, Mark
Gibb, Mr Nick
Glen, John
Glendon, Mary
Gummer, rh Ben
Harrington, Richard
Heaton-Jones, Peter
Hollobone, Mr Philip
James, Margot
Jones, Andrew

Keeley, Barbara
Kwarteng, Kwasi
Lancaster, Mark
Lucas, Caroline
Mak, Mr Alan
McInnes, Liz
Morden, Jessica
Morton, Wendy
Newton, Sarah
Pursglove, Tom
Reed, Mr Steve
Stewart, Iain
Tami, Mark
Thomas-Symonds, Nick
Walker, Mr Robin
Wharton, James
Whittaker, Craig
Zeichner, Daniel

Tellers for the Noes:

**Julian Smith and
Chris Heaton-Harris**

Question accordingly negatived.

Merchant Shipping (Homosexual Conduct) Bill

Second Reading.

9.54 am

John Glen (Salisbury) (Con): I beg to move, That the Bill be now read a Second time.

I am very pleased to bring the Bill to the House because, by repealing sections 146(4) and 147(3) of the Criminal Justice and Public Order Act 1994, it completes the removal of historical provisions that penalised homosexual activity. I am proud to do so because of my commitment to justice and opposition to unjustified discrimination.

When it comes to employment, in the merchant navy or anywhere else, what matters is a person's ability to do the job—not their gender, age, ethnicity, religion or sexuality. Hon. Members across the House share that commitment. Many will be surprised—astonished, even—to learn that this anomaly still remains on the statute book. There is no place in our society today for employment discrimination on the basis of sexual orientation, through which one provision applies to heterosexual individuals and another to homosexual individuals. The Bill repeals the now defunct provision that authorised the dismissal of a merchant seaman on the grounds of homosexual conduct. It is the last such provision penalising homosexual activity that remains on our statute book, and it should be removed.

The repeal of historic provisions that penalised homosexual activity started with the Wolfenden report in 1957. That landmark report argued for the decriminalisation of homosexual conduct. It was not universally popular at the time, attracting criticism from across the party political divide, but it wisely saw that private, consensual sexual behaviour was not a matter for the law. The internal debates within the Wolfenden committee were mirrored in the wider public debate; the debate between Professor H. L. A. Hart and Patrick Devlin, later Lord Devlin, was studied as a matter of course by law students. That debate is instructive to this Bill as it sets the entire tone for how we think about the law in the area of private sexual behaviour.

Lord Devlin took the view that the enforcement of morals was a proper function—even the primary function—of law. He was right to the extent that the law cannot be divorced from morality; it has an interest in what is good and in identifying wrongs that should be dealt with in society. However, he was wrong to imagine that, essentially, if the majority of people in society thought that something was morally wrong, it should be illegal. H. L. A. Hart took the view that the reality is more complicated than that—that there is a private sphere where the law should not run. The Wolfenden report set out that, as a matter of principle, sexual acts between consenting adults were not, in fact, a matter for the law.

It may sound initially as if Devlin's view is the more Conservative, but actually Hart saw that there is a distinction between the state and society: they are not the same thing. Governments may protect and create the conditions for a flourishing society, but they do not intervene in every area unless there is a very good reason. The late Mrs Thatcher drew the same distinction

[John Glen]

in her misunderstood dictum that there is no such thing as society. There is no such thing as society that is different from the institutions of family, individuals, businesses and other civic organisations.

Mr David Nuttall (Bury North) (Con): My hon. Friend mentions what must be one of the most frequently referred to of the late Mrs Thatcher's quotations: that about there being no such thing as society. Has he ever looked up the full *Woman's Own* quote, which lends itself to an interpretation completely different from the one usually ascribed to it?

John Glen: I am grateful to my hon. Friend for correcting the misunderstanding about that quote. He is absolutely right that it is a total misrepresentation of what the late Mrs Thatcher was trying to say.

It is worth noting that the Wolfenden committee broke new ground, as it was the first time openly homosexual citizens in this country gave evidence to a Government committee. It is perhaps evidence of how contentious the Wolfenden report was at the time that it took a further 10 years before its recommendations were implemented and decriminalisation took place in the Sexual Offences Act 1967.

The Criminal Justice and Public Order Act 1994—the Act that the Bill is concerned with—was seen at the time as a liberalising Act, mainly because it reduced the age of consent for homosexual activity. In addition, sections 146 and 147 repealed the clauses in the 1967 Act that made homosexual activity in the armed forces and on merchant navy vessels a criminal offence. That was done, however, partially because of the anomaly that an individual could not be prosecuted under criminal law but could be prosecuted under service law for that same offence.

However, sections 146(4) and 147(3), which I hope the Bill will repeal, specifically required that nothing in the Act should prevent homosexual activity from constituting grounds for dismissal. They were added to the Act through non-Government amendments during the House of Lords Committee stage. Those amendments were supported by peers who wished to have the then policy on administrative dismissal in the armed forces on the face of the Act. The amendments were initially resisted by the Minister at the time, but they were pressed to a Division, which the Government lost. So although the criminal penalty was taken away, discrimination on the grounds of sexual orientation remained. During the passage of the 1994 Act, the anomaly that there were no equivalent provisions for heterosexual activity on board a ship, for example, was pressed by some Members of this House and the other place.

The equivalent provisions for the armed forces in the 1994 Act were struck down as a result of a European Court of Human Rights case in 2000. In *Smith and Grady v. the United Kingdom*, the Court found against the armed forces policy at the time of investigating whether personnel were of homosexual orientation or had engaged in homosexual activity and of pursuing administrative discharge as a matter of policy if that was found to be the case.

The case raised a number of issues relating to the place of homosexual men and women in the armed forces, but I want to touch on one aspect in particular:

bullying. The submissions to the Court during the case argued that one reason for the armed forces policy at the time was the threat of

“assaults on homosexuals, bullying and harassment of homosexuals, ostracism and avoidance”.

The ECHR responded, as we would today, by arguing that that should be dealt with robustly through clear codes of conduct, complaint procedures and training programmes, in the same way as racial and sexual harassment or bullying. In its decision, the Court said:

“The Court considers it important to note, in the first place, the approach already adopted by the armed forces to deal with racial discrimination and with racial and sexual harassment and bullying...The January 1996 Directive, for example, imposed both a strict code of conduct on every soldier together with disciplinary rules to deal with any inappropriate behaviour and conduct. This dual approach was supplemented with information leaflets and training programmes, the army emphasising the need for high standards of personal conduct and for respect for others.”

As a result of that judgment and the implementation of appropriate codes and procedures to tackle bullying and harassment of homosexual servicemen and women, the armed forces are clearly not today as they were at the time of that case; nor is the merchant navy.

However, despite that very positive development in recent years, we need to acknowledge that homophobic bullying is still a live issue today, particularly in schools. No one should be assaulted, bullied or harassed as a result of their sexual orientation, and it is important to recognise that such things can be particularly damaging when they happen among one's close peers in such a crucial and formative environment.

I am pleased the Government have made £2.8 million available to tackle homophobic bullying. The programme funded by this additional money began in September 2016 and will run to March 2019 to prevent and respond in a sustained way to homophobic bullying across primary and secondary schools in England. As part of the programme, which will build on the previous £2 million grant, which was announced in October 2014, the Government are funding six initiatives that will deliver whole-school approaches and staff training to help prevent and tackle homophobic bullying. I hope that the passage of the Bill today, in reaffirming that there is no place for discriminatory employment practices, will also send a clear signal that homophobic bullying and harassment are completely unacceptable.

The firms that constitute the merchant navy were not actually within the scope of the 2000 *Smith and Grady v. the United Kingdom* case, because they were private employers, and cases brought in respect of European convention rights are brought against Governments rather than private individuals or entities.

The provisions relating to the merchant navy were eventually superseded by the Employment Equality (Sexual Orientation) Regulations 2003, which integrated into UK law EU equal treatment directive 2000/78/EC.

Wendy Morton (Aldridge-Brownhills) (Con): My hon. Friend is setting out in great detail the background to the Bill. Perhaps he can confirm whether UK merchant ships are classified as residences as well as workplaces, which means that shipowners can make up their own rules about what is and is not allowed to happen on board their ships.

John Glen: I will come to some of those points later, but that is why it is important that we are clear about the Bill needing to pass today to leave no ambiguity on the statute book.

The Equality Act 2010 introduced a comprehensive new framework, which updated, simplified and strengthened the previous legislation and created a simple framework of discrimination law that protects individuals from unfair treatment. The Act introduced protection from discrimination for individuals in respect of protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. When the Act was first passed, section 5 did not automatically apply to the shipping industry, but it was applied to shipping through the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011.

Despite the fact that the provisions to be repealed by the Bill have been superseded, it is important that they are taken off the statute book for four reasons, and I would like to take a little time to set out those four principled reasons, which have brought the Bill before the House today.

First, as I have indicated, the Bill is symbolic. The provisions it deals with are the last remaining historical legislation on our statute books that penalises and directly discriminates on the grounds of homosexual conduct.

Mark Tami (Alyn and Deeside) (Lab): There will be those who will argue, “Well, the law has moved on so there’s no point in doing that,” but the symbolism of sweeping it away is so important.

John Glen: The hon. Gentleman makes a very wise observation. That is absolutely critical, which is why I have spent time setting out the background, to show that this is the conclusion of a journey that this country has been on for essentially 60 years.

By removing the distinction and applying the provisions to all individuals, passing the Bill will affirm this House’s commitment to justice and equality and show that there is no place in society for discrimination on the basis of sexual orientation. What matters in employment is the ability to do the job, nothing else. And what matters in society is how you can contribute and serve others, not your background, race or sexuality.

Secondly, the Bill completes the process, started by the Armed Forces Act 2016, of repealing those provisions. As a result, it delivers on the commitment made during the Act’s passage to introduce legislation to deal with the merchant navy provisions in just the same way as the armed forces provisions.

Thirdly, the Bill gives reassurance. At the moment, an individual could look up the Criminal Justice and Public Order Act 1994 online and be alarmed or confused that it apparently allows for the dismissal of a seafarer in the merchant navy on grounds of homosexual conduct. As I have said, although those provisions have already been superseded, that is not clear from an initial reading of the 1994 Act itself. Rather, someone would have to already know about the Employment Equality (Sexual Orientation) Regulations 2003 or the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011.

Fourthly, the Bill will tidy up legislation. Our statute book is complex enough without the retention of defunct and superseded provisions. Apart from anything else, this Bill is a useful tidying-up exercise to make the status of the current law regarding employment discrimination absolutely clear, and, as I have explained, it gives important reassurance to anyone who might be concerned about an apparent provision in our law.

The Bill is very straightforward, with a single clause that simply repeals sections 146(4) and 147(3) of the Criminal Justice and Public Order Act. The territorial extent of the Bill is throughout the UK.

Mr Nuttall: Does my hon. Friend agree that the size of a piece of legislation has nothing to do with how important it may be, and that a one-line Bill could have a far bigger impact on society than a Bill that is 100-pages long?

Philip Davies (Shipley) (Con): Article 50.

John Glen: Absolutely. I think we know what my hon. Friend the Member for Bury North (Mr Nuttall) is referring to.

I want to address the territorial extent of the Bill, because there was some ambiguity about whether it is an equalities Bill or a maritime Bill. The reason that matters is that, given the territorial extent of the Bill, a legislative consent motion could have been required, because maritime matters are reserved, whereas equalities matters are devolved. I am informed that the Bill is classified as a maritime matter, so, being a reserved matter, a legislative consent motion is not required from the devolved Administrations. The Department for Transport has also signalled the Bill’s compatibility with ECHR rights.

The Bill mirrors the repeal of equivalent provisions relating to the armed forces in the Armed Forces Act. Those provisions were widely welcomed in the House during the passage of that Act, and I trust that the support that those provisions received will be indicative of support for this Bill.

I want to anticipate the objection that the Bill’s provisions could have been dealt with earlier. The Armed Forces Act could not have included sections relating to the merchant navy, because legislation covering the merchant navy is a transport matter, rather than a defence matter. As a result, the provisions fell outside the scope of that Act.

On Second Reading of the Armed Forces Bill, the Minister said:

“These provisions in no way reflect the position of today’s armed forces. We are proud in the Department of the progress we have made since 2000 to remove policies that discriminated against homosexual men, lesbians and transgender personnel, so that they can serve openly in the armed forces.”

The then Labour spokesman, the hon. Member for Chesterfield (Toby Perkins), who understandably is not in his place, said that removing the provisions

“from the statute book is a welcome step forward so that the explicit refusal to discriminate against homosexual servicemen and women is expunged from the service book, just as it has in practice been outlawed. That is an important step forward, and we welcome it very strongly.”—[*Official Report*, 11 January 2016; Vol. 604, c. 601-3.]

[John Glen]

Just as the armed forces today do not discriminate against homosexual servicemen and women, so the merchant navy does not do so any more, and homosexual men and women make a full and valuable contribution to our shipping industry.

A few years ago, in the last Parliament, I was fortunate to take through the Presumption of Death Act 2013 as a private Member's Bill. At the time, I was grateful for the support and help of charities and organisations that had been lobbying on the issues for a long time. Similarly, I am very pleased that this Bill has been welcomed by, and enjoys the support of, key bodies representing the merchant navy. I hope that will give us confidence that the repeal is not something to which the industry is indifferent; in fact, it warmly welcomes it.

The UK Chamber of Shipping, the industry body for the merchant navy, has welcomed the Bill and said:

"The UK Chamber of Shipping is fundamentally opposed to any discrimination on the basis of sexual orientation. Whilst subsequent equality legislation has superseded the law, this is a welcome move which would create legal certainty."

The National Union of Rail, Maritime and Transport Workers, the industry union, has also lent its support to the Bill, saying:

"The RMT is fundamentally opposed to all forms of workplace discrimination, including on grounds of sexuality. We support all efforts to reinforce LGBTI workers' rights in the merchant navy and Mr Glen's Bill should finally end any perception of a threat of legalised persecution, particularly of gay or bisexual seafarers. We welcome this legislative step and see that it has Government support. We urge all MPs and Peers to ensure that this Bill is passed into law as quickly as possible."

Finally, I was particularly pleased to receive the backing of long-standing campaigner Peter Tatchell, who wrote in an email to me:

"It is surprising and shocking that this exemption from the equality laws remains on the statute books, after so many years of gay law reform. Repeal is long overdue and most welcome."

In conclusion, I hope that the Bill will enjoy support from across the House, to signal our commitment to equality and justice, and to give real reassurance to individuals that no discriminatory employment practices are allowed in law, in the merchant navy or elsewhere in the United Kingdom. As I said at the beginning of my speech, I am pleased to promote this Bill and I commend it to the House.

10.19 am

Craig Whittaker (Calder Valley) (Con): I am pleased to be able to contribute to the debate, and I thank my hon. Friend the Member for Salisbury (John Glen) for introducing the Bill. It repeals provisions in sections 146 and 147 of the Criminal Justice and Public Order Act 1994 that purport to preserve the right to dismiss a seafarer from a UK-registered merchant navy vessel for an act of homosexuality. Although neither of the provisions has any effect as a consequence of other legislation, most notably the Equality Act 2010, repealing them would prevent any possible misunderstanding about their current effect, as has been said, and thus would tidy up the statute book.

There are other good reasons for repealing the provisions, but first it is necessary to reflect on the legal background and legislative developments of the past 50 years that have enabled us to consider doing so. Sections 146(4)

and 147(3) of the 1994 Act have been rendered obsolete by the gradual development of LGBT rights. Fifty years ago, section 1 of the Sexual Offences Act 1967 decriminalised homosexual acts in private in England and Wales. However, section 1(5) of that Act ensured that committing a homosexual act was still an offence in military law, while section 2 stipulated that a homosexual act on a merchant ship continued to be an offence.

Moving forward a generation, we come to the 1994 Act—the very Act to which the Bill refers. That Act covered a plethora of areas, including young offenders, bail arrangements, justice, police powers, trespassing, squatters, terrorism and prisons, to name just a few. Part 11 of the Act covered topics relating to homosexuality. Perhaps most notably, section 145 reduced the homosexual age of consent from 21 to 18. It has since been lowered again to 16. Elements of sections 146 and 147 removed the criminal liability that remained under the 1967 Act.

Sections 146(4) and 147(3) were added to the Bill that became the 1994 Act as a result of non-Government amendments. I understand that the proposer of the amendments was concerned that making homosexual conduct legal in the armed forces and merchant navy might mean that homosexuals could not be dismissed for engaging in such conduct, or that that could not be used as the basis of prosecution under military discipline. The same provisions were designed to restrict the meaning of the rest of the 1994 Act, and as a consequence they have no effect on any other measure. Indeed, the wording of sections 146 and 147 makes it possible, by means of other legislation and Government policy, to prevent anyone from being dismissed solely on the basis of homosexual conduct.

As has been mentioned with regard to the armed forces, in September 1999, in the case of *Smith and Grady v. the United Kingdom*, the European Court of Human Rights ruled that the ban on homosexuals in the UK armed forces broke the European convention on human rights, which safeguards the right to privacy. Until that point, the position of the Ministry of Defence had always been that homosexuals in the military were bad for morale and that they were vulnerable to blackmail from foreign intelligence agencies. Indeed, the armed forces policy guidelines on homosexuality stated that the homosexual lifestyle was "incompatible" with military life

"because of the close physical conditions in which personnel often have to live and work, but also because homosexual behaviour can cause offence, polarise relationships, induce ill-discipline and...damage morale and unit effectiveness."

As a result of the ban, dozens of homosexual servicemen were forced to leave the services every year as a consequence of the prejudice that they encountered. Following the decision of the European Court of Human Rights, the UK Government formally lifted the ban on 12 January 2000.

With regard to the merchant navy, dismissing a crew member from a merchant ship because of a homosexual act—that is, specifically because the act was homosexual, as distinct from dismissal for participating in a sexual act irrespective of sexual orientation—would constitute sexual orientation discrimination, which contravenes regulation 4 of the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 in Great Britain. In

Northern Ireland, regulation 6 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 achieves the same outcome.

The provisions of the 1994 Act thus have no current legal effect. Over the years, both sections have been gradually amended until they have reached their present composition, whereby they make reference only to the merchant navy. The measures in those sections that dealt with offences relating to military discipline were repealed by the Armed Forces Act 2006, and all references to the armed forces were removed by section 14(3) of the Armed Forces Act 2016.

Section 14(3) of the 2016 Act was the consequence of a Government amendment tabled on Report. It was initially thought that it was not possible to repeal the aspects of sections 146 and 147 of the 1994 Act relating to the armed forces because they were tied up with the merchant navy, which was outside the scope of the 2016 Bill. The Government subsequently agreed to decouple the two issues, so they dealt in the 2016 Act with those aspects of sections 146 and 147 of the 1994 Act that related to the military and stated that the aspects dealing with the merchant navy would be addressed as soon as possible.

The Bill that we are debating advocates a similar approach to that taken by the Government in the 2016 Act. Although the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster), suggested last year that the Department for Transport intended to deal with references to the merchant navy as soon as possible, my hon. Friend the Member for Salisbury has beaten the Department to it with his Bill. I am pleased to note that the Government intended to address the matter as soon as possible, and I welcome the comments made in that regard by the Under-Secretary in this Chamber, and by the Minister of State for Defence, Earl Howe, in the other place. I also welcome the cross-party support for that approach and the comments made by the hon. Members for North Durham (Mr Jones) and for East Renfrewshire (Kirsten Oswald) during proceedings on the 2016 Act.

As I have stated, neither section 146(4) nor section 147(3) has any legal effect because of other legislation. Both provisions are obsolete, and their removal would tidy up the statute book. That fact alone is ample justification for introducing the Bill, but there are other far more significant reasons for doing so. Even though the provisions have no effect, their policy implications are ambiguous. Indeed, they could easily be interpreted as a clear statement that being homosexual is incompatible with employment on merchant vessels, and that homosexuals are unwelcome in the merchant navy.

Wendy Morton: My hon. Friend is doing a sterling job of setting out the background to and the detail of the Bill. Does he agree that it is important to recognise that, as is the case in most of society, the position of LGBT sailors has markedly improved over the last 20 years? That is not to say that I will not support the Bill—I will—but that fact is clear from the merchant navy code of conduct, which sets out much more up-to-date disciplinary and grievance processes, as well as guidelines for preventing bullying and harassment.

Craig Whittaker: What my hon. Friend might not know about my past is that I grew up in Australia and my father was in the merchant navy. I am going back

many years, but I know from some of the old seafaring stories he used to tell me when I was a much younger man that bullying in the navy, particularly the bullying of homosexual and bi people, was absolutely rife, which was totally unacceptable. I therefore absolutely agree that the conditions for LGBT personnel on merchant vessels are now far better than they were in the days when my father was in the merchant navy, but I dare say that the Bill will make those conditions even better.

The “Code of Conduct for the Merchant Navy” was approved in 2013. It was agreed between Nautilus International, the National Union of Rail, Maritime and Transport Workers and the UK Chamber of Shipping, and approved by the Maritime and Coastguard Agency. The code takes into account the unique nature of working on a merchant ship and the fact that seafaring is a civilian occupation that imposes on seafarers certain demands that are not found in land-based jobs. To pick up my hon. Friend’s intervention, one of the key aspects of working on a merchant vessel is that those doing so live and work together with their fellow colleagues, so if they do not get on and there is bullying and intimidation, there is far greater stress for those on the receiving end of the bullying, because of the confined environment of the ships they work on.

Furthermore, “Guidance on Eliminating Shipboard Harassment and Bullying”, which is produced by the International Chamber of Shipping and the International Transport Workers Federation, affirms the importance of eliminating discrimination in respect of employment and occupation. It states:

“All seafarers have the right to work without suffering harassment and bullying”.

It also outlines

“the serious consequences for the physical and emotional health of seafarers”

subject to such bullying. The guidance makes it explicit that harassment and bullying based on a person’s sexual orientation is unacceptable, and sets out formal complaints and investigations procedures to ensure that all incidents of homophobic bullying are dealt with properly.

It is absolutely clear that the sentiment expressed in sections 146(4) and 147(3) of the 1994 Act is not shared by those in the shipping industry and is incompatible with their current policies, aims and values. The implication of the provisions as they currently stand—that being homosexual is incompatible with employment on merchant vessels—is outdated and unhelpful, so removing them and any possible ambiguity should be welcomed. Both the code of conduct and the guidance make it clear that LGBT people are welcome in the merchant navy. Any suggestion to the contrary is clearly wrong, and efforts to avoid any possible misunderstanding by removing such references from the statute book will, I am sure, receive the support of the industry.

There are a number of practical reasons for removing the sections and therefore for supporting the Bill. As several Members have already told me, doing so is also highly symbolic. In a sense, that aspect is arguably the most compelling reason for supporting the Bill. As I have outlined, legislation and Government policy relating to LGBT people have changed substantially during the past 50 years. However, the fact that we are discussing this issue today demonstrates that there is still a way to go.

[Craig Whittaker]

Beginning with the Sexual Offences Act 1967, which decriminalised homosexual acts in private, we have witnessed many important milestones for LGBT rights over recent decades. I have already mentioned some of them, such as equalising the age of consent, removing the ban on serving in the armed forces and outlawing all other discrimination practices. Other measures implemented prior to 2010 include, but are not limited to, the repeal of section 28 of the Local Government Act 1988, the right of same-sex couples to adopt children, and civil partnership legislation.

Since 2010, there have been further measures to enhance LGBT equality, as well as a consistent desire from the Government to tackle any remaining prejudices and discrimination. As my hon. Friend the Member for Salisbury said, £2.8 million has been made available to tackle homophobic, biphobic and transphobic bullying in primary and secondary schools in England as part of a three-year project that will finish in March 2019. The Government have worked alongside LGBT organisations to combat online abuse and harassment through the launch of the Stop Online Abuse website. Sport England has been asked to ensure that the involvement of LGBT people in sport receives an equal emphasis as part of its efforts to encourage wider involvement in sport.

Furthermore, for those who doubt how far we have come in a relatively short period, it is worth reflecting on the fact that our armed forces came second in the world's first league table of the most LGBT-friendly militaries in the world in 2014, 14 years after the ban on serving in the military was formally overturned. We now have the Women and Equalities Committee, which is able to hold the Government to account on their approach to these issues. We have seen the development of the world's first LGBT action plan produced by Government, and a number of measures to address the specific challenges that trans people face in their everyday lives.

The Government have also built on the posthumous pardon of Alan Turing with their announcement in October that those convicted for consensual same-sex relationships before the change in the law would be formally pardoned through an amendment to the Policing and Crime Bill. However, the most high-profile measure was the introduction of marriage for same-sex couples. The latest figures for England and Wales suggest that, since the first same-sex marriages took place in March 2014, over 15,000 marriages were recorded in the 15 months following the change in the law. The total figure will now be somewhat higher.

Sadly, we cannot change the events of the past or the discrimination and prejudice that LGBT people often experienced in society. We can, however, change the present. We can seek to tackle discrimination and intolerance where it still exists, and we can lead by example in this House when it comes to challenging legislation that is plainly inappropriate and inconsistent with the values that we hold today. For obvious reasons, approving this Bill will not generate the headlines that many of the legislative changes of the past have generated, and nor will it be remembered in the same way, but it is symbolic none the less. Its purpose is very much in keeping with the other legal and policy developments and changes within society that have radically improved LGBT rights over the past 50 years.

The Bill must be seen through the prism of that changing landscape. It is a small but important change to ensure that LGBT people are protected from discrimination in the workplace. If the Bill is passed, it will no doubt be seen in years to come as part the gradual journey of improving LGBT rights in this country and of ending the historical prejudice that LGBT people have experienced. I am pleased to have been able to contribute to the debate, and I am pleased to support the Bill.

10.39 am

Iain Stewart (Milton Keynes South) (Con): I am grateful for the opportunity to contribute to this debate at such an early stage. I serve on the Select Committee on Transport and am also an openly gay man, so I hope that I can bring my knowledge from both perspectives to our deliberations.

I start with the customary congratulations to my hon. Friend the Member for Salisbury (John Glen) on his good fortune in securing such a high place in the private Members' Bills ballot and on choosing this subject. If I heard him correctly, if the Bill is successful it will be his second change to the laws of the land. I imagine that will make him eligible for membership of a fairly exclusive club of Back Benchers who have secured not one but two changes in the law, but we must not get ahead of ourselves. This is only Second Reading, and there are many more stages to come in this place and the other place.

I welcome the important point that both my hon. Friend the Member for Salisbury and my hon. Friend the Member for Calder Valley (Craig Whittaker) made that the Bill is much more than a simple tidying-up exercise. Reading the explanatory notes and some of the briefings that were provided, I had some concern that the Bill's sole purpose was to tidy up some clumsy legal arrangements in previous legislation. That is important, for the reasons that they set out, but I am glad that they appreciate the Bill's wider significance in continuing the journey on LGBT issues that we have been on for many decades.

I appreciate that there would have been clumsiness in binding together the removal of discrimination in merchant shipping and in the armed forces. It would have been difficult to put the two together in a single measure in the Armed Forces Act 2016, and I am glad that the sensible decision was taken to decouple them and allow the welcome changes to the armed forces law to proceed without delay, rather than getting into a bit of a pickle by putting the two together. As both my hon. Friends have said, the Bill is the completion of a journey that has already been started. They gave a helpful précis of the changes that have happened, from the decriminalisation of homosexuality to the steps towards equality over the past few decades under Governments of all colours.

My hon. Friend the Member for Calder Valley touched on the Marriage (Same Sex Couples) Act 2013. I would like to focus on it too, because there is a strong parallel between the process by which we arrived at that point and the Bill. If the House will indulge me, I would like to explain that thought.

When the Civil Partnership Act 2004 was introduced under Tony Blair's Government, it was a recognition that it would be difficult to move straight to same-sex

marriage in law. There was wide acceptance at the time that although that was a desirable ultimate goal, the legal difficulties and the objections of many of the Churches would have made it difficult to go to that point straight away. I was not a Member of the House at the time, but I was perfectly comfortable with the Civil Partnership Act, as it gave same-sex couples pretty much the same rights that heterosexual couples had under civil marriage. There was a small legal difference in the provisions, but it was about 98% the same, and I thought that was good enough.

Craig Whittaker: It is interesting that my hon. Friend focuses on the same-sex marriage Act but also mentions the Civil Partnership Act introduced under Tony Blair. Does he agree that the latter was probably the most significant Act for equality, because it put those who went into civil partnerships on a footing of legal equality with married couples for the first time?

Iain Stewart: I agree with my hon. Friend to an extent. It almost put us on the same footing, but there was a difference—if he will forgive me, I will come on to that point in a minute.

Once the Civil Partnership Act was in force and many thousands of couples had taken advantage of it, the debate then became about whether we should move to full same-sex marriage. At the time I thought, “Do we really need to do this? Haven’t we got what we wanted, in practice, and aren’t we just going to be indulging in a bit of a sideshow that will not really make much difference?” I think other colleagues felt the same. However, the more I thought about it, the more I realised the importance of moving to full equality, as my hon. Friend has said. Although the Civil Partnership Act almost gave us equality, it was still not the same. Gay people and straight people were still treated differently under the law.

I mention that because we could argue today that the provisions of the Criminal Justice and Public Order Act 1994 and the Equality Act 2010 would make it difficult for a seafarer to be dismissed because they were homosexual or had engaged in a homosexual act. However, that discrimination exists on the statute book, and there could be a case in which someone was dismissed for that. That is wrong, so the Bill is not just a tidying-up exercise but will send out a powerful signal. It might not affect a great number of individuals, although homosexuality on the high seas is not a new concept—I understand from doing some research that a special language called *Polari* has even been used, so that discreet signals can be sent out to people who might be interested.

Mike Freer (Finchley and Golders Green) (Con): Are you making a bona speech?

Iain Stewart: I am not fluent in the language.

Although the Bill might not affect a great number of people, there is still discrimination in the law, and we should not be ignorant of the fact that it may deter people from pursuing a career on the high seas. Such discrimination can cause significant psychological damage to young gay people as they grow up, if they know that they will potentially not be able to pursue their vocation or the profession of their choice because they are different.

My hon. Friends the Members for Salisbury and for Calder Valley referred to the stigma and problem of bullying that still exists in our schools and workplaces. There has been welcome improvement, but it still causes a lot of emotional and physical distress to young people as they grow up. Having discrimination in the law on this matter adds to that. It might not be a huge thing, but it is part of the same problem.

I can relate my personal experiences. Growing up thinking that you are different is very tough. Even in these more enlightened times, people still think something is wrong with them, and they might be inhibited from pursuing what they want to do. It is not a well-known subject, but a growing body of evidence in psychology is unravelling and pointing out the damage that can be done. If Members are interested in reading about it, I would point them to a very good book by Professor Alan Downs called “The Velvet Rage”. He documents both in America and here how, even after homosexuality has been decriminalised, when we have same-sex marriage and civil partnerships and when much of the discrimination has been removed, lots of young people still grow up feeling different. Some deal with it better than others, but it still does long-term damage to a lot of people, and that is why removing discrimination from legislation is so important; it is not just a tidying-up exercise.

If someone wants to pursue a career but thinks they cannot, that can be very damaging. For a long time in my teenage years and early 20s, when I had decided that politics was my passion and a career I wanted to pursue, I did think, “I can’t do it.” I thought I would live in fear of being revealed for who I was on account of something so innate in me—I cannot change being gay; it is how I was born. It is as natural as being left or right handed or as the colour of one’s hair. None the less, I thought that I could not pursue a career in politics because I was so afraid of being cast aside or being exposed for who I was. And that was in the late 1980s, early 1990s.

That is why section 28—or section 2A, as it was in Scotland—was so damaging. It really did have a detrimental effect. The Conservative party has apologised for it, but we should not underestimate the damage it did. I know it was introduced not as a discriminatory measure but to curb the excesses of some local authorities, but that was the effect it had. I decided it was not right to be dissuaded from my career choice because of that. Can we imagine if Terry Wogan had been told he could not be a radio broadcaster because he had an Irish accent? It was that ridiculous.

I got through it, but it took me a long time to realise that I could still have this career, and now it is not an issue at all. Just this week, Parliament was voted one of the most LGBT-friendly places to work for both Members and staff, which is an incredible achievement of which we should be proud. The Bill is, therefore, more than symbolism. My hon. Friends the Members for Salisbury and for Calder Valley are right that it is symbolic, but it goes much deeper than that. It will not make the headlines—events over the pond might make the front pages tomorrow—but that should not detract from the effect the Bill will have.

Looking forward, I hope that our merchant navy has a bright future. In the post-Brexit world, I hope that this nation will regain its seafaring traditions and sell its goods right around the globe under lots of free-trade agreements with countries near and far, and I hope that

[*Iain Stewart*]

those goods will be transported on the high seas. In making that happen, we need to have the best people to crew our ships. I do not want any young gay person thinking, “That’s not for me, I can’t do it. I’d be bullied, discriminated against and possibly dismissed”, and so being dissuaded from entering that profession.

The Bill is symbolic, and it is important for our future economic prosperity, but, above all, it is another important step on the journey to proper equality and towards breaking down those barriers, injustices and fears that afflict too many young people growing up. I hope that my comments today have helped to explain the Bill’s wider significance, and once again I congratulate my hon. Friend the Member for Salisbury on choosing this subject for his private Member’s Bill. I wish it every success in today’s vote—if it comes to that—in Committee and its remaining stages and in the other place. I will be proud to support it all the way through.

10.55 am

Daniel Zeichner (Cambridge) (Lab): I will be brief, as the point I wish to make is not complicated. The Labour party wholeheartedly supports the Bill and everything it signifies, and I congratulate the hon. Member for Salisbury (John Glen) on bringing it forward. I wish to associate myself with his important comments about bullying in general but particularly homophobic bullying in schools. It is also a pleasure to follow my near neighbour, the hon. Member for Milton Keynes South (Iain Stewart), whom I congratulate on a heartfelt and powerful contribution.

The Bill’s intention is relatively straightforward. It will repeal two provisions in the Criminal Justice and Public Order Act 1994 suggesting that it could be lawful to dismiss a seafarer for a homosexual act. As we have heard, those provisions are from another age: they are unfair; completely out of keeping with the commitment across the House to an inclusive, just and tolerant society; and out of date in terms of legislation, since, first, similar provisions suggesting it would be lawful to discharge a member of the armed forces for a homosexual act have already been repealed, as we have heard, and secondly, and most significantly, these aspects of the Act have been superseded by current equalities legislation, primarily the Equality Act 2010—a piece of legislation that, although it was passed before I entered the House, every Labour Member is extremely proud of.

As we have heard, the Bill is symbolic, but symbols matter, and we strongly believe that it is important to amend legislation to reflect the equal rights that have been so hard won. The provisions that the Bill removes are archaic leftovers from a more illiberal time that, sadly, was not nearly long enough ago. Let the Bill be a reminder of how far we have come in increasing equality in this country, but let us also remember that there is still more to do. On this day in particular—reference has been made to this already—we must recognise that tolerance and freedom for all can never be taken for granted.

10.57 am

Philip Davies (Shipley) (Con): I congratulate my hon. Friend the Member for Salisbury (John Glen) on starting the process of steering his second private Member’s Bill

through the House in such a short space of time. It is something that I will never be able to do. I have a feeling that if I were to introduce a private Member’s Bill saying that there should forever and a day be seven days in the week, somebody would talk it out, just for the hell of it. I have no idea why they would feel so motivated, but I am sure that there would be a concerted effort to do so—I would obviously understand those reasons. My hon. Friend, who, for understandable reasons, is much more popular than me has no such problems.

My hon. Friend not only gave a very good explanation of his reasons for bringing forward the Bill but made a very powerful speech. The previous speakers on the Conservative Benches have pointed out that the Bill cannot be seen in isolation, but is part of a journey of many years and the progress we have made on social issues generally but particularly on gay rights. I do not even see these things as being about gay rights. In many respects, this is about dealing with things that should never have been illegal in the first place. It sometimes feels, when we talk about gay rights, as if we are doing someone a favour. It is nothing to do with that; it is all about making it clear that some of this legislation should never have been enacted in the first place.

It is very easy for us, living in our age, to criticise those who went before us, in years gone by, or to try in effect to impose our standards on them. It is a dangerous route to go down, and I do not intend to go down it, even though from our perspective, in this day and age, those pieces of legislation should clearly never have been enacted in the first place. However, people in different times obviously had different views, and we should not be too critical, because I dare say that in 50 or 100 years’ time there will be people in this place criticising the laws that we pass, saying that they were absolutely ridiculous, authoritarian and draconian and asking how on earth we could possibly have passed them, so it is dangerous for us to play that game.

I was struck by the reference that my hon. Friend the Member for Salisbury made to the Wolfenden report, back in 1957, as the starting point for his Bill. It is good to be reminded of what an important part of our country’s history that report was—how important it was that Sir John Wolfenden and the 13-strong committee recommended that homosexuality should not be a crime and how obvious that seems to us today, but how big a deal it was back in 1957. My hon. Friend also made it clear that although many people today—indeed, virtually all of us—would criticise the Sexual Offences Act 1967, at the time it was seen as a liberalising measure. I guess that piece of legislation should also be seen in that context, and I very much congratulate my hon. Friend on bringing forward his Bill today.

My hon. Friend the Member for Calder Valley (Craig Whittaker) also made a powerful speech. I was struck by his reference to his family background in the merchant navy. I have a feeling that other Members will say that they have some family connection to the merchant navy, and it is great to have that expertise in the Chamber. I was also struck by what he said about how we cannot change the past but we can change what happens now and in the future. That is the important thing to concentrate on in this place. Instead of always apologising for what other people did in the past, we should take responsibility for what we do now and what we can change for the future. That was a very good point he made.

My hon. Friend the Member for Milton Keynes South (Iain Stewart) gave a particularly powerful speech. Not only did he bring to bear his expertise from the Transport Committee, but the perspective he gave as a gay man on what this kind of legislation and the legislation it seeks to repeal mean to people was very powerful. Again, he talked about how this Bill was part of a legislative journey, and it should be seen in that context, rather than being seen in isolation.

I thought the most powerful message that my hon. Friend gave was when he talked about people not being able to do the job that they wanted to. It is an incredibly powerful point and one that is very easy to underestimate. Thank goodness he did pursue his career in politics: the House is much stronger for it and the Conservative party is much stronger for it, so it is great that he continued to pursue his passion. I cannot emphasise how ridiculous it is that someone should think, “I can’t pursue a particular career,” whatever it may be, simply because of their sexuality. It is sheer lunacy, in any day and age, but the fact that it happened to him so recently shows what a powerful point it is and how we should take it to heart. He is absolutely right: there will no doubt have been many people who wanted a career in the merchant navy who were deterred from pursuing it simply because of such legislation. The impact of that on people’s lives should not be underestimated. My hon. Friend’s speech was absolutely excellent, and I am sure that it will not have been lost on my hon. Friend the Member for Salisbury that it was a clear pitch to serve on the Bill Committee.

I was also struck by the interventions made by my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton), who has clearly done an awful lot of research into this Bill and this subject. I was unaware of some of the points that she made in her interventions. [*Interruption.*] Here she is, right on cue. She made the point in one of her interventions about a ship being a residence rather than a place of work. I hope she will have the opportunity to go into that in more detail, because it is an important point that I had not grasped in looking at the Bill.

Kwasi Kwarteng (Spelthorne) (Con): I am struck by my hon. Friend’s remarks. He clearly has a depth of knowledge. I wonder whether he could enlighten the House about how his role on the Select Committee on Women and Equalities informs his views on this subject.

Philip Davies: I am grateful to my hon. Friend for drawing attention to my place on the Women and Equalities Committee, of which I am very proud. In fact, I am rather touched that my candidature for the Committee was so popular that nobody even wanted to oppose me in the election. My hon. Friend is absolutely right; in fact, I believe in equality so much that I would rather the Committee were renamed the Equalities Committee, as it shadows the Government Equalities Office.

I do believe in equality. That is the agenda that I want to pursue on the Committee, and my hon. Friend is right: this issue is a key part of that. In fact, we should always make it clear that nobody should ever be discriminated against on the basis of their gender, race, religion or sexuality. All those things should be irrelevant; we should be blind to them. That is the agenda that I want to pursue and I hope that the passing of this Bill

will help in that. My hon. Friend the Member for Milton Keynes South talked about a journey, and that is the journey I want to see, where we do not see everything in terms of race, gender, sexuality or religion, but are completely blind to them and see them as irrelevant. This Bill is part of that journey.

As I hope I have indicated, the Bill clearly has support from across the House. I want to make it clear from the outset that I, too, will support it, should there be a Division. I am here to try to aid its passage through the House; I am certainly not here to try to block it. However, it would not be unreasonable for somebody to say that this Bill is a solution looking for a problem, in the sense that, oddly, it would bring about no tangible change in the law, so to speak, because subsequent legislation has effectively made the sections in question unenforceable and therefore already redundant. As the Library briefing for the Bill states:

“The Bill would repeal aspects of the Criminal Justice and Public Order Act 1994 which suggest it would be lawful to dismiss a seafarer for a homosexual act. That law is in fact of no effect, as such a dismissal would fall foul of equality legislation. The current Bill is therefore primarily of symbolic value.”

Even the explanatory notes from the Government say that

“the sections are no longer of any legal effect”

and that the policy implication is “ambiguous” at best, pointing out that

“repealing them would both be symbolic and would prevent any misunderstanding as to their current effect,”

but would not change the law per se.

Mr Nuttall: It was probably a slip of the tongue, but I thought I heard my hon. Friend mention that the explanatory notes were from the Government, when surely this is a private Member’s Bill.

Philip Davies: That is a fair point, but the explanatory notes state that they

“have been prepared by the Department for Transport, with the consent of”

our hon. Friend the Member for Salisbury

“in order to assist the reader of the Bill and to help inform debate on it.”

This is, of course, our hon. Friend’s Bill; that is not in any doubt. My point was that the explanatory notes had been prepared by the Government and their team of experts in the Department for Transport. It is probably fair to say that anyone who is tabling a private Member’s Bill will need the help and support of the sponsoring Department, and will need to tap into expertise that an individual Back Bencher will never be able to muster. I do not think we should carp too much about that particular point.

The aim of the Bill is to tidy up the legislative record and remove legislation that is no longer relevant—I think we can all agree that the existing legislation is absolutely not relevant; in my opinion it was never relevant, but it certainly is not relevant today—and also to clarify the legal position. As was pointed out by my hon. Friend the Member for Milton Keynes South, people could quite easily read the current provisions and presume that they were still law. They might not realise that those provisions had been superseded by measures such as the Equality Act 2010. Although,

[Philip Davies]

strictly speaking, the Bill will not make any practical difference in that sense, I think that for those reasons it is worth supporting.

The Bill is straightforward in many respects. It is short. It repeals sections 146(4) and 147(3) of the Criminal Justice and Public Order Act 1994, both of which preserve the right to dismiss a seafarer on a UK-registered merchant navy vessel for an act of homosexuality. Those sections relate not to criminal offences, but only to the right to dismiss a seafarer for an act of homosexuality. It is interesting to note that they do not state that seafarers should be sacked for homosexual acts, but do state that they could be sacked for such acts. That is the law that we are repealing, and rightly so. There is no justification for retaining the current provisions.

Section 146 states:

“Nothing contained in this section shall prevent a homosexual act (with or without other acts or circumstances) from constituting a ground for... dismissing a member of the crew of a United Kingdom merchant ship from his ship”.

Section 147(3) makes identical provision in respect of Northern Ireland.

The Sexual Offences Act 1967 decriminalised homosexual acts in private. Section 1(5), however, maintained that that this did not prevent a homosexual act from being an offence in military law, and section 2 maintained that homosexual acts would also remain an offence on merchant ships. I shall return to that point later, but I want to refer briefly to some case studies, because I think they bring to life the reasons why the Bill is important, and the problems that the existing legislation has caused for people—not abstract problems, but real ones.

It should be noted—because I think this has been an issue in the past—that section 2 refers to a homosexual act on a merchant ship. I believe that not only is the legislation that my hon. Friend seeks to repeal wrong in principle, but in some cases its practical application has stretched far beyond the actual wording. I shall return to that point later as well.

The 1994 Act dealt with homosexuality. Section 145 reduced the age of consent for homosexual acts from 21 to 18, and sections 146 and 147 removed the remaining criminal liability which existed under the 1967 Act. Sections 146(4) and 147(3) were added during its passage. During the passage of the Armed Forces Bill, the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster), said:

“When sections 146 and 147 were enacted, it was Government policy that homosexuality was incompatible with service in the armed forces and, accordingly, members of the armed forces who engaged in homosexual activity were administratively discharged.”—[*Official Report*, 11 January 2016; Vol. 551, c. 601.]

That policy was abandoned in January 2000, following the case in the European Court of Human Rights that my hon. Friend the Member for Salisbury mentioned in his opening remarks.

Both sections have been progressively repealed over the years, leaving only the lines that I have just mentioned to be dealt with today. Related sections on military discipline and the sections relating to the armed forces have been repealed through both the Armed Forces Act 2006 and more recently the Armed Forces Act

2016. As Jeremy Hanley said during the passage of the 1994 Bill, as the Armed Forces Minister:

“It would clearly be anomalous for the situation in the Merchant Navy to be different from that in the armed forces.”—[*Official Report*, 12 April 1994; Vol. 241, c. 171.]

That, at the time, was the reason for ensuring that the legislation was in line with the current view about the armed forces, and it seems that that is the position in which we are now left. Back in 1994, the Minister was making the point that it would be an anomaly to treat those in the merchant navy differently, yet here we are trying to tidy the legislation up.

This is not new. On 25 October 1982, Leo Abse, the Labour Member for Pontypool, said in the House:

“How absurd it is that the law should say that a man on a merchant ship can have a relationship with a passenger but that he cannot have such a relationship with a fellow sailor without an offence being committed. Absurdities are buried in the 1967 Act: that was the consensus of that time.”—[*Official Report*, 25 October 1982; Vol. 29, c. 850.]

I think that Leo Abse made a very good point back in 1982. The Bill has been a long time coming.

As for the distinction between the armed forces and the merchant navy, it is somewhat curious that the whole section was not amended in one go. Why was the distinction made between the armed forces and the merchant navy? Why have we repealed legislation for one but not for the other? It is not that a distinction was made between the two units in respect of how the legislation affects them, but, as my hon. Friend the Member for Salisbury suggested, as the merchant navy is not part of the armed forces, it was outside the scope of the Bill that became the Armed Forces Bill Act 2016.

During the passage of that Bill, the Minister explained the reasoning, and my hon. Friend the Member for Henley (John Howell) made the following intervention:

“During the evidence session for the Select Committee, on which I served, I asked Mr Humphrey Morrison, from central legal services, whether this could be done.”—[*Official Report*, 11 January 2016; Vol. 604, c. 600.]

The answer was that it could not. The Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North, said that the issues had been decoupled, that the armed forces would deal with the first bit and the Department for Transport with the second, and that they would move ahead quickly. My hon. Friend’s Bill follows the commitment made by the Government then.

Some Members may take issue with that, and say that it should not have been left to my hon. Friend to deal with the issue through the luck of the draw and the Government should have legislated before now. I hope that when the Minister has the chance to turn his arm over later, he will be able to explain why the Government have left it to my hon. Friend, and not legislated as his colleagues in the Ministry of Defence suggested they would during the passage of the Armed Forces Bill.

Much has been said about this issue, but I think it important to reflect on why homosexual acts were grounds for dismissal in the first place, so that the reasons can be viewed today in that context. One of the best explanations in relation to military life came from my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) in 1996, when he was a Defence Minister. He said:

“The current policy of excluding homosexuals from the armed forces is not—I repeat, not—the result of a moral judgment. The prime concern of the armed forces is the maintenance of operational effectiveness and our policy derives from a practical assessment of the implications of homosexual orientation on military life. I do not believe that the services have a right to be different, but I firmly believe that they have a need to be different.”

My right hon. Friend went on to say that military life is different from civilian life, and this was a cross-party view at the time; it was made in the same debate by Dr John Reid—now Baron Reid—from the Labour Benches. My right hon. Friend went on to say in the debate:

“Service personnel are regularly required to live in extremely close proximity to one another in shared, single-sex accommodation with limited privacy and sometimes under stressful conditions.”

He also pointed out that the belief was that those conditions, with

“the need for absolute trust and confidence between all ranks, require that the potentially disruptive influence of homosexual orientation and behaviour be excluded.”—[*Official Report*, 9 May 1996; Vol. 277, c. 505-06.]

That was the view at the time, and I might add that General Colin Powell, former chairman of the Joint Chiefs of Staff in America, held the same view at the time. He saw sexuality as different from race and sex. He said:

“Unlike race or gender, sexuality...is manifested by behaviour. While it would be decidedly biased to assume certain behaviours based on gender or membership in a particular racial group, the same is not true for sexuality.”

As I have said, this was the view at the time. We consider it to be a ridiculous view to hold. I do not condone or understand those views, but that was the consensus at the time—cross-party, in different countries. It was not unique to this country.

Kwasi Kwarteng: What significance does my hon. Friend place on the fact that the views he describes were enunciated only 20 years ago? That is a very short period in the social history of our country.

Philip Davies: My hon. Friend is absolutely right, and in some respects we should be concerned that these things were still believed in, and legislated for, so recently, but it cuts both ways and the other side of the coin is that we should also be pleased that attitudes and views have changed so quickly. My hon. Friend is right that this is recent history—this is not from a long time ago. My hon. Friend the Member for Milton Keynes South made that point very powerfully in his speech.

Lord Craig of Radley also said at the same time in the 1990s:

“The Armed Forces do not lend themselves to the concept of freedom from discrimination...For very good service reasons we discriminate against”

certain people, such as

“for eyesight, for hearing and for height...It is thus not reasonable to insist, when it comes to sexual proclivity, a very human condition, that it is wrong for the Armed Forces to discriminate or that it is wrong for them not to adopt the perceived contemporary civilian norm.”—[*Official Report, House of Lords*, 20 June 1994; Vol. 556, c. 89.]

These were all views that were expressed relatively recently. I am delighted that things have moved on. As we have all seen, these are now not academic matters, because since these things have been resolved and common

sense has prevailed, has the effectiveness of our armed forces been impaired in any way? Are our armed forces any less good today than they were back then? Of course they are not; they are still the best in the world. These are therefore not now academic exercises; it has been proved to be the case that these restrictions and this discrimination was completely unnecessary and pointless, and, as my hon. Friend the Member for Milton Keynes South said, they have deprived people who would have been excellent at a particular career of the opportunity of pursuing that career, which we should all regret hugely. The proof of the pudding has absolutely been in the eating.

It is significant, and perhaps inevitable, that the most widely reported spokesman of the people who were arguing for gay rights, Sir Ian McKellen, took a different attitude. My right hon. Friend the Member for Mid Sussex, a Minister at that time, reported him as saying:

“Why are Ministers even asking the military?”

My right hon. Friend went on to say:

“The not so hidden agenda of those who want to change Ministry of Defence policy is to steamroller aside the judgments, experience and wishes of the military.”—[*Official Report*, 9 May 1996; Vol. 277, c. 509.]

I understand that in 1992 the Select Committee on the Armed Forces Bill recommended that the criminal law for members of the armed forces and the merchant navy should be changed so as to be the same as for civilians. In accepting that, the responsible Minister at that time said:

“It is not intended to alter the present disciplinary climate of service life.”—[*Official Report*, 17 June 1992; Vol. 209, c. 990.]

The result was that after 1992 this had not made any difference to the administrative discharge procedure that had previously been adopted, but nor, apparently, were there any criminal prosecutions.

Viscount Cranborne, a Minister at the time, said in the House of Lords in 1994:

“With your Lordships’ permission, I should like to cover briefly the merchant navy aspects. My noble friend Lord Orr-Ewing has expressed considerable reservations about certain clauses. The clauses...provide that members of the merchant navy should cease to be subject to any special and additional criminal liability for homosexual acts on British merchant ships. The decision to decriminalise homosexual acts by repealing Section 2 of the Sexual Offences Act 1967 was announced in a Written Answer in another place last December. We believe that the clauses here achieve the purpose which was announced then and, as in the case of the Armed Forces, also amend the equivalent Scottish and Northern Irish legislation.

The basis of the decision was essentially to bring the merchant navy into line with the Armed Forces. The fact that the provision appears to have been used very little in the merchant navy is some encouragement to us. The shipping industry, including the unions, had been widely consulted before the announcement was made, and the general consensus within the shipping industry was clearly in favour of repeal. Again I look to my noble friend Lord Aldington when I say that unlike in 1967, the seamen’s union—now the RMT—is now clearly in favour of repeal. The Department of Transport is taking steps, in consultation with employers and unions in the shipping industry, to amend the code of conduct for the merchant navy. The effect of these amendments will be to make it an offence against the code to demand or solicit sexual favours from another member of the crew or to make unwelcome sexual advances to another member of the crew. Such offences, which will apply equally to heterosexual and homosexual conduct, will be subject to the industrial disciplinary sanctions provided for in the code of conduct.”—[*Official Report, House of Lords*, 20 June 1994; Vol. 556, c. 104.]

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However, in June 1994, Lord Boardman moved an amendment in Committee in the House of Lords to ensure that homosexual acts on merchant ships would continue to be grounds for dismissal after it had previously been removed by a last-minute amendment. As was reported in the 20 June debate, Lord Boardman said:

“I am in a perhaps happy position of moving an amendment the principle of which I believe has the support of most of the Committee. In effect it says that homosexual conduct in the Armed Services and in the Merchant Navy...will continue to be a ground for administrative discharge.”

That was not the original intention, and Lord Boardman continued:

“Unfortunately, I have been unable to persuade the Government as to how this can best be done. To avoid misunderstanding, it is probably necessary and helpful if I briefly run through the procedure which exists at the present time.”—[*Official Report, House of Lords, 20 June 1994; Vol. 556, c. 85-86.*]

I am not going to go through that today as it is not particularly relevant, but this is how we got to the situation we are in today, and the then Minister of State for the Armed Forces, Jeremy Hanley, confirmed:

“The code of conduct for the Merchant Navy is being amended in consultation with the unions and employers. Now is an appropriate opportunity to enshrine in law our acceptance of the position and repeal the special provisions of section 1(5) of the Sexual Offences Act 1967.”—[*Official Report, 12 April 1994; Vol. 241, c. 171.*]

Successive Governments have kept this issue under constant review.

My right hon. Friend the Member for Mid Sussex also said in 1996:

“The High Court recommended that we should review our policy in the light of changing social circumstances, and of the experience of other countries where homosexuality is not a formal bar to service.”

An internal review was carried out but, unfortunately, it concluded that homosexuality was

“incompatible with service life, if the armed forces were to be maintained at their full...operational effectiveness.”—[*Official Report, 9 May 1996; Vol. 277, c. 508.*]

That decision was clearly wrong, because nothing that has happened has made any difference to our operational effectiveness.

My hon. Friend the Member for Salisbury was helpful when he said that this legislation would apply to the entire United Kingdom and that the matter was not devolved. Perhaps the Minister will be able to tell us a bit more about how that decision was arrived at and whether it could be challenged through the courts. I cannot imagine that any of the devolved Administrations would object to the Bill, but would it have been worth seeking their agreement anyway to prevent a vexatious legal challenge? I hope that it will not come to that, but perhaps the Minister will explain why it would have been so wrong to seek the permission of the devolved Administrations.

In Northern Ireland, a Mr Dudgeon complained to the European Commissioner for Human Rights that the Northern Ireland law on homosexual offences was in breach of articles 8 and 14 of the European convention on human rights. During the passage of Homosexual Offences (Northern Ireland) Order 1982, the Earl of Gowrie stated:

“Under Article 5 a homosexual act on a United Kingdom merchant ship between members of the crew of that or of any other United Kingdom merchant ship will continue to be an offence, as now.”

He also said:

“The two articles in question deal with the right to respect for private life and to freedom from discrimination. The commission concluded that the law in Northern Ireland breached Article 8 but that there was no need to examine the case under Article 14. The case was then referred to the European Court of Human Rights who, while taking into account the argument put forward by Her Majesty’s Government that the existing law in Northern Ireland was justified by the great and particular emphasis placed on religious and moral factors in relation to the law on social matters, decided that there was not sufficient reason for the interference with private life entailed in the present law in Northern Ireland. The court accordingly issued their judgment on 22nd October last year that the law in Northern Ireland breaches Article 8 of the European Convention on Human Rights.”—[*Official Report, House of Lords, 26 October 1982; Vol. 435, c. 413-14.*]

That was an equalisation between the countries of the UK, but it still left a homosexual act as an offence.

There was a Commons debate on the matter in 1994, but an early-day motion in 1993 alluded to the human side of the debate, which is what I will turn to next. These are not just abstract points; these are things that have affected real people in their real lives, and we should not underestimate their impact. The early-day motion stated:

“That this House believes that discrimination against homosexual men and lesbians serving in the armed forces should end; notes that an Able Seaman Brett Burnell serving abroad HMS ‘Active’ was discharged from the Navy recently purely on the basis of his homosexuality; further notes that this case is featured in a Channel Four Cutting Edge film transmitted on Monday 29th November; believes that the way in which this case was investigated by Naval authorities contradicted the undertaking given by the Minister of State for Defence Procurement in June 1992; and calls on Her Majesty’s Government urgently to review the ways in which the Royal Navy and the other armed forces deal with cases of this kind.”

From what I can gather from the case to which the early-day motion refers, Brett Burnell was seen going into known gay establishments and that was the reason for his dismissal. He was simply seen going into known gay establishments; he was not actually caught engaging in any homosexual acts, particularly not on a ship. As I said, section 2 of the Sexual Offences Act 1967 maintained that a homosexual act on a merchant ship would remain an offence. Bad though that legislation was, it strikes me that its application went way beyond what was actually written in statute and what was intended. Even under the law at the time, surely someone should not be dismissed simply for going into a known gay establishment. How on earth could that possibly constitute reasonable grounds for dismissal? It is absolutely ludicrous, but that was what happened to Able Seaman Brett Burnell, and it is a travesty that that ended his career in the Royal Navy. I do not know what happened to him following his discharge, but it is a disgrace that he lost his job in the Navy, serving our country, on those grounds. Such legislation led to his dismissal.

Why has this issue not been tackled before? As I mentioned earlier, the Bill will not have any tangible effect on the current practices of seafarers because the relevant provisions in the 1994 Act have been superseded by other legislation, notably the Equality Act 2010. However, it is interesting that those provisions were not repealed during the passage of the 2010 Act, because

that would have been the obvious vehicle through which to do so. I asked the House of Commons Library to confirm whether that would have been possible or if there was a particular reason why it was not. The answer to my first question was:

“on whether the law could have been amended by the Equality Act 2010: I would have thought that’s correct, and that the issue would likely have been in the Equality Bill’s scope.”

It seems bizarre. The whole point of the Equality Act was to put together lots of existing legislation in one Act, so it seems rather strange that this particular bit of the legislation was passed over during its passage.

I recall that the 2010 Act went through Parliament shortly before that year’s general election, so it might not have received the scrutiny that should have been carried out because it was being rushed through to meet the pre-election deadline. I will say in passing that this shows why all legislation that goes through the House, however well-meaning it is, should be properly scrutinised before it becomes law.

Kwasi Kwarteng: My hon. Friend is being generous in allowing interventions. I understand that he is a known sceptic of all legislation, so his point illustrates his general philosophy of bringing forward legislation sparingly. We must be thorough and we have to get things right. Does not this omission from the Equality Act suggest that his general approach is correct?

Philip Davies: I would not go so far as to say that I am against all legislation. In fact, I did say at the start of my speech that I support this Bill, and when the article 50 provisions come forward, it is likely that I will vote for them, too.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. I know that we said that we would have quite a broad debate, but I certainly do not want to enter into a debate about what Bills will or will not be supported in the future. The hon. Gentleman probably has a good 20 minutes ahead of him and I would not want the discussion of other areas to add to that.

Philip Davies: My hon. Friend the Member for Spelthorne (Kwasi Kwarteng) led me astray, Mr Deputy Speaker, and you are quite rightly not allowing him to do that. I shall see him later to discuss Kempton Park’s closure.

My serious point is that this matter could have been dealt with many years ago if the 2010 Act had been scrutinised properly. The omission from that Act has meant that we have needed an entirely new Bill simply to correct a failure, and that is a great shame. The Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 appear to be the final confirmation that this Bill is not going to change anything, because those regulations are the key piece of legislation relating to the 2010 Act that makes the original provisions redundant. Those regulations were made on 18 July 2011 and came into force on 1 August 2011.

I know that other Members wish to speak, so in the interests of time, Mr Deputy Speaker, I will not test your patience any further by reading out the part of the regulations that, in effect, makes the 1994 Act provisions redundant. They deal with the application of

“Part 5 of the Act to seafarers working wholly or partly in Great Britain and adjacent waters”

and make it clear that the 2010 Act does apply to seafarers and to ships working in this environment, so the position is clear. The regulations also come with an interpretation, which makes it clear that the 2010 Act is the Act that applies, goes through what is meant by a “United Kingdom ship” and a “United Kingdom water”, and sets out the legal relationship of a seafarer’s employment within the country.

The regulations therefore did make the position clear, but my hon. Friend the Member for Milton Keynes South made the pertinent point that somebody who reads the 1994 Act might not know about the 2011 regulations. How many people in here know about the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011? It is our job to deal with these things, but how many of us know about those regulations? How on earth can we expect the general public, who might well have been made aware of the law that was in place, to have known that it was superseded by the 2011 regulations? For that reason—normally I might have been tempted to say that the Bill is a solution looking for a problem, and therefore not necessary—I think that the Bill serves a useful purpose.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Is it not further sensible to bring forward this Bill because the courts have watered down the understanding of implied repeal and built up a hierarchy of legislation? Therefore, as the principle of implied repeal has been weakened, it is more important that the legislation that we pass is clear.

Philip Davies: I hope that my hon. Friend will be able to give the House the benefit of more detail about his good point in a speech—he knows more about it than I do. I know full well that he will correct me if and when I am wrong, but my understanding is that constitutional legislation will always take precedence and, presumably, anything that is not constitutional that came earlier will be superseded by something that came later. He seems to be indicating that that is not necessarily the case, so perhaps he would like to have another bite of the cherry to inform us better.

Mr Rees-Mogg: The historical understanding was quite clear: any subsequent Act implicitly repealed a previous one. In recent years, however, the courts have developed, particularly in relation to the European Union, an understanding of a hierarchy of legislation. They have decided what are and what are not constitutional Acts. We do not list Acts as constitutional and non-constitutional—all Acts that we pass are of the same level—so this is just about creating certainty.

Philip Davies: I am grateful to my hon. Friend, who makes a very good point. The Bill therefore does not just have the advantage of being symbolic and removing something from the statute book that I feel should not have been there in the first place, as he makes a good case for saying why it might well have a practical application in law, too. It certainly removes any doubt about the situation—we can all agree on that—which has to be a good thing.

[Philip Davies]

Finally—I do not want to test the patience of the House too much—let me just raise the concern relating to historical cases. During the debates on the Armed Forces Bill, people raised the issue of historical cases in which individuals had been treated unfairly under the 1994 Act and asked whether something could be done. This touches on the point made by my hon. Friend the Member for Calder Valley when he said that we cannot really do anything about what happened in the past, and what we can affect is what happens now and in the future. Although I wholeheartedly agree with the repeal of the 1994 provisions, I wish to raise a note of caution about the pardoning of historical cases. A private Member's Bill has been introduced about the whole issue of pardons for those convicted for homosexuality in the past. I am not going to get sidetracked down that road—

Mr Nuttall: It is the fourth Bill down today.

Philip Davies: Indeed, so we might well get on to that Bill again today. I will maintain a distinction between the two Bills, however, because there clearly is one. My hon. Friend the Member for Beckenham (Bob Stewart) has made a point that shows how powerful contributions can be when we are discussing such details. He said:

“I had the sad duty of discharging a man administratively from my battalion. I really regretted it happening at the time, but I must urge caution about our going back in time to try to put right what was apparently right at the time but which was clearly wrong.”—[*Official Report*, 11 January 2016; Vol. 604, c. 602.]

He put that very neatly, and I agree. There are plenty of ugly and wrong parts of our past in this country, but we cannot rewrite what happened or impose our beliefs on past generations, just as we would not want people in 100 years' time to judge what we do today.

Craig Whittaker: On pardoning, does my hon. Friend agree that the situation is not as simple as he has just outlined? In our past, the age of consent has been 21; today it is 16. Someone might have had sex with a 14-year-old minor way back when, and that would still be illegal today. Does he therefore agree that it is very difficult to give a blanket pardon in such cases?

Philip Davies: My hon. Friend is absolutely right, but my point is that I would be nervous about in effect giving pardons on the basis of what the law is today as against what the law was back then; we have to accept that the law was what it was at the time.

In 1994, Lord Craig of Radley said:

“Finally, am I right in my concern that we no longer have complete confidence that European law may not one day attempt to rule that discharge on the grounds of homosexuality is discriminatory and illegal, and that this could apply whether discharge was by court martial or administratively and, even worse, be made retrospective and/or liable to compensation?”—[*Official Report, House of Lords*, 20 June 1994; Vol. 556, c. 90.]

Bill Walker, a former colleague of ours, said the following in this House:

“Can my hon. Friend the Minister give an assurance that if existing law is changed as a result of these amendments, anyone dismissed from the service under the existing legislation will not

be able to appeal to the European Court and receive large sums of public money ?”—[*Official Report*, 12 April 1994; Vol. 241, c. 172.]

This raises something that has not really been spoken about in this debate, but I hope that the Minister will address it. As I say, I am all for changing the law on this, and I support the Bill and will do what I can to secure its passage through the House. However, I hope that if we change the law, we will not have any unintended consequences whereby we open ourselves up to retrospective claims for compensation just because we are putting right today what was clearly wrong in the past. I genuinely do not know whether that needs to be made clear in the Bill, but perhaps the Minister will reflect on it. It might be something to consider in Committee or on Report, because that would allow us to be clear about whether that matter should be addressed by the Bill and if we might be opening ourselves up to unintended consequences.

I congratulate my hon. Friend the Member for Salisbury on his Bill for many of the reasons that have already been given, but especially those cited by my hon. Friend the Member for Milton Keynes South. I would advise anyone inside or outside the House to read the speech made by my hon. Friend the Member for Milton Keynes South if they did not hear it first time round. He made it perfectly clear why we should all support the Bill, whether it is technically necessary in law or not. It certainly should be supported, and I hope that it will pass into law.

11.50 am

Peter Heaton-Jones (North Devon) (Con): It is a pleasure to follow my hon. Friend the Member for Shipley (Philip Davies) and I, too, congratulate my hon. Friend the Member for Salisbury (John Glen) on securing this incredibly important debate and on being successful in the private Member's Bill ballot. If I understood his comments and those of colleagues correctly, it looks like this is the second time that he has piloted a private Member's Bill on to the statute book.

John Glen: Not yet.

Peter Heaton-Jones: No; we will not count our chickens, but I hope that in a few weeks or months it will be the case. He is truly becoming a legislative leviathan, and I congratulate him on it.

My hon. Friend follows in a long line of Back Benchers who have piloted important legislative developments in the arena of social policy through the House, and I welcome his addition to this important historical trend. I want to say, in complete support of my hon. Friend the Member for Shipley, how struck I was by the speech made by my hon. Friend the Member for Milton Keynes South (Iain Stewart). His comments, the way he framed them, and his personal testimony express better than any legal language could why we need to do this today. It is a personal matter for so many people and it has been swept under the carpet for so long. Even if this is a tidying-up exercise, if I can use that phrase, even if it is purely a symbolic change to make sure that different bits of our legislation do not give the wrong message, that sort of personal testimony is why it is so vital that we make it. I echo my hon. Friend the Member for Shipley in saying that, if anyone outside this place reads

just one speech in today's debate, it should be that of my hon. Friend the Member for Milton Keynes South.

As has been said, the change that the Bill proposes is largely a symbolic one, but it is still vital. The Bill seeks to rectify an anachronism in our current legislation, which is the law as it applies to merchant ships. The Bill would repeal certain aspects of sections 146 and 147 of the Criminal Justice and Public Order Act 1994, which suggest that it would be lawful to dismiss a seafarer for a homosexual act. Those sections repealed in England, Wales and Scotland and revoked in Northern Ireland laws that criminalised homosexual acts in the armed forces and aboard merchant ships. However, the two particular aspects of those sections that my hon. Friend's Bill seeks to address today still maintain that homosexual acts could provide grounds for discharging a member of Her Majesty's armed forces or dismissing a member of the crew of a UK merchant ship. The Armed Forces Act 2016 repealed those parts of that previous Act as they maintain their hold over the Navy—Her Majesty's armed forces—but they left in place the aspects relating to merchant ships. As such, we still have on the statute book in this country legislation that says:

“Nothing contained in this section shall prevent a homosexual act from constituting a ground for dismissing a member of the crew of a United Kingdom merchant ship from that ship.”

I am afraid that that wording on the statute book—even though it has been superseded, I am so pleased to say, by the Equality Act 2010—gives rise to a perception that is the last thing we want as a country that has moved so far to equalise the rights of the LGBT community. That is why, as symbolic as it may be, the change that the Bill seeks to introduce is so important.

Merchant ships are in the unusual position of being both workplaces and residences, as my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton), who has a habit of appearing back in her place just as she is being referred to—it is very clever; it is a skill that all Members should develop—pointed out correctly in an intervention, and that is partly why we are in the position that we are in. Many owners of merchant ships are able—because they are the outright owners of a residence as well as a workplace—to introduce and enforce rules and regulations on those vessels, as anyone in their own home can do for a visitor. They are able to ban alcohol, or smoking even by seamen in their own cabins while off duty. They can impose stringent restrictions on many other activities on health and safety grounds or merely because they feel that it is the right thing in their own residence. The danger is that, with this historical language on the statute books, that could be extended, and because merchant ships are viewed as both a residence and a workplace, one fears that some merchant ship owners could extend those powers to homosexual acts, which would be inappropriate.

Wendy Morton: Perhaps I should start by saying that I am not an apparition; this is Wendy Morton, the Member of Parliament for Aldridge-Brownhills. If anyone wants to learn the techniques of bobbing in and out of the Chamber, they should remember that it is always done with the permission of the Chair.

It is almost 50 years since the Sexual Offences Act 1967, and things have moved on a great deal. Does my hon. Friend agree that it is high time—or high tide almost—that the legislation was changed and that the anomaly regarding residences and workplaces was dealt with?

Peter Heaton-Jones: I absolutely agree. Let me say for the record that I was not for one moment seeking to suggest that my hon. Friend was doing anything improper or being discourteous to the House in her jiggery-pokery.

As we have said, the Criminal Justice and Public Order Act 1994 exempts merchant ships from certain laws. In UK statute, we have text that explicitly permits the firing of an individual and the prohibiting of same-sex sexual conduct—it is still there on the statute book, even though it has been superseded by subsequent legislation. As right hon. and hon. Members have said, that should not have been legislated for in the first place. I am really glad that my hon. Friend the Member for Salisbury is using this opportunity to remove that from the statute book. It is absolutely the right thing to do.

The Bill's implications are largely symbolic because, as has been mentioned, the Equality Act 2010—a very welcome piece of legislation—makes it absolutely clear that employers cannot fire or dismiss an individual employee because of their sexuality. That is, of course, welcome. None the less, it remains in my view incredibly important that we tidy up the statute book to remove that historical anachronism once and for all, even though it has been superseded. We need to ensure that we send a very clear message about the direction that we are taking, which is why the Bill, symbolic as it is, is still incredibly important.

There have been many pieces of legislation over the years, symbolic and otherwise, that have had tangible and very welcome implications for the lives of our LGBT citizens. The Criminal Justice and Public Order Act, which the Bill amends, was only passed in 1994, but since then we have taken so many positive steps: the equalisation of the age of consent, the repeal of section 28, as has been mentioned, and the overturning of the ban on gay people serving in the military. We have also seen civil partnerships, protections against discrimination in many areas of people's lives, adoption rights and—championed by the previous Prime Minister, David Cameron—the introduction of same-sex marriage, which I wholeheartedly supported.

It was only a matter of time before Oscar Wilde's name appeared in this debate; he once remarked that, yes,

“we shall win, but the road is long, and...with monstrous martyrdoms.”

He was right. The road for our LGBT citizens has been too long, and too many people have suffered for too long. I am sure Oscar Wilde would be proud of the pace at which change is now coming. The list of changes that I mentioned, which have all really come in the last 15 or 20 years, have been significant and extremely welcome. My hon. Friend's Bill continues that very welcome process. It purges the statute book of, frankly, pernicious clauses in historical and outdated legislation. That is vital.

Progress is being made, but we still have much to do. It is a source of regret that discrimination still exists in our society, despite the best efforts of legislators in this place over the years to try to put that right. There is still much work to be done. Fears still exist among the LGBT community that there is still not 100% protection. It is indeed very difficult for any Government to provide such protection, because so much of this comes down to individual attitudes and behaviours. We as a society still have a great deal of work to do to try to ensure that

[*Peter Heaton-Jones*]

people at quite a young age are educated and given the maturity to be able to deal with issues that are of such importance to our LGBT community. Sadly, there are still gaps in that understanding.

The Bill seeks to prevent dismissal on the basis of sexual orientation, which is welcome. However, one in five lesbian, gay and bisexual employees across all workplaces still say, according to the latest surveys that I have seen, that they have experienced bullying in the workplace in the last five years—one in five of the LGBT community! That needs to change. My hon. Friend's Bill sends out the very clear message that here is yet another workplace in which we insist that the change is put in binding legislation.

Another figure worth quoting is that one in eight LGBT people have said that they would not be confident in reporting homophobic bullying in the workplace. Homophobic bullying in any workplace needs to be utterly condemned, but the fact that so many people who may be its victims do not feel comfortable in reporting it, or that the mechanism exists for them to report it, is simply something that we have to change. I echo earlier comments: I was pleased to see this week that, if I remember the statistics properly, Parliament is now among the top 30 best employers in the country for members of the LGBT community. That is something that we, and particularly the staff of the House, should be extraordinarily proud of.

We are told that even today 26%—more than a quarter—of LGBT workers are not open with their colleagues or managers about their sexual orientation; that echoes the comments that my hon. Friend the Member for Milton Keynes South made about how he felt unable to be open about his sexuality during his early career. That feeds into the comments I was making earlier. We have to change perceptions—hearts and minds—and the Bill helps to send that message loud and clear. The Bill may be largely symbolic, but the fact that we are having this debate and are determined—I hope—to make this symbolic change will send a clear signal that we will not allow any further discrimination. If debates in this place are what it takes to change hearts and minds, then let us have them and make sure that changes, even if only symbolic, are made to our statutes.

It is all well and good tackling the relationship between the employer and employees—that, of course, has important material implications for LGBT citizens and workers—but changing hearts and minds must be the main aim. Symbolic Bills such as this, although limited in their legislative effect, are important, but only with a change in opinions will individuals such as those who feel they have to hide their real identities in the workplace feel confident enough to be open and out. Until that day, we cannot say that we truly have an equal society for our LGBT citizens, either in or out of the world of work.

The Bill relates specifically to the rights of LGBT employees on merchant ships, which by their very nature operate all over the world. We do not want an individual to be free from discrimination on board the ship only to face potential discrimination when they disembark on a foreign shore. We must continue to fight for the rights of LGBT citizens and workers in other countries.

Today, events across the Atlantic may knock this fine debate off the top of the news bulletins, surprising as that may seem; as a former journalist, I have a hunch that it will not lead the six o'clock news tonight, but let us do our best. On the day when President Obama leaves office in America, let us pay tribute to his work in advancing LGBT rights in the USA. The job is not finished by any means: in many states, someone can still be denied public services or dismissed from their job simply for being lesbian, gay, bisexual or transgender. However, President Obama leaves office after eight years with the LGBT community in the States far more protected than it has ever been. Let us hope that nothing is done over the next four or eight years to unwind any of that good work.

The Bill seeks to tidy up legislation in the UK so that we in this country can, hopefully, say the same sort of thing about ourselves as we can say about President Obama on the day he leaves office: that a clear signal has been given that we will not tolerate discrimination against the LGBT community—on merchant ships or in any other workplace, or in society and the country as a whole.

Reference has been made to the European Union. Mr Deputy Speaker said earlier that we should not go down that particular debating cul-de-sac, so I shall not do so for too long. I simply say that, as we leave the European Union, which we will do, we must ensure that the progress that many of the nations in it have made continues. However, we must be aware that, in some of our European neighbours, particularly in eastern Europe, there is more to do on understanding, on educating the citizenry and on attitudes towards LGBT communities.

It is absolutely the case that people in employment have a right to be free from discrimination because of their sexuality, and that is the case in any nation. That is as important to a young eastern European who, growing up, aspires to work on a merchant ship as it is to a young person in any other country. As we leave the European Union, we must keep it in mind that some of our former European Union partners—we will still be in Europe, if not in the European Union—still have a little way to go. We must therefore continue to advocate our values in Europe, and the Bill from my hon. Friend the Member for Salisbury goes a long way towards achieving that and sending that very clear message, which is another reason why I welcome it.

We must also use our position in the Commonwealth to push for even more fundamental rights for LGBT people. In far too many Commonwealth nations, regrettably, members of the LGBT community still have to hide their identities and still have to lead lives where they pretend to be somebody they are not. Outside our family of Commonwealth nations, in countries across the globe, it is a disgrace that there are still places where people are criminalised simply because of whom they love. Thank goodness, the UK is no longer one such country, and the Bill helps to absolutely underline that fact, which is why I welcome it.

I have just a final thought on the wider implications of the discussion we are having today, reflecting the international flavour of some of the points I seek to make. It is often said that the UK ought to have a more “muscular” international development policy and that we should maybe even withdraw, or threaten to withdraw, funding from nations where there is discrimination against

LGBT people and whose Governments are not, in our estimation, addressing that speedily enough. In my view, that would not be the solution; the solution is to double down and to make absolutely clear what the UK's view is.

The key to ending discrimination is influence and education. Our international aid budget has an important role to play in educating countries with some of the poorest people in the world, and changing the attitudes of young people through that education is vital. It is important to do that internationally and in the UK as well, and my hon. Friend's Bill gives an incredibly powerful and important sign to young people in this country that the UK is leading the way. It is important to send that message in this country, and indeed across the globe, which is why I am so pleased to support the Bill today.

In conclusion, we have come a long way in the UK. We are almost there, but we are not all of the way there yet. There still exists on our statute books this historical anachronism, which seems to suggest that we will allow, or at the very least turn a blind eye to, discrimination against gay people serving in the merchant navy. I am delighted that my hon. Friend the Member for Salisbury has secured this debate, and he will hopefully secure the passage of the Bill, to ensure that we no longer have these pernicious measures on our statute books. The Bill does nothing less than advance the cause of equality in our country. For that reason I wholeheartedly welcome it, and I look forward, if it comes to it, to supporting it in a Division.

12.14 pm

Mr David Nuttall (Bury North) (Con): It is a great pleasure to follow my hon. Friend the Member for North Devon (Peter Heaton-Jones), who reminded us that while this country has, I think it is fair to say, made enormous progress over recent years in removing discrimination, there are still many countries around the world where that is not true. There is much still to be done to ensure that individuals who live in those countries enjoy the same freedoms that we have established for our citizens in the United Kingdom.

I congratulate my hon. Friend the Member for Salisbury (John Glen) on promoting the Bill. It is his second go and he has proved that he has a good track record. The Bill seeks to secure acknowledgment of equality for people of different sexual orientation in the merchant navy.

We have already heard some excellent speeches. My hon. Friend the Member for Calder Valley (Craig Whittaker) spoke of his links to the merchant navy through his father. I must declare an interest along those lines, in that my own brother is a member of the merchant navy. I suspect that, as we speak, he is on board his ship on the high seas.

My hon. Friend the Member for Milton Keynes South (Iain Stewart) made a powerful speech, as other Members have said. He gave his personal view of the Bill and said how important such measures are for him and the gay community in general. My hon. Friend the Member for Shipley (Philip Davies) gave a tour de force of how the legislation has developed over the years.

I am not sure whether my hon. Friend the Member for Salisbury realises how lucky he is that his Bill was first in line for debate today, this far into the parliamentary

year of private Members' Bills. In most other years, a Bill this far down the list would not even have been debated, because other Bills would have been at Report stage. Even though my hon. Friend's Bill was No. 18 in this year's ballot for slots for private Members' Bills, he has had good fortune in the way in which the Bills have fallen and, as luck would have it, his is the first Bill to be debated this morning.

Before I start, I want to mention briefly, in passing, that there is a curious link between both my and my hon. Friend's constituencies and the merchant navy. It involves the merchant navy class No. 35009 Shaw Savill steam locomotive, which was named after a merchant navy company. Apparently the design drew on British merchant naval heritage. When it was built it was allocated to the Salisbury shed in my hon. Friend's constituency, but at the end of its life it finished up at Riley and Son Ltd, the locomotive engineers in my constituency of Bury North. Of course, anybody who is expert or who takes an interest in these things—perhaps many have only a passing interest in them—may think that they have heard that name before. I never miss a chance to give a plug to a company from Bury, so this is a great opportunity to mention—

Mr Deputy Speaker (Mr Lindsay Hoyle): It is if it is in scope.

Mr Nuttall: The reason that hon. Members may recall having heard the company's name is that it has recently been in the news for having restored the Flying Scotsman, which is the most famous of all steam locomotives. Were it not for the merchant navy, that steam train would not have existed.

Mr Deputy Speaker: Order. Of course I always want to hear about the joys of Bury North and the steam engine, but I want to get you back on track to what we are meant to be discussing. If we can do that, I will have achieved something.

Mr Nuttall: I have finished talking about that, Mr Deputy Speaker. I said it just briefly in passing.

Any private Member's Bill has to be assessed against several criteria, the first of which is: what is it designed to do, and is there a real purpose for it? Having looked at it, I think that this Bill is essentially about clarity. I would like to be clear about what the Bill is and is not designed to do. It is a short Bill that would omit sections 146(4) and 147(3) of the Criminal Justice and Public Order Act 1994, which allow the dismissal of a person from the merchant navy just because they have engaged in homosexual conduct. The lesbian, gay, bisexual and transgender rights campaigner Peter Tatchell has said:

"It is shocking that this exemption from the equality laws remains on the statute books, after so many years of law reform for gay equality. Repeal is long overdue, and most welcome."

Section 146(4) of the 1994 Act extends to England, Wales and Scotland. Section 147(3) is the equivalent provision in Northern Ireland. The 1994 Act repealed section 2 of the Sexual Offences Act 1967, which stated—in, I hasten to add, the language that was used at the time—that "buggery" and "gross indecency" by a member of crew on a merchant navy ship constituted an offence. However, the 1994 Act explicitly maintained that

[Mr Nuttall]

homosexual conduct could be used as a ground for dismissal. Section 146(4) states:

“Nothing contained in this section shall prevent a homosexual act (with or without other acts or circumstances) from constituting a ground for dismissing a member of the crew of a United Kingdom merchant ship from his ship.”

It is interesting to look back in *Hansard* at the objections that were raised against decriminalising the offences set out in section 2 of the 1967 Act. During the debate on the Bill in the other place on 10 May 1966, the Earl of Kilmuir quoted objections from seafarers’ organisations that believed that homosexual conduct could lead to “dissension” among the crew, and even to “violence”.

In the book “Hello Sailor! The Hidden History of Gay Life at Sea” by Jo Stanley and Paul Baker, which was published in 2003, the authors discussed the problem faced by gay crewmen in the merchant navy. They wrote:

“In the 1950s...all gay men were, to an extent, part of an anti-society, but this was even more apparent in the Merchant Navy, where being gay could result in dismissal or transfer.”

As I think my hon. Friend the Member for Milton Keynes South said in passing, this was a genuine fear of being dismissed. Homosexual crew men were so frightened of being discovered that they communicated in a slang code—a form of secret code—that they called *Polari*. Apparently, its name comes from the Italian word “parlare”, which translates as “to talk”. Those are snapshots of a different attitude from a different era. The provisions in the 1994 Act remind us of what things were like in the 1950s, and I suggest that that is evidence for why they have no place on the statute book in the 21st century.

The next factor I look at when considering a private Member’s Bill that comes before the House on a Friday is how big the problem is that the Bill seeks to address: having established that there is a problem, how big is it? For this Bill, the question is: how many merchant navy crewmen would it affect? In the book “Maritime History and Identity: The Sea and Culture in the Modern World” by Duncan Redford, published in 2013, it is observed that one of the practical obstacles for shipping lines wanting to dismiss homosexual crewmen was that demand for stewards exceeded supply, and a total dismissal of gay or bisexual workers

“would have decimated the workforce and made ships inoperable.”

The short answer to the question of how many have been dismissed even in recent times is, I suspect, either not many or perhaps no one.

The maritime news website Lloyd’s List stated in an article about the Bill we are now considering posted on 6 July:

“Both shipping employers and shipping unions said...they were unaware of anyone losing a job on such grounds, at least in recent decades.”

I must confess—I am pleased to say this—that it is not an issue that has been raised with me as a constituency MP. I would be interested to know whether other hon. Members in the Chamber have had constituents raising the problem with them. It is perhaps why repealing sections 146(4) and 147(3) of the Criminal Justice and Public Order Act 1994 has not been seen as a particularly urgent matter.

Philip Davies: That is only one side of the equation, because it does not address the point made by my hon. Friend the Member for Milton Keynes South (Iain Stewart) about how the provisions may have deterred people from pursuing such a career in the first place. When it comes to asking how many people have been affected, the answer is in a sense unknown, because the provisions may have affected an awful lot of people who decided not to pursue a career in that industry.

Mr Nuttall: My hon. Friend makes a very good and pertinent point. The provisions may well have had a hidden effect, and we may never know how many people have been affected in that way. People may have stumbled across the provisions or, if they live in a seafaring community on the coast, someone—this is the established law and has been in place for many years—may have said, “Well, I wouldn’t go down that road if you’re homosexual. I wouldn’t go to sea because you risk losing the job.” That could have put people off, so my hon. Friend is right.

I have explained why repealing the provisions has not been seen as particularly urgent and why we are talking about omitting these sections of the 1994 Act only now. The problem that the Bill seeks to address is not one to which we can ascribe specific numbers of people who have been dismissed, because the provisions we are discussing no longer have any legal effect.

I would argue that the Bill seeks to address another problem, which is the very important point that we should not have a potentially confusing provision on the statute book. My hon. Friend the Member for North Devon also made an important point about making it clear to the homosexual community where we are and where the law is. We should go further in making sure that we do not have pieces of legislation on the statute book that are contradictory or no longer have any validity. I believe it would be sensible if it were regular practice that, in each successive Parliament, the Government brought forward a tidying-up consolidation Bill so that matters such as this could be dealt with. That would give the Cabinet Office the opportunity, at least once every five years, to collate any bits of legislation that Members had come across, or had had brought to their attention by members of the public, that needed repealing. They could all be dealt with in a repeal Bill. I appreciate that the Minister is from the Department for Transport, so that is not necessarily his responsibility, but perhaps he will discuss the idea with colleagues across Government, including in the Cabinet Office.

It is worth mentioning briefly why the provision in the Bill was not introduced when the provisions relating to the armed forces in the 1994 Act were dealt with in the Armed Forces Act 2016. The 2016 Act repealed the equivalent parts of sections 146 and 147 of the 1994 Act to the ones that we are discussing. It appears that it was because of how the Armed Forces Act was drafted. Consideration was given to whether it might be possible for that Act to repeal the provisions relating to homosexual conduct in the armed forces. In fact, that was done only through a Government new clause on Report, moved by the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster). He said:

“I am delighted to be speaking to this new clause today. It reflects the Government’s commitment to the fair and equal treatment of lesbian, gay, bisexual and transgender armed forces

personnel. It repeals two provisions regarding homosexuality in the armed forces that are inconsistent with the Department's current policies and the Government's equality and discrimination policies more generally."

My hon. Friend the Member for Henley (John Howell) asked him specifically about the merchant navy, saying:

"During the evidence session for the Select Committee, on which I served, I asked Mr Humphrey Morrison, from central legal services, whether this could be done. The answer I was given was that because it was tied up with the merchant navy, it could not be done. What has changed to allow this to go forward?"

The Minister replied:

"We have simply decoupled the two issues. We will be dealing with this matter in this Bill and the Department for Transport has made it clear that it intends to deal with the merchant navy aspect as soon as possible. I am delighted to say that we are therefore moving ahead quickly, as we said we would."—[*Official Report*, 11 January 2016; Vol. 604, c. 600-601.]

The result of that statement, I think, is the Bill tabled by my hon. Friend the Member for Salisbury.

There was a high-profile case that went to the European Court of Human Rights, that of *Smith and Grady v. United Kingdom*. The first applicant, Jeanette Smith, was a senior aircraftwoman who had been dismissed from the Royal Air Force in 1994 after being found to have been in a relationship with another woman. I took the trouble to read through the full report of the case—obviously the judgments in such cases are lengthy—and it was harrowing and disturbing to see what had happened. It must have been enormously distressing for the individual involved. According to the judgment, an internal armed forces report described her

"general assessment for trade proficiency and personal qualities as very good and her overall conduct assessments as exemplary." She was dismissed, however, because at the time homosexuals were barred from the armed forces.

The second applicant, Graeme Grady, was a sergeant posted as a personnel administrator to Washington at the British Defence Intelligence Liaison Service. He was also dismissed from the RAF in 1994 after being found to be in a relationship with another man, but was described as a "loyal serviceman". The report of the case sets out the rigorous and intrusive investigations that these individuals had to undergo. The European Court of Human Rights ruled that the Government had breached both the applicants' rights under article 8 of the European convention on human rights—the right to a private and family life—and the case resulted in the Government changing their policy and allowing homosexuals to serve in the Army, as was reflected in the Equality Act.

What is the scope of the Bill? One further question that I always like to consider in respect of any private Member's Bill is: are there likely to be any unintended consequences? This was touched on by my hon. Friend the Member for Shipley. It is always worth while considering whether a Bill would have any consequences that might not be obvious at first sight. I am pleased to say, however, that the Bill does not fall foul of that inquiry. We always need to be precise about the scope of a Bill, and we should be clear that the Bill, which we all support, is about tidying up the statute book. We should not try to mislead anyone into thinking that it will have an enormous effect on their personal lives. Repealing the relevant sections of the 1994 Act will not mean that fewer gay or bisexual people in the merchant navy are dismissed, because, as mentioned, under part 5 of the

Equality Act, they already have protection against any employer who tries to dismiss them for having a gay relationship.

The Equality Act prevents an employer from discriminating against an employee, by, for example, dismissing them on the grounds of a protected characteristic, and one of those characteristics is sexual orientation. The Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 extended the provisions in part 5 of the 2010 Act to include merchant ships. Seafarers, irrespective of their nationality, working on board a UK-registered ship enjoy protections under this legislation. We need to stress the point that this covers all seafarers, not just UK nationals. As I said earlier, my brother is in the merchant navy, so I know that the crew come from all over the world; it is a united nations approach to employment.

The Bill does not make discrimination on the grounds of sexual orientation on a merchant ship any more unlawful than it is now, but it does remove any ambiguity on this point. It is worth noting the unusual position of ships: they are both a workplace and a residence for those on board. My brother spends some of his day on duty but at other times he is free to be in his cabin, relax and do other things. As a result of this dual-purpose approach on board ships, operators may impose restrictions at work that extend into what might otherwise be considered a person's private life. An example might be prohibiting the consumption of alcohol, because even off-duty crewmen might be called on at very short notice, presumably in rough seas or in an emergency, to carry out duties that would require a clear head. Some shipping operators do allow alcohol off duty, but state that crew must never be intoxicated at any time. Breaching such a requirement could lead to dismissal.

Craig Whittaker: Does my hon. Friend agree with what my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) said about merchant ships? Not only is a merchant ship a workplace, but it is considered a person's home for much of the year. The mere fact that merchant seamen have these restrictions on their private lives as well as their working lives—they are working in a confined space—increases stress levels, particularly where they are potentially being bullied because they are homosexual.

Mr Nuttall: My hon. Friend makes a good point. I would venture to suggest that being in a confined space for weeks or months at a time can indeed increase the stress factor. There is a further impact, in that some operators impose bans on things such as smoking on safety grounds, even though they apply to what is a private living space—someone's home—and would not apply in other areas. Nevertheless, this Bill would put it beyond any doubt that homosexual conduct, which would be perfectly lawful in all other spheres, would not provide any grounds for dismissal and would protect any seafarer should an employer try to enforce the old rules.

As the explanatory notes to the Bill make clear, the problem with leaving sections 146(4) and 147(3) of the 1994 Act on the statute book is that it gives the impression that gay or bisexual people are not welcome in the merchant navy. Anybody who comes across those provisions on the internet, or as they are passed down from generation to generation, could be deterred from applying for a job

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in the merchant navy. As we position Britain as an outward, globally trading nation, it is important that we encourage people from all backgrounds and walks of life to go into trading and commercial professions. From cargo to leisure, recruiters will need skilled and capable workers who are undeterred from applying. Any artificial barriers to employment that may be construed from the 1994 Act are very unhelpful indeed.

I believe that laws should be clear and precise, so even though we are not faced with an enormous practical problem, in terms of vast numbers of dismissals, it is necessary to neaten up the statute book to avoid any confusion. It is simply good practice. Indeed, Andrea Woelke, the chair of the Lesbian and Gay Lawyers Association, is reported in *Lloyd's List* as saying that repeal of those sections of the 1994 Act

“creates legal certainty and sets the right sign”.

One other question that I always ask when considering a private Member's Bill is that of cost. It is important when scrutinising private Members' Bills on a Friday to ask whether there will be any cost to the public purse. So often worthy issues are raised, but we then find out that they come with a hefty price tag attached, requiring a money resolution and ultimately diverting taxpayers' funds from other important calls on the public purse. I am pleased to say, however, that, as the explanatory notes make clear, there is no anticipated cost to the public purse.

The Bill has two clauses, and I have dealt with the first, but I want to touch briefly on the second, which deals with the Bill's commencement, extent and short title. Clause 2(1) states:

“This Act comes into force at the end of the period of two months beginning with the day on which it is passed.”

On the face of it, that is a standard and routine provision, and it would seem reasonable. There would be no requirement for a longer adjustment period, because the merchant navy is already required to abide by the Equality Act 2010, and thus would not have to make any changes in what it already does. Arguably the only change is the confirmation that the provisions in the 1994 Act no longer apply, and therefore could no longer be used as grounds for dismissal. If the merchant navy tried to do that, it would be prevented, and a seafarer would have protection under the equalities legislation.

I do, however, believe that there is an argument for a shorter period. Having thought about the matter, I can see no reason why the words in the middle of that sentence should not be omitted, so that the sentence would read: “This Act comes into force on the day on which it is passed.” My hon. Friend and the lawyers may wish to give some thought to that before the Bill proceeds further.

As a rule, I have no truck with legislation that is purely symbolic. To my mind, legislation is not there simply to make gestures, and I would not support a Bill solely on that basis. However, I believe that this Bill serves a genuine purpose. It tidies up existing legislation, and clarifies the issue with which it deals for the benefit of both the public and employers. It has identified an anomaly in the law, and seeks to address it. I think that it will make life easier for employers and employees in the merchant navy, and is therefore a good step forward.

I note, incidentally—I do not think that this has been mentioned so far today—that there is an annual Merchant Navy Day on 3 September. Many local councils participate, including Bury council in my constituency, and the red ensign, the official flag of the merchant navy, is flown on public buildings.

Our commercial seafaring operations will continue to be a crucial part of this country's global future, and it is important for the legislation applying to it to support equality and be fit for the 21st century. I believe that this Bill is relatively uncontroversial, as well as being straightforward and sensible, and that it should be allowed to make progress. I will support it, and I urge Members on both sides of the House to do likewise.

12.48 pm

Mr Alan Mak (Havant) (Con): It is a great pleasure to speak in the debate, and also to follow my hon. Friend the Member for Bury North (Mr Nuttall). I very much enjoyed his extensive and detailed speech. It was good to hear about his personal and family connection with the merchant navy, and I know that that connection is shared by our hon. Friend the Member for Calder Valley (Craig Whittaker), who made a very good speech. It is also a great pleasure to follow my hon. Friends the Members for Milton Keynes South (Iain Stewart)—he is no longer in the Chamber, but he made a moving, personal and powerful speech in support of the Bill—for Shipley (Philip Davies) and for North Devon (Peter Heaton-Jones). I hope to build on their important contributions. I also congratulate the hon. Member for Cambridge (Daniel Zeichner) on his contribution and support for the Bill.

Of course I congratulate my hon. Friend the Member for Salisbury (John Glen) on introducing this important Bill. He had the good fortune of securing a place on a Friday in the private Member's Bill ballot. I congratulate him on his hard work to bring the Bill before the House, as well as on his campaign on this important issue of updating the law relating to our merchant navy.

My hon. Friend is a strong champion of equality and diversity in this House and his constituency. He has been a strong advocate of equal rights in this House and outside it. I particularly enjoyed his “PoliticsHome” article this morning in which he set out some of the background to the Bill and his reasons for bringing it to the attention of the House. Although the Bill comprises only one substantive clause, it corrects an important legal anomaly. Such action is long overdue and greatly to be welcomed.

The Bill sends a strong message from the House that equality is a key aspect of Britain's modern society and our industrial practice. It repeals erroneous provisions in the Criminal Justice and Public Order Act 1994. It will avoid confusion to anyone investigating the law by looking through *Hansard* or the statute book. It will mean that no one will be able to interpret previous provisions as in any way representative of the modern, diverse society that Britain is today, or the modern, diverse profession that is now the merchant navy. I congratulate all my hon. Friends on their detailed, informative speeches and on bringing this topic to the attention of the House.

I want take the House back to Christmas eve 2013—just over three years ago—when Alan Turning, the wartime

codebreaker, was granted a posthumous pardon by Her Majesty the Queen for his criminal conviction for homosexuality. Dr Turing was the man who helped Britain to win world war two, but he killed himself after receiving that conviction in 1952. He was a scientist, an innovator and a mathematician. He is widely considered to be the father of theoretical computer science and artificial intelligence, both of which are foundations of the fourth industrial revolution, which is a topic that hon. Members know that I have been keen to bring to the attention of the House and the country as a whole.

Today, Dr Turing is widely recognised across Britain in public life, not just in this House. The computer room at King's College, Cambridge, Turing's alma mater, is called the Turing room, and the Alan Turing Institute, which is headquartered at the British Library, is our national institute for data science. Five founding universities—Cambridge, Edinburgh, Oxford, University College London and Warwick—and the UK Engineering and Physical Sciences Research Council created the institute in 2015 to answer the national need for investment in data science and research. The centre's mission is to make great leaps in order to change the world for the better, and the Bill promoted by my hon. Friend the Member for Salisbury does a similar thing by making sure that people in our modern merchant navy receive the equality and respect they deserve for their hard work.

Turing's conviction is one of the greatest travesties of modern justice. Today, such an appalling and blatantly wrong decision would be unthinkable, and rightly so. Only since 2000 have gay and lesbian people been allowed to serve openly in Her Majesty's armed forces, and discrimination on the basis of sexual orientation is now rightly forbidden. In fact, the military actively recruits gay men and women. Hon. Members who, like me, hold jobs and apprenticeships fairs will know of that from the recruitment officers who proudly come to our events to talk about the great work that our armed forces do to protect us night and day, both at home and abroad. I know from first-hand experience at such fairs that the Royal Navy actively recruits through gay magazines and allows gay sailors to hold civil partnership ceremonies on board ships. Since 2006, the Navy has allowed sailors to march in full naval uniform at gay pride parades.

I have seen that spirit of equality myself over the past 18 months because I have had the pleasure and honour of participating in the armed forces parliamentary scheme, which gives Members from both sides of both Houses the opportunity to do a little bit of light work experience with the Royal Navy and the other armed forces. Although he is not here, I congratulate my hon. Friend the Member for North Wiltshire (Mr Gray) on his hard work in co-ordinating the programme and on bringing parliamentarians from both sides of the House into closer contact with members of not only the armed forces—the Royal Navy in my case—but the merchant navy and the wider armed forces military and civilian family. From the Defence Academy of the United Kingdom in Wiltshire—the county of my hon. Friend the Member for Salisbury—to the deck of HMS Duncan, where I had the opportunity to spend time with the crew on a passage from Cardiff to Plymouth, and also to the freezing shores of the Norwegian Arctic, where my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) and I trained with Royal Marines, I have seen

the spirit of equality that pervades our armed forces today, which we hope will continue at all ranks of the merchant navy.

The Bill has great relevance to my Havant constituency, the wider Solent region and the south coast of England. Havant and the south coast have a proud seafaring tradition. Many generations of constituents have joined the Royal Navy and the merchant navy. Generations of seafarers have been part of Britain's maritime past and will form part of our maritime future. Members of the merchant navy have sailed proudly under the red ensign and helped to further the UK's commercial and maritime interests.

From an old heritage to the age of ultra-modern cargo and container ships, today's commercial shipping fleets, which form part of Britain's maritime capability, span the globe, using the latest technology to help to transport more than 90% of the world's trade. Specially designed vessels support the oil and gas industries, and the colossal bulk carriers made for iron ore, grain, coal and other commodities are proud symbols of Britain's maritime strength.

As my hon. Friend the Member for Milton Keynes South said, in the age of Brexit, we must be an outward-looking, global trading nation and strengthen our connections with the world. My hon. Friend the Member for Bury North is right that we must ensure that the merchant navy is accessible to people of all backgrounds and sexualities. That is why the Bill is so important. We have to send out the right message and ensure that our merchant shipping capability is open to people of all backgrounds, ethnicities, genders, races and sexualities.

The work of my hon. Friend the Member for Milton Keynes South on international trade is important. He mentioned free trade agreements, and we know that we can trade in the modern world only if our merchant shipping fleet is fit for purpose. We can make legal agreements with our friends and partners in Europe, Asia, north America, Africa, Latin America and other parts of the world, but we have to turn those paper commitments into practical reality, and this country's merchant shipping capability plays a key role in that.

The merchant navy has evolved over many centuries. It has changed as industry and society have changed. I draw the House's attention to the merchant navy's code of conduct and the position of LGBT sailors in the merchant navy, which has improved markedly over the past 20 years. The code of conduct has traditionally been the basis of disciplinary and grievance processes. There are also now clear guidelines on preventing bullying and harassment, which were adopted by the merchant navy and then our European partners, and subsequently internationally at the UK's instigation. The UK's international role in trying to change views on homosexual conduct is important and I will return to that later in my speech.

The national maritime occupational health and safety committee has published guidance for shipping companies on HIV and AIDS, which includes advice on prevention and policies for employing those living with HIV. It is important that we ensure not only that the merchant shipping industry is open, but that those who employ our merchant sailors are mindful of the specific challenges that people may face, such as medical issues.

How is it that, in 2017, a provision remains on the statute book to provide that a homosexual act on a

[*Mr Alan Mak*]

registered merchant navy vessel may constitute grounds for discharging a member of the merchant navy? This makes no sense at all. Although, as a number of hon. Members have mentioned, the provision could never be applied, thanks to the Equality Act 2010, it sends completely the wrong signals and is open to misinterpretation. My hon. Friend the Member for Salisbury mentioned that in his opening remarks. It would not be right if anyone investigating the statute book to understand the UK's legal framework for merchant shipping in the context of trade and investment in the age of Brexit found provisions that seem to purport to allow people to be dismissed from the merchant navy as a result of their sexuality.

We are talking about only two sections here, but we need to change them completely to make sure that the principles embedded in our modern armed services, which I mentioned earlier, are reflected in our merchant shipping fleet and the legislative framework around it. The whole of our society is based on those principles, and everyone in this House can say with pride that the UK now has the highest number of openly LGBT parliamentarians in the world. My hon. Friend the Member for Milton Keynes South rightly made a point of that in his personal and powerful speech when he talked about how he is a living example of somebody who has not allowed prejudice about sexuality to stop him building a successful career here in Parliament and elsewhere. We should try to repeat that model for our merchant navy fleet.

I am proud that this Government introduced the Marriage (Same Sex Couples) Act 2013, which legalised marriage for same-sex couples in England and Wales, and that we are keen to continue tackling homophobia, biphobia and transphobia, particularly in terms of bullying. This Bill is very much in that vein. My hon. Friend the Member for Salisbury mentioned the three-year Government programme—it runs from September 2016 to March 2019—that aims to prevent and respond to bullying in primary and secondary schools in England in a sustained and meaningful way. As a former school governor, I welcome the emphasis on not just our merchant seamen and employers, but on educating our children and young people about the need to make sure that homophobia, transphobia, biphobia and other types of discrimination are not part of British society, and about the fact that when they enter the workplace, be it in the merchant shipping fleet or any other sector, that sort of behaviour will not be tolerated. As we help my hon. Friend to get his Bill to its next stage, we send a strong message from this House that we will not tolerate such behaviour any more at any level, irrespective of whether someone is young or old. The Government's programme builds on a £2 million grant announced by the previous Government in October 2014 that was also aimed at preventing homophobic and other discrimination-based bullying in schools. I very much welcome the funding for such work.

It is also important to note that the previous coalition Government issued the world's first LGBT action plan in 2011, further sustaining the Government's commitment to equality, which I hope will be spread to the merchant navy through the Bill. The then Government showed further leadership in December 2011 when they published

the world's first transgender equality action plan, which set out actions to address the specific challenges that trans people face in their daily lives. That followed the largest ever survey of trans people in Britain. I therefore wish to use this opportunity to talk about not only homophobic bullying, which has been a challenge for some years and is well known, but bullying of the bi and trans community. I hope that the Bill will play a key role in highlighting those important issues, too. I also want to draw the House's attention to the fact that the Government published guidance for employers and service providers in November 2015 on how to deal sensitively with transgender and homophobic issues, further outlining their commitment to defending the rights of the LGBT community.

The Government have taken steps in every area of public life—from the workplace to schools, as I mentioned, and in our immigration policy. They have taken steps to stop the deportation of asylum seekers who have had to leave a country because their gender identification puts them at risk of imprisonment, torture or execution. As mentioned by my hon. Friend the Member for North Devon, who is no longer in his place, it is still illegal in many countries to be homosexual and in some countries it is punished by the death penalty. By taking my hon. Friend's Bill to the next stage, we will send a strong message that Britain is a global leader in the fight for human rights and gender and sexuality equality. That is why it is essential that we continue to show global leadership on this matter and lead the way in defending the rights of the LGBT community, whether on merchant shipping vessels, in the workplace on land, in our armed forces, in our schools or in other areas of our civic, public and commercial life.

British values such as tolerance, respect, democracy, individual liberty and the rule of law are the values that bind us together as a nation. That is why we are promoting British values and strengthening the institutions that uphold them in the work that we do in this House and through the Bill today. I am pleased that over the years the rights that the LGBT community enjoys have gone from strength to strength, and that public support for those rights has gone from strength to strength too, as the work that we have done in this House by passing legislation similar to that proposed by my hon. Friend has raised the level of knowledge and education outside the House.

For example, in 2004, a poll by Gallup reported that 52% of the public agreed that marriages between homosexuals should be recognised, but 45% said that they should not. We have come a long way since then. In 2009, for example, a poll by Populus reported that 61% of the public agreed with the statement that gay couples should have an equal right to get married, not just to have a civil partnership, and only 33% disagreed, so things are moving in the right direction.

Support for gay marriage has traditionally been highest among those aged 25 to 34—78% agreed and 19% disagreed—and it was lowest among those aged over 65, so we still have some work to do to make sure that any legislation we pass in the House is understood and felt and promulgated by all sections of society, regardless of age, background or geographic loyalties. Equality must be for everyone, not just people of a certain age group or from a certain geographic location or a certain industry. As other hon. Members have said, the armed forces have been leaders in this.

The House has a strong track record in this regard. My hon. Friend the Member for North Devon referred to some important statistics, and other hon. Members have spoken about the work that has happened in various industries. Today's Bill will make sure that the merchant navy is seen in the same light. It has been working hard for many years, but owing to the anomalous provisions in the Criminal Justice and Public Order Act 1994, someone investigating the statute book may well be confused. It is therefore right that today's legislation goes forward, and I will certainly be supporting it later today.

The statistics that I mentioned show that in recent years public opinion on LGBT rights has been changing fast, and it will continue to do so. The provisions in this Bill will be in the same vein and will push that work forward.

I want to draw the attention of the House to the positive reception that the equal marriage legislation has had, regardless of people's previous views on it or how they voted—it was introduced before my time in the House. There has been a change of opinion and the provisions of the legislation have been taken up. There were 1,409 same-sex marriages between 29 March and 30 June 2014—56% between female couples and 44% between male couples. There has been high take-up. There was a sea change in people's behaviour and the way in which the LGBT community was viewed after new legislation came to the House and was debated and eventually passed. I hope that that optimistic, positive outcome will be repeated if and when my hon. Friend's Bill receives Royal Assent and reaches the statute book, which I hope it will.

In the UK it has simply become the norm for people to accept same-sex marriages and diversity in the workplace, whether that is in the armed forces, on board ship, on land, on bases or in any other sector. Unfortunately, that has not always been the case. At the end of 1954, for example, in England and Wales there were a staggering 1,069 gay men in prison for committing homosexual acts.

In an attempt to curb those figures, Labour MP Leo Abse, to whom I think my hon. Friend the Member for Shipley referred, and Conservative peer Lord Arran proposed to change the way that the UK law treated gay men in the Sexual Offences Bill. Thankfully, that was passed, but it was not until 1967 that the then Labour Government finally showed support for Lord Arran's proposals and the Bill received Royal Assent on 27 July 1967, after what I understand was an incredibly intense late-night debate on the Floor of the House. The Bill proposed by my hon. Friend the Member for Salisbury will not, I hope, be in any way as contentious and will command the support of this House and the other place. The hon. Member for Cambridge has indicated that that will be so, which is a very welcome step.

If any Scottish National party Member were present on the Opposition Benches, they would be surprised to learn that the 1967 Act did not extend to Scotland at the time. All male homosexual behaviour remained illegal there for another 13 years after the law was changed here in England and Wales. It is a very positive step that they are equally committed to equality in Scotland. The lesson to learn is that the updating of our laws and the improvement of rights for the LGBT community has not always progressed at the same pace in all the nations

of the United Kingdom. That is a signal to us all that we need to make sure that, in the work of this House, we are leading, and that when it comes to making United Kingdom law, we are very much at the forefront of legislative developments across the nations and regions of the United Kingdom.

As a footnote, I would add that it was only very recently that the people who were persecuted and prosecuted prior to 1967 received pardons for those convictions—it has taken around 30 years for that to happen. We cannot take for granted the freedoms and rights that the LGBT community rightly enjoys. We have to be vigilant, to make sure that we are always looking out for ways to improve those freedoms and to make sure that there is equality at every stage of the legislative process.

In support of the Bill, I contend that it fits neatly, in a political, legislative and conceptual perspective, with the UK's rich and proud tapestry of human rights and progressive legislation. It very much builds on the social progress that we have seen in Britain as we have become a wealthier, more prosperous and more progressive nation. We begin, of course, in 1215, when Magna Carta was agreed, which protected the rights and liberties of citizens and began the tradition of due process. As hon. Members will know, that tradition travels through the Bill of Rights, which ensured, among other things, that there could be no suspension of laws without the agreement of Parliament, which was a very positive step. In the 19th century, the terrible conditions that children faced led to the Factory Acts. Then there was the Beveridge report of 1942, the signing of the universal declaration of human rights in 1948 and the Race Relations Act 1965—the first legislation in the UK to ban discrimination on the grounds of race. That was further complemented by the Equality Act 2010, which brought a whole range of anti-discrimination legislation under a single Act and added further protections.

My hon. Friend's Bill sits very comfortably within that progressive, pro-rights tradition that stretches back all the way to 1215. In this new year, 2017, as we move from the second decade of the 21st century into a new, more progressive regime, the Bill sits very comfortably with all the successes that we have had in pioneering and securing liberty, equality and the acceptance of others, and in making sure that human rights are very much embedded alongside human responsibilities.

I am proud that our country has been not only strong here at home in passing legislation but a leader at the forefront of development on these matters abroad. As my hon. Friend the Member for North Devon rightly said, we can take a leadership role in the Commonwealth, where there is more to do, as well as in the UN and other international forums. We can make sure that the values that we strongly adhere to in this House and this country, which are being furthered today by the Bill, are reflected in the legislation, practices and culture of other countries, particularly in the Commonwealth. As we reach out to Commonwealth countries through international development aid, free trade agreements and other co-operation in international forums, we in the United Kingdom can play an important role in ensuring that we not only further our commercial and political interests, but try to change the cultures of countries that are part of the Commonwealth family of nations.

[Mr Alan Mak]

The UK has never been afraid to let other nations know that when injustices are committed, we will be a strong voice for equality—particularly on grounds of sexuality and race. While the UK continues to promote equality on the international stage in public forums, my hon. Friends at the Foreign Office, the Department for International Trade and other Departments nurture relationships across the globe and make sure that the same case is made in private conversations as well.

As a nation, we must continue to be the beacon of progress on LGBT matters, and the Bill is the next stage in all that hard work. Our approach appeals to other countries' enlightened self-interest: it is sensitive to their culture and history, just as the Bill is sensitive to ours for the reasons that I have set out. We must make it clear that LGBT rights are a key part of building a level playing field and that our progress as a society and economy depends four square on making sure that everybody can play an important and equal role in our society, communities and economy, in the defence of our nation and in our mercantile interests through the merchant navy, regardless of gender, sexuality or any other characteristic. There must be a level playing field for all if we are to be a country that works for everyone.

As we enter the third decade of the 21st century, equality, freedom and non-discrimination must sit at the heart of the political agenda here in the United Kingdom. The Bill will help to stamp out any remaining instances of homophobia, biphobia or transphobia, and that is why I felt it was important to speak in this debate. The Bill has a strong resonance in my constituency, with its proud tradition of service in the Royal Navy and the merchant navy as a seafaring community on the south coast of England, and it has importance for our national debate as we recast our country in the light of the Brexit decision.

Let us not be bystanders. The Bill will continue the work that the House has done over many decades and centuries to make sure that Britain is a country of freedom and opportunity. We are an international beacon of equality for the LGBT community, who can and should be safe and valued whatever job they do, particularly in the merchant navy, and wherever they do it. As my hon. Friend the Member for Bury North said, the Bill has no cost implications or visible unforeseen consequences. It is long overdue, very welcome and requires the removal of just a few phrases.

I congratulate my hon. Friend the Member for Salisbury on bringing this short but effective Bill to the Floor of the House. It will have my full support in any Division and during its remaining stages if it comes back to this House. As I said, this country has come a long way on equality and freedom, but there is more work to do. I stand four square behind that; as one who understands the racial issues that the country faces, I am mindful of some of the other challenges that we face as a nation—whether on gender equality, regional equality, income equality or any other type of equality, we must have equality of opportunity and non-discrimination at the heart of our political conduct and national discourse, whether in the workplace, the armed forces, the classroom or the House. I fully support the Bill. I hope that hon. Members across the House will join me in that, and I look forward to supporting it if it comes back to the House.

1.19 pm

Wendy Morton (Aldridge-Brownhills) (Con): It is an absolute pleasure to be here today, on what for many of us would be a constituency Friday, to speak in support of the Merchant Shipping (Homosexual Conduct) Bill. I would like to start by congratulating my hon. Friend the Member for Salisbury (John Glen), who has done sterling work in bringing the Bill to the Chamber today. As we have heard, this is his second private Member's Bill, so he really does understand the amount of work that goes on behind the scenes. I am also trying to get a second private Member's Bill through this place during this Parliament, so perhaps we are in a bit of competition. But fear not, I will do all I can to make sure that my hon. Friend's Bill has a safe passage through this place, because it really is an important piece of legislation.

I also pay tribute to all those Members who have contributed to the debate. In particular, I was struck by the comments made by my hon. Friend the Member for Milton Keynes South (Iain Stewart), who brought great personal insight to the Bill, and that has really added to the debate, so we should thank him for that. I also thank my hon. Friend the Member for Havant (Mr Mak). He has clearly put a lot of work into his research into the Bill, and he referred to not only the shipping heritage in his constituency but the armed forces parliamentary scheme, which I and other Members on both sides of the House have been involved with.

In turning my attention to the Bill, I want to start with a little background to it. After all, it is specific to the merchant navy, and while we talk so often in this place about the armed forces, we may all be a little guilty of forgetting that we have a merchant navy as well. I speak as the wife of a former seafarer, although he was in the Royal Navy, not the merchant navy, and it was good to hear other Members speak of the experiences of members of their own families with connections to the merchant navy.

It is important that we do not forget that Britain has depended on civilian cargo ships in wartime to import food and raw materials, as well as to transport soldiers overseas and to keep them supplied. The title "merchant navy" was granted by King George V after the first world war to recognise the contribution made by merchant sailors. The merchant navy has long played a part in the heritage and the history of our country, playing its part in shaping the nation we have today.

Britain's merchant fleet was the largest in the world during both world wars. In 1939, a third of the world's merchant ships were British, and there were 200,000 sailors. Many merchant seamen came from parts of the British empire, such as India, Hong Kong and west African countries. Sometimes, women also served at sea in the merchant navy. We can see just how important the merchant navy is, and that gives greater emphasis to the importance of the Bill.

During both world wars, Germany operated a policy of unrestricted submarine warfare—of sinking merchant vessels on sight. By the end of the first world war, more than 3,000 British-flagged merchant and fishing vessels had been sunk, and nearly 15,000 merchant seamen had died. During the second world war, 4,700 British-flagged ships were sunk, and more than 29,000 merchant seamen died.

In putting together my contribution to the debate, I tried to put into some sort of perspective the contribution

the merchant navy has made to our country over the years. That figure of 29,000 merchant seamen who lost their lives is almost half the electorate of my constituency, so it is not insignificant.

Turning to more recent times, some of us will remember the Falklands war in 1982 and the merchant ship the *Atlantic Conveyor*, which sank while under tow after being hit by two Exocet missiles. The ship, which was registered in Liverpool and built by Swan Hunter, was requisitioned during the Falklands war. The wreck site is designated under the Protection of Military Remains Act 1986. Twelve men died and the ship's master, Captain Ian North, was posthumously awarded the Distinguished Service Cross. The *Atlantic Conveyor* was the first British merchant vessel lost at sea to enemy fire since world war two. Again, that shows the importance of the merchant navy. It is really important that we do all we can to ensure the safe passage of the Bill through this place, so that members of the merchant navy are put on an equal footing to those of the Royal Navy.

In honour of the sacrifices made in the two world wars, the merchant navy lay wreaths of remembrance alongside the armed forces in the annual Remembrance Day service. Following many years of lobbying to bring about official recognition of the sacrifices made by merchant seafarers in the two world wars and since, Merchant Navy Day became an official day of remembrance.

Today's merchant navy is, understandably, much smaller than it was in the days of world wars one and two. According to the statistics that I found in the CIA's "The World Factbook", there are just over 500 UK-registered ships in the merchant navy today. That is still a significant number, so a significant number of seafarers will potentially benefit from the Bill, should it receive Royal Assent.

In my research I also found a number of notable merchant navy personnel. Putting homosexuality aside, I found that Joseph Conrad joined the merchant navy in 1874, rising through the ranks of second mate and first mate to become master in 1886. He then left to write professionally, becoming one of the 20th century's greatest novelists. James Cook, the British explorer, was also a member of the merchant navy, as was Victoria Drummond MBE, Britain's first woman ship's engineer.

A couple of other names are worth mentioning. John Masefield served in the merchant navy in the 1890s and later become poet laureate, and the right hon. John Prescott, who is a member of the Opposition, served in the merchant navy as a steward, then joined this place and became Deputy Prime Minister in the Blair Administration.

What I am endeavouring to do is to set out just how important the merchant navy is. Members of the UK merchant navy have been awarded the Victoria Cross, the George Cross, the George medal, the Distinguished Service Order and the Distinguished Service Cross for their actions while serving. Those who served in either world war also received relevant campaign medals.

I would now like to turn to the issue of homosexuality in the merchant navy. Between 1950 and the 1980s, life at sea was one of the few opportunities for gay men to be themselves. They were able to embrace life at sea with enthusiasm and often with more confidence than they felt at home on land. They would often take part in performances and cruise shows and be members of the

catering staff. Although men could no longer be prosecuted for gay acts after 1967, when homosexuality was legalised by the Sexual Offences Act, persecution in everyday life did not end. During that era, many gay men chose a career in the merchant navy because—this is hard to believe in many ways—it was more tolerant than other professions.

It is also hard to believe that it was in 1967 that the Sexual Offences Act received Royal Assent. It amended the law in England and Wales by decriminalising homosexual acts in private between two men. And here we are, almost 50 years later. Many of us were not even born—or only just—when that Act was introduced. Much has been said about this Bill being tidying-up legislation and symbolic, but I think that we have started to understand that it is about much more than that. I believe that it will mean a great deal to the men and women who serve in the merchant navy. It is about making sure that the commitment given during proceedings on the Armed Forces Act 2016 to address the matter is followed through. The Bill will go a long way towards removing any remaining misunderstanding or ambiguity.

Documents released by the Public Record Office reveal that commanders buried a series of scandals that involved, among other things, homosexual affairs on an aircraft carrier, transsexual prostitutes in the far east and hundreds of men using a male brothel in Bermuda. Even today, as the law stands, what is to stop someone investigating employment rights and coming up with the view that LGBT people are not welcome in the merchant navy? The Bill is important because it will put the truth beyond doubt, and it will show that we continue to take the issue very seriously.

The Armed Forces Act amended the Criminal Justice and Public Order Act 1994 to make sure that a member of the armed forces could not be discharged for being homosexual. The Ministry of Defence has insisted that it is committed to helping recruits achieve their full potential irrespective of sexual orientation, and all three branches of the forces have featured in Stonewall's top 100 gay-friendly employers.

In 2005, the Royal Navy joined Stonewall's diversity champions programme, and it was followed in 2006 by the Royal Air Force and in 2008 by the British Army. The programme was designed to promote good working conditions for all existing and potential employees and to ensure that there was equal treatment. At London Pride in 2008, all three armed services marched in uniform for the first time. Although the Armed Forces Act addressed the outstanding historical issue that we are discussing for the armed forces, as we have heard, it did not cover the merchant navy. That is why we are here today.

I want to touch on homosexuality in the armed forces, highlight the differences between the merchant navy and the Royal Navy, and explain why the Bill matters. I will build on some of the points that have been made by my hon. Friends. Before 2000, openly gay people were banned from service, and people who suspected personnel of being gay had a duty to report them to the authorities. In 1999, the European Court of Human Rights found that the armed forces had breached the rights of LGBT personnel by firing them after discovering their sexuality. The then Labour Government, led by Tony Blair, announced that the Government

[Wendy Morton]

would comply with the ruling and immediately lift the ban. Changes to the law came into effect from 12 January 2000.

Since 2000, gay men and lesbians have been allowed to serve openly in the UK's armed forces, and that policy change means that personnel can no longer be fired merely because of their sexuality. It was years before the US did the same thing by repealing "Don't ask, don't tell" in 2011. Interestingly, in 2008 it emerged that 58 former military staff had been paid £3.7 million in compensation because the armed forces agreed that their human rights had been violated. It is also worth noting that the Royal Navy was so gripped by a security panic over gay servicemen in the late 1960s that admirals believed that at least half of the fleet had "sinned homosexually".

It has been fascinating to research the background to the Bill and to gain a greater understanding of the merchant navy; as I have said, we talk much more about the Royal Navy and the services in this place. I want to share just one or two more facts and figures that I have unearthed, which further reinforce the need for us to give my hon. Friend the Member for Salisbury all our support today and at all remaining stages of the Bill, to make sure that it has safe passage through the House on its journey to Royal Assent.

The evidence shows that as many as 1,000 gay men serving in the merchant navy supported the British effort in the Falklands war. That is no insignificant number of individuals who gave their time to serve our country. Is it not incumbent on us to support the Bill and give them something back, whether that is symbolic or something deeper? I spoke earlier about the Falklands war, so I will not dwell on it further, except to say that the Bill will give us the opportunity to put the Royal Navy and the merchant navy on an equal footing in relation to homosexuality.

Believe it or not, Thomas Cromwell piloted through Parliament an Act for the punishment of the vice of buggery—it does not feel like a parliamentary word, but it is the correct term—in 1533, during the reign of Henry VIII. I believe that was the first Act of our secular law to punish homosexuality. The sentence back then was death, with the state confiscating property, goods and chattels. Before that Act, matters concerning sodomy were dealt with in ecclesiastical law in an equally harsh way. The 1533 Act remained in force until it was replaced by the Offences against the Person Act 1828. The death sentence continued under that Act until it was revised in 1861, when the sentence was replaced with one of 10 years' to life imprisonment. As I said earlier, we are still trying—50 years on from the Sexual Offences Act—to ensure that equality is restored to these individuals and that we move forward as a country in reducing and redressing discrimination.

I am starting to draw my speech to a close, but I want to turn to the Bill very briefly. It would repeal sections 146 and 147 of the Criminal Justice and Public Order Act 1994, which would mean that someone can no longer be dismissed from a merchant ship for being gay. I believe it is a good Bill. It is needed because UK merchant ships are classified as residences as well as workplaces, which means that shipowners have been able to make their own rules about what is and is not allowed to happen on board. That point was made by

my hon. Friend the Member for Shipley (Philip Davies), who is not in his place at the moment, and other hon. Friends. Much has been made about the fact that merchant ships are classified as residences, but when my husband was in the Royal Navy, men served on ships—as, indeed, do men and now women—in very close confinement, so it is right and proper to deal through the Bill with what we can call an anomaly. The Bill would mean that someone can no longer be dismissed for being gay, and it would bring the laws affecting merchant shipping into line with modern equality laws.

It is fair to say that these sections of the 1994 Act no longer have any legal effect, as we heard, because of other legislation—the Equality Act 2010—but that is not an excuse for not supporting the Bill. As I keep reiterating, the Bill is important and it matters, and it is time that we did something; dealing with these provisions is long overdue. Repealing the sections is symbolic, but it will prevent any misunderstanding, and it will go a long way towards starting to redress this inequality.

I am very conscious of the fact that time is marching on, but I want to touch very briefly on the issue of LGBT equality. The UK has a proud record of promoting equality for LGBT people, including the introduction of marriage for same-sex people. The UK continues to be recognised as one of the most progressive in Europe on LGBT rights, and it has one of the world's strongest legislative frameworks to prevent and tackle discrimination. The Bill builds on all that we have done in Parliament over the years. As other hon. Members have explained so eloquently, particularly my hon. Friend the Member for Milton Keynes South, let us get on and do all we can to make sure we give it the safe passage it deserves.

1.39 pm

Tom Pursglove (Corby) (Con): It seems to be becoming a habit for me to follow my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton), who gave a strong and thorough background to the Bill. I congratulate my hon. Friend the Member for Salisbury (John Glen) on introducing the Bill. He is a diligent and hard-working Member, as was demonstrated in his speech today and in the work that he has done in preparing the Bill. He set out immaculately the case for why the House should support its Second Reading.

I am from a generation that finds it difficult to comprehend how we are in the position of needing to debate a Bill such as this. We are lucky to have grown up in this country at a time of increasing tolerance and increasingly cohesive communities, in which we respect and embrace differences and look out for one another. We appreciate and value that in our society. It is difficult to understand why the Criminal Justice and Public Order Act 1994 could lead to a seafarer on a UK-registered merchant navy vessel being dismissed for an act of homosexuality.

I am pleased that the Government have a proud record of promoting equal rights, and I understand from the contributions today that the Equality Act 2010 means that sections 146(4) and 147(3) of the 1994 Act no longer apply in reality. My hon. Friend got to the heart of the issue early in his remarks when he said that when we employ people, we should not worry about anything other than their abilities and getting the best person for the job. That should apply to every walk of life and every job in this country.

Craig Whittaker: I appreciate both points that my hon. Friend has made—about how his generation cannot comprehend some of the things that have happened in the past, and about equality in employing people.

Does my hon. Friend agree that we are in a dangerous situation in our country? Hate crime is on the increase, as is anti-Semitism—particularly in our universities—and we must do everything we can to stamp down on such behaviours.

Tom Pursglove: My hon. Friend is absolutely right. This is the most tolerant country in the world, and it must remain so. I am lucky—I grew up in Wellingborough, in Northamptonshire, where we have incredibly cohesive communities. People from all different faiths and backgrounds come together, rub along well and look out for one another. I want every single community in this country to be like that, and where there are differences we need to work on them. We need to ensure that barriers are swept away, because we must protect the proud traditions of this country and stamp out hate crime. In no walk of life, and in no community, is it acceptable, so he is right to raise that issue.

I have looked at the Bill and done some research in advance of today's debate, and it is clear that the law is messy. As I said, sections 146(4) and 147(3) of the 1994 Act are now essentially superfluous since the Equality Act 2010 came into force. Where we can, the House should clarify the law and remove any superfluous elements. The policy background section of the Bill's explanatory notes is particularly effective in that regard, because it states:

“Even though it is of no effect, the policy implication of the sections is ambiguous, and may be seen as a statement that homosexual conduct, per se, is incompatible with employment on merchant vessels. Such a statement is not compatible with current values and should be removed.

There is also a risk that a person investigating the employment rights of Lesbian, Gay, Bisexual and Transsexual (LGBT) people in the Merchant Navy might come upon the sections, and (understandably, but incorrectly) consider that they mean that LGBT people were not welcome inside the Merchant Navy.

Finally, as the sections are obsolete, removing them is of general utility, as doing so tidies up the statute book.

A similar approach to this Bill was taken by the Government in the Armed Forces Act 2016, which removed the parts of the sections which referred to the Armed Forces. During the passage of that Act, the relevant Minister made the following statement:

‘[T]he Department for Transport has made it clear that it intends to deal with the merchant navy aspect [of the Criminal Justice and Public Order Act] as soon as possible.’

Those were the words of the Under-Secretary of State for Defence, my hon. Friend the Member for Milton Keynes North (Mark Lancaster).

The explanatory notes continue:

“Differing variations of this statement were also made in the Lords when the issue was raised there.”

That effectively sets out the entire scope of the Bill, why it is required, some of the difficulties with current legislation, the Government's previous commitments and what needs to be done to put it right, and the Bill neatly achieves that. It is a short Bill, but the provisions are very clear, and the Minister's remarks clearly indicate strong Government support for the sentiments in it.

I have just one query—I am happy for my hon. Friend the Member for Salisbury to intervene now or

for the Minister to address this point in his remarks—and it relates to the Bill's commencement, should it complete all its stages and pass into law. Clause 2(1) states:

“This Act comes into force at the end of the period of two months beginning with the day on which it is passed.”

I do not think we should waste a moment. If the Bill is passed into law—I sincerely hope it will be—we should enact its provisions as quickly as possible. There might well be good constitutional reasons why we cannot do it immediately, but we should look at the matter, perhaps in Committee, and seize the first opportunity we have to implement the Bill. We should lay down a marker and not waste any time.

John Glen: I would be happy to look at this point carefully in Committee, and obviously I would be happy if my hon. Friend wishes to join me on that Committee.

Tom Pursglove: I am grateful to my hon. Friend for his offer, and I would of course be delighted to join him on the Committee, because it is important that it has Members from across the House. I was pleased to see interventions earlier from Opposition Members. The hon. Member for Alyn and Deeside (Mark Tami) was right to call the Bill symbolic. Perhaps he will join us on the Committee as well. I think that commencement is one of the first things we should look at, because, as I say, I do not want to waste any time in resolving this issue and ironing out some of the ambiguities in the law.

I am pleased that my hon. Friend the Member for Salisbury has explained very clearly why this matter could not be addressed in an Armed Forces Act. My early research on the Bill flagged up in my mind the question of why this had not been addressed in an Armed Forces Act, so I appreciate his setting out those very good reasons and clarifying the matter to the House.

I was also pleased to learn that the industry had come a long way since 1994. In the course of my research, I found out that several steps had been taken since the 1994 Act that further evidenced why the Bill was required. The work done includes guidelines, drawn up by the UK National Maritime Occupational Health and Safety Committee, on preventing bullying and harassment, and these were adopted by the European social partners and subsequently internationally. The Maritime and Coastguard Agency has also produced guidance on seafarer employment agreements that recommend including references to bullying and harassment. I think that all Members would welcome those steps. Steps have been taken organically within the merchant shipping industry to put right some of the challenges and problems of the past without legislation in this House, but tidying up the law will do much to add to that as well.

I very much welcome this Bill. It is fitting that we are debating it in the same week as the Speaker's statement, which he made yesterday, about the recognition that Parliament as an employer has received from Stonewall. We take these matters extremely seriously in this House and it is important that they should be taken seriously in the paid service of the House. We should set an example in the House of Commons, but also in the House of Lords and across the parliamentary estate as a whole, that the country should follow. It was a commendable achievement to be in the top 30. I congratulate everybody involved in that work, which

[Tom Pursglove]

sets an example for us as individual Members to follow in the work that we do in our constituencies and parliamentary offices, as well as the work that we do in this House in scrutinising legislation to make sure that we get it right.

There should undoubtedly be recognition of the fact that this country has come a long way in recent years. This Bill is another step in the right direction. As we have heard from numerous speakers today, it will tidy up the law and complete this element of work and should therefore be wholly welcomed. Those of us of my generation simply do not comprehend the sort of discrimination that this Bill seeks to address. We have not grown up in a society where that sort of discrimination happened, so finally putting a stop to it is a good thing in its own right. I would not want any young person or anybody else in this country to be deterred from seeking employment in the merchant navy because of a fear that they would be discriminated against or somehow treated differently. That would be totally unacceptable and would not sit comfortably with me at all—it would not sit comfortably with any Member of the House or any of our constituents.

Not only is this Bill symbolic; it has a real purpose. As has been said, lots of Bills come forward with worthy sentiment, but this Bill also has a realistic purpose and its aims can be achieved very easily. It is logical; it is frankly right. I hope it will command the support of the House this afternoon.

1.51 pm

Kwasi Kwarteng (Spelthorne) (Con): I am grateful to you for allowing me to speak, Madam Deputy Speaker, because I want to say a few things that are pertinent to this valiant and impressive attempt by my hon. Friend the Member for Salisbury (John Glen) to bring about a much needed change in the law. I commend and congratulate him on this, the second occasion on which he has brought forward a private Member's Bill. I hope that this Bill meets with the same success as his earlier Bill. It is a particularly impressive record for someone who has been in Parliament for a relatively short time to be able to introduce such groundbreaking legislation on to the statute book.

I want to touch on a few things that my hon. Friends have mentioned in connection with homosexuality and the merchant navy. It is also important to address some of the misconceptions on the record and to try to move forward in a spirit of tolerance and diversity, which we have all celebrated.

First, it is not true to say that people were being executed for homosexuality before 1533. In fact, the Buggery Act of 1533, which my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) referred to and which was piloted through this House by none other than Thomas Cromwell, was the first example in British history of discriminatory penal legislation against homosexuality. It is important to get that on the record, because although it is broadly true that, as my hon. Friend suggested, matters to do with sexuality fell under the jurisdiction of the ecclesiastical courts before that date, out of about 20,000 cases that people have looked at in the 100 years before 1533, I think only one related to the "crime" of sodomy. Homosexuality and issues

of that kind were not something that Parliament's legislation—in fact, the law—had much to do with before 1533.

The Buggery Act 1533, which was the first time this House legislated against homosexuality, was part of Henry VIII's policy and was taken through by Thomas Cromwell. The fact that we have to mention it today is very relevant, because it was used not simply to attack homosexual practice in Britain, but to undermine the monasteries at the time of their dissolution. The Buggery Act was the main vehicle through which many monks and abbots were disenfranchised. It was one of the principal Acts through which the Crown managed to appropriate the monasteries.

Discriminatory legislation does not always only discriminate against minorities; it is often used as a pretext and an excuse to indulge in other forms of oppression. In the 16th century, very few people other than monks and abbots were condemned under the Buggery Act. As my hon. Friend the Member for Aldridge-Brownhills mentioned, a number of people through the centuries were executed under the Act, but that did not necessarily happen very much in the 16th century. There was the famous case of the Earl of Castlehaven, I think in 1631, who was executed. As my hon. Friend said, all his lands were confiscated by the Government of the day. It was an extraordinary case of judicial oppression; it was not just about discrimination.

Let us wind the clock forward. It was only really in the 18th century that many people were condemned under the Buggery Act, which remained on the statute book until 1828. Many Members have mentioned Alan Turing and others who have suffered discrimination under the legal conditions of their time, but I think it fitting to pay due respect to the memory of James Pratt and John Smith who, in 1835, were the last people in Britain to be executed for homosexuality. It seems a long time ago—it was 182 years ago—that they were hanged for that crime. If Members want to demonstrate the distance that we have travelled in the intervening time, I think it is only right for us to pay a short tribute to people who actually lost their lives under very repressive legislation.

In the 19th century, the situation evolved. Attitudes were changing, particularly towards the end of the century. As we heard from my hon. Friend the Member for Aldridge-Brownhills, the death penalty for homosexuality was abolished in 1861, but that did not lead to much of an evolution of attitudes. In many cases, homosexuality was seen as being on the same level as murder and other graver crimes. The logic was seen to be that homosexuality was a crime against nature and against God, and that was the origin of a very penal, restrictive and draconian approach. Although monks and others who had benefit of clergy were exempt from the death penalty for murder—a priest who committed a murder could avoid the death penalty merely by virtue of the fact that he had benefit of clergy—a priest who was convicted under the Buggery Act could not be granted benefit of clergy. It was a crazy situation.

Many Members have mentioned discrimination in the modern era. The name Alan Turing comes up a lot, but someone else who suffered under our "code", as it were, and who was probably even more famous and more widely celebrated throughout the world than Alan

Turing was Oscar Wilde. Wilde was convicted in 1895 and served two years in Reading gaol because he had infringed the Criminal Law Amendment Act 1885. As many Members know, that measure replaced not only the original Buggery Act, but amendments to it and the Offences Against the Person Act 1861. The 1885 Act imposed stringent penalties on homosexual behaviour. The real innovation in that legislation was that it prohibited acts between males, and that was not just confined to the sexual act. The Buggery Act was very specific in focusing on the act of sex, whereas the 1885 Act had a much broader scope. This was the Act that many of us will have known about from reading all the famous 20th century cases relating to homosexuality and the—crazy to us—judgments that my hon. Friend the Member for Corby (Tom Pursglove) alluded to. The 1885 Act was the legislation under which many people were condemned, most notably Alan Turing.

The problem with that Act was that, as my hon. Friend the Member for Havant (Mr Mak), who is no longer in the Chamber, suggested, by 1954—shortly after the second world war—about 1,000 people were incarcerated solely on the grounds that they were gay. It seems extraordinary that so many people were incarcerated, especially when we consider that the British prison population today is about 90,000. That seems an extraordinary waste, and I should remind the House that the prison population in the 1950s was much lower—probably about half—than it is today. It seems extraordinary to us that as late as 1954, as many as 1,000 men should have been incarcerated purely on the basis of their sexuality.

That is, to us, rightly, an outrage, and even at the time it was sufficiently controversial and absurd to many people that the Conservative Government of the day initiated the Wolfenden report, which has long been famous. That report did a great deal to change Government attitudes about homosexuality and the decriminalisation of homosexual acts, and it also managed to shift society's attitudes to these issues considerably. It was only really as a consequence of the Wolfenden report, which was finally published in 1960, that much of the journey that Members have described today was traversed. In 1967, we had the Sexual Offences Act, which decriminalised homosexuality for the first time since 1533—after 430-odd years—and roughly got us to the position that we are in today.

There were exceptions, however, and this is where the contribution of my hon. Friend the Member for Salisbury is so important. His Bill ties up many of the anomalies thrown up by earlier history. I only felt it necessary to touch upon various details of that history because we must understand the laws that we make in the much broader context of the development and evolution of our institutions. Sadly, that context is often omitted when we hold debates in this House, so I am glad that I have had the opportunity to touch upon some of the details.

When we look at the specific provisions of my hon. Friend's Bill, we see that there is neat symmetry. As has been pointed out, sections 146(4) and 147(3) of the Criminal Justice and Public Order Act 1994 actually provided—this is incredible to many of us—for people to be dismissed from service simply because they were practising homosexuals, which is entirely wrong. However, we must note that that happened only in 1994—some

current Members were Members at that time—so I am not talking about the 16th century or a period in the long and distant past. My hon. Friend the Member for Salisbury is rightly trying to smooth out some anomalies, and this Bill will mark the end of a 450-year period during which we have had such legislation. I cannot envisage further equality legislation being necessary for a time. We are now well known throughout the world as a country of incredible tolerance, and the Bill marks the end of a chapter in the long evolution of equality legislation.

I want to make two remarks about the Bill. As my hon. Friend the Member for Shipley (Philip Davies) suggested, it is a shame that the Equality Act 2010 did not overturn the provisions of the 1994 Act that we are discussing. It is also a shame that the Armed Forces Act 2016 was similarly unable to close this wide loophole in our legislation. It is only with the advent of today's Bill that we are finally managing to bring an end to these anomalies.

Finally, it is fantastic that we have been able to debate the circumstances of the Bill widely and to pay homage to the invaluable work that courageous seamen and women have performed over decades in our merchant navy. Throughout the first and second world wars, the merchant navy was very much the unsung hero in our efforts to defeat first the Kaiser's Germany and then the Nazis. As my hon. Friend the Member for Aldridge-Brownhills said, the merchant navy has had an incredible impact not only on our country's culture, but on its livelihood. The sacrifices made by merchant seamen and women should never be forgotten in this House. I want to use my closing remarks to pay homage and respect to those brave men and women who have contributed so much and, in many cases, paid the ultimate sacrifice for our country.

2.8 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I thank my hon. Friend the Member for Salisbury (John Glen) for bringing forward a Bill on this important issue and for beating the Government to it. He will hopefully achieve a second change in the law. We have had a positive debate, and I have been struck by speeches from right across the House that have been considered, thoughtful, powerful, insightful and based upon experience. The Bill would remove wording from the statute book that is obsolete, unnecessary and wrong. As I shall explain, the wording currently on the statute book has no effect, but it represents a historical hangover from when it was possible that a seafarer—indeed, any employee—could be dismissed for being gay. That is no longer the case, but the laws that we pass in this place and that form our statute book represent, both practically and in the signals they send, the established morals and values of our country. It is right therefore that when the statute book contains wording that is inconsistent with those values we should change that wording. For that reason, the Government are happy to state now, formally, that we support this measure.

The sea and those who work on it—our maritime sector—contribute about £13.5 billion to our economy. More than 110,000 people are employed in the sector. That is significant to our country, and not just in economic terms; it is important to what we are and who we are as a people: an island race and a maritime

[*Andrew Jones*]

nation. Our UK maritime social partners, who represent the employers and workers, are respected globally for their commitment and drive to improve the social, working and living conditions of seafarers, not just those of the UK, but those worldwide. They work closely with government, and as a tripartite we have a powerful voice; we will not agree on every point of detail, but we agree on many, and we listen to and respect each other.

The International Labour Organisation's maritime labour convention, which the UK social partners were instrumental in drafting, has done much to improve conditions for seafarers, but it is not a panacea or end product; it will continue to evolve and strengthen. Its sister instrument, the working in fishing convention, will bring similar improvements for those working in the fishing sector—again, we can expect that to evolve. I mentioned our proud maritime history, and I made reference to those two instruments as examples of our commitment to and recognition of the importance of the seafarer. We sometimes lose sight of the importance of the maritime sector to our everyday lives. We do not question how our bananas, our new computer or even our bread and butter reach the shelves of our shops—or, for those who prefer to use the internet, arrive at the distribution centre for onward transit to our homes. We may be aware that the product came from the other side of the world, but unless we live near the coast any consideration of the merchant navy or its seafarers might not be something that is at the front of our minds. But it does matter, which is why this Government commissioned the independent maritime growth study in 2014 to consider the opportunities and challenges the UK faced in maintaining its position as a leading maritime centre.

The study looked at all aspects of the maritime sector and identified where action could be taken to generate growth. We have achieved much since the publication of the maritime growth study: we have put in place a solid set of structures within government, including a successful ministerial working group, based on constructive engagement with the industry. The efforts from across the whole industry have been impressive, bringing together so many organisations and bodies, often with very different objectives, many of which can seem contradictory. Yet, we are working under one promotional umbrella to address all the major issues affecting the sector.

However, we cannot afford to relax; we must make the best of every opportunity. It is clear that Britain's maritime sector has to be as great as it can be—greater than we imagined possible over the years. What might that mean? Of course the gateway for our exports and imports is through our ports, so it is not enough just to get goods off the ships—we have to get them to where they are needed. That is why the Government are investing in road and rail, as well as considering what the possibilities might be for improving connectivity to our ports. The point is that our transport is a network, one that includes the sea.

Above all, we also need to think about the essential contribution made by those who work within the sector. One of the four major themes from our study is “Skills”. The UK rightly prides itself on producing many of the best-trained officers and crew serving on ships around

the world, as well as those with expertise in areas such as law, insurance, finance and the logistical skills for managing ships and ports. This is an incredible skills base that supports our whole maritime sector. The Government currently support that with a budget for maritime training, which we are taking the opportunity to review. We have also committed to increasing the quality and quantity of apprenticeships, including within the maritime sector. The sector has a very strong record on apprenticeships, and new opportunities are being developed all the time. We want to see the number of trainees, both ratings and officers, increase. We are looking across the board at the skills and opportunities that the sector needs, but the image of that sector is let down by those clauses still remaining on our statute book.

What the sector needs is to create and promote a bright, forward-looking, fully inclusive sector that provides well-paid, varied, fulfilling job opportunities with real long-term career prospects. Those seeking to fill vacancies should be able to do so on merit—a point made by several colleagues today—and they should not have to think that their sexuality might be a factor.

The UK has a proud record of promoting equality for LGBT people, including the introduction of marriage for same-sex couples. Part of the image of the maritime sector, a sector that has done much for the LGBT movement, is tarnished when such ludicrous and outdated clauses remain on the statute book. We are recognised as one of the most progressive countries in Europe for LGBT rights by the International Lesbian, Gay, Bisexual, Trans and Intersex Association. We have one of the world's strongest legislative frameworks to prevent and tackle discrimination. We recognise that people who work in an inclusive environment, free from discrimination, are more likely to achieve their potential.

The Equality Act 2010 protects lesbian, gay, bisexual and transgender people from discrimination, harassment or victimisation in the workplace. I am pleased to say that the UK shipping industry is well ahead of us in removing discriminatory rules and practices with regard to the LGBT community. When consulted on the proposed repeal of the provision, the Chamber of Shipping and the maritime unions expressed surprise that it had not gone years ago. And industry publications bear this out. The “UK Merchant Navy Code of Conduct”, which forms the basis of disciplinary and grievance processes in many UK shipping companies, has not made use of the exception allowed to the merchant navy by this provision for many years, and uses entirely inclusive language, for example in the paragraphs prohibiting sexual harassment.

The UK's National Maritime Occupational Health and Safety Committee has produced guidelines on preventing bullying and harassment, which were adopted by European social partners and subsequently internationally. These guidelines define harassment in the same inclusive way as we would expect in any company anywhere in our country. It has also published guidance for shipping companies on HIV and AIDS, including advice on prevention and on policies for employing those infected with HIV. There is doubtless more to do, but both I and the Department are always happy to do what we can to help with that. If anyone has any suggestions about how we can make the merchant

navy a more rewarding and fulfilling career that is open to all, irrespective of sexual orientation, the door will always be open.

Of course, the situation for LGBT people has not always been as fair as it is now. Given that, I would like to spend a moment detailing how the current wording of the statute came about. In particular, colleagues may wish to have more information about the Criminal Justice and Public Order Act 1994, which this Bill would amend. The Act took a significant step forward in the gradual development of LGBT rights in the United Kingdom, but still left much to be done. It is the last UK Act to have a whole part simply entitled “Homosexuality”, and it was responsible for reducing the age of homosexual consent from 21 to 18.

The background to the sections we are now amending is as follows. Homosexual acts in private had been decriminalised by section 1 of the Sexual Offences Act 1967. However, that Act left a few areas in which homosexual acts could still be an offence. In particular, the Act allowed that a homosexual act could still be an offence under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957. It also remained an offence to commit a homosexual act on board a merchant ship. The Sexual Offences Act 1967 did not extend to either Scotland or Northern Ireland, but similar provision was made in those jurisdictions by section 80 of the Criminal Justice (Scotland) Act 1980 and by the Homosexual Offences (Northern Ireland) Order 1982.

Sections 146 and 147 of the Criminal Justice and Public Order Act 1994 removed the remaining criminal liability. The Government had already decided in 1993 that prosecutions should not be brought under military law for homosexual acts *per se*. Following that, the decision that homosexual acts in the merchant navy should be decriminalised as well was announced in a written answer in the House of Commons in December 1993. This appears to have been influenced by the Government’s understanding that the provision had been very little used.

The repeals were therefore accomplished under section 146 (1), (2) and (3) for England and Wales and Scotland, and under section 147 (1) and (2) for Northern Ireland. However, sections 146 (4) and 147 (3) were added during the passage of the Bill, following non-Government amendments in the other place. There appear to have been concerns that making homosexual conduct legal in the armed forces and the merchant navy might mean that homosexuals could not be dismissed for engaging in it or that such conduct could not be used as the basis of a prosecution under military discipline laws.

The Government’s view at the time was that the amendments were unnecessary. As a general principle, just because something is legal does not mean that people cannot be fired from their jobs for doing it. Obviously, if someone decides to watch television instead of going to work, that is not illegal, but it may well result in them being fired. The Government considered that they could still continue to discharge people from the armed forces because they were homosexual, irrespective of the wording of the 1994 Act, and employers could continue to discharge homosexuals from the merchant navy. Of course, both situations have now changed and

it is not possible to discharge people because of their sexual orientation, but at the time the amendments were thought unnecessary.

Even though the legislation is of no current effect, we would prefer that it gave no such implications. I will quickly detail how those sections have changed and why they have no legal application today. They have been progressively repealed over the years, and they now only refer to the merchant navy. The provisions that relate to military discipline offences were repealed by the Armed Forces Act 2006, and all references to the armed forces were removed from the sections by the Armed Forces Act 2016.

We have been on a journey. We have a story of progress that has left the merchant navy, despite all its historic achievements for our country, as a historical hangover that we must correct. There are protections, though, and it is fair to say that the merchant navy’s attitudes have been ahead of the legislative picture covering them. As colleagues have said, the merchant navy has a proud tradition of tolerance and respect for the individual. The seafaring culture has contributed to the development of gay culture worldwide. Homosexuality was illegal in Britain until 1967, but a voyage could be a slightly different world. Seafarers were and are exposed to different practices, cultures and attitudes around the world, and they could convey those insights home. Of course, that is not to say that life on board was a new world for all homosexuals. People could still lose their jobs and face hostility and bullying, but there were greater freedoms than on land.

What we have is a Bill that at its heart addresses a historical wrong and the inadequacy of legislation to keep pace with our culture and with the achievements in the cultures in merchant navy. We have a skilled and expert workforce who make a significant contribution to our country. We need to maintain and enhance that workforce. We need to celebrate and promote our whole maritime sector. We can be proud of our maritime past, and we should be even more confident of what we can be in the future.

The Equality Act 2010 and other legislation rightly protect the rights of individuals. The Bill is therefore symbolic, but it serves to remove obsolete sections, which have no place remaining on the statute book and reflect the attitudes of a different time. It sends a message that has been powerfully articulated by colleagues in the debate. The Government support the Bill.

2.24 pm

John Glen: With the leave of the House, I should like to say a few words. I thank my nine colleagues on the Government side of the House who have made such an effective contribution to what has been a useful and necessarily thorough debate on the Bill. For some, it will be a symbolic tidying-up exercise, but for many it is a serious piece of legislation that completes much needed reform and removes discrimination from the statute book.

Like my hon. Friend the Member for Shipley (Philip Davies), I believe that all legislation should receive careful and thorough scrutiny. I am grateful to my hon. Friend the Member for Spelthorne (Kwasi Kwarteng) for his deep historical knowledge and to my hon. Friend the Member for Milton Keynes South (Iain Stewart),

[John Glen]

who made such a powerful contribution. However, I do not wish to detain the House any longer. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

Personal, Social, Health and Economic Education (Statutory Requirement) Bill

Second Reading

2.25 pm

Caroline Lucas (Brighton, Pavilion) (Green): I beg to move, That the Bill be now read a Second time.

I am delighted to have the opportunity at least to start speaking in support of my Bill to give children an entitlement to personal, social, health and economic education, including sex and relationship education. Although I completely support the Bill that preceded mine, there is an irony that has not gone unnoticed: Members have spent many hours debating a wholly uncontroversial Bill, while my Bill is about tackling discrimination and bullying around lesbian, gay, bisexual and transgender issues. It is a great shame that there is not more time to debate it.

My Bill has strong cross-party support from across the House from Members who have long shown commitment to and concern about the issue, including the right hon. Member for Basingstoke (Mrs Miller) and the hon. Member for Rotherham (Sarah Champion); I pay tribute to both for their ongoing cross-party work on this issue. The Bill has such strong cross-party support because people are calling for it from all quarters. It is backed by 87% of parents, 88% of teachers and 85% of business leaders. YouGov and the PSHE Association found that 90% of parents believe that schools should teach pupils about mental health and emotional wellbeing.

Support also comes from two royal societies, five Select Committee Chairs—three of whom, I note, are Conservatives—five teaching unions, the Equality and Human Rights Commission, Public Health England, the Children’s Commissioner, the chief medical officer, the national police lead for preventing child sexual exploitation, the UN Committee on the Rights of the Child, the National Society for the Prevention of Cruelty to Children, Barnardo’s, Stonewall, the End Violence against Women Coalition, Girlguiding, the Association of Police and Crime Commissioners and many, many more.

Mr Stewart Jackson (Peterborough) (Con): Will the hon. Lady give way?

Caroline Lucas: There is absolutely no way I am giving way to Government Members, who have spent so many hours filibustering a perfectly serious Bill. [Interruption.] There is no way I am going to give way.

To expand on the last example, I should say that the Association of Police and Crime Commissioners tells us that statutory status is needed because police and crime commissioners across the country—[Interruption.]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Lady must be heard.

Caroline Lucas: Hon. Members will recall the freedom of information requests to the police made by the hon. Member for Manchester Central (Lucy Powell) last year. They showed a 1,200% increase in sexting among under-16s—sharing explicit images or texts—and an

increasing number using the dating app Tinder. It is clear that children are being pushed into adult territory well before they are ready.

Some of the most powerful calls for action come from the young people themselves. A Terrence Higgins Trust report, which involved a survey of 900 young people aged 16 to 24, found that SRE is inadequate or absent from many schools. Some 99% of the young people surveyed thought that SRE should be mandatory in all schools and more than 60% received SRE just once a year or less. Three quarters were not taught about consent and half the young people surveyed rated the SRE that they received in school as either poor or terrible.

However, we should take heart from young campaigners for statutory PSHE because they are doing excellent work. As well as having tremendous support from groups such as Girlguiding, this year I have also had the privilege of forming links with an exciting group in my Brighton, Pavilion constituency called PSHE Matters. It is made up of students from the Dorothy Stringer School in Brighton who have got together under their own steam to campaign actively for PSHE to be mandatory. They recognise the value of the proactive PSHE provision at their school, and they want to ensure that all students across the country have access to similar high-quality teaching. Their work on PSHE is a testament to the success of the subject.

The students' call to action comes in a context where one third of young people aged between 11 and 14 have watched online porn on a tablet or mobile phone, and half of 11 to 14-year-olds who had viewed pornography said it had affected their relationships. SRE is desperately needed to offset these messages with age-appropriate information about consent and healthy relationships.

Members will be well aware—

2.30 pm

The Deputy Speaker interrupted the debate (Standing Order No. 11(2)).

Bill to be read a Second time on Friday 24th March.

Business without Debate

RAILWAYS BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

Southern Rail

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

2.30 pm

Maria Caulfield (Lewes) (Con): Today, the world is watching political speeches of historic significance, and I hope my Adjournment debate does not disappoint.

I thank the House for once again allowing the issue of Southern rail to be debated in the Chamber. While many of my constituents—in fact, many people in the south-east region—were pleased to hear that next week's strikes by the ASLEF union have been halted and that a normal Southern rail service should start again on Tuesday, the fear of a “normal” Southern experience is filling some people with trepidation.

The normal service in the Southern region for the last 18 months to two years has been extremely poor. At times, performance has gone down to a level where fewer than 40% of trains have turned up on time, and the average is around 66%. That compares with over 90% for other operators, so we in the Southern region certainly suffer more than most. It is not just late trains and cancellations. Trains are often short-formed, going from 12 carriages down to 10 or eight. There is also poor customer service, and we have even had our trolley service removed from our trains, to add insult to injury.

Many constituents have been to see me, whether that is individuals who have shared their experience of getting to work late, getting home late and being at risk of losing their jobs, or businesses, and I recently attended the local chamber of commerce breakfast meeting in Seaford, where businesses told me that trade was down because no one could get to them to use their services. In my four towns of Lewes, Seaford, Polegate and Newhaven, the experience is exactly the same.

My constituency has suffered more than most. We are a Southern-only constituency, and we do not have Thameslink or Gatwick Express. We are a very rural constituency, so there are few other forms of transport available. Not all our little villages have a GP, a post office or a school, so people use the trains to get to the main towns or the neighbouring villages to use the services there. When there is no train, people are literally cut off from the rest of the world.

When people come to see me, I say that there are three reasons why the rail service has not been great in our Southern region. The first, of course, is the dispute. As I said at the beginning, that is hopefully on the way to being resolved. We are glad about that, and we praise all those involved in getting people back round the table.

The second issue is Network Rail. Over 50% of delays on the Southern rail network have been down to rail infrastructure issues. We have an old line in the constituency and across Surrey and London. It has lacked investment for 10 to 20 years, leading to recurring signal problems, point failures and track failures. I was pleased that one of the first tasks the Secretary of State undertook when he came into post was to outline some of the initial investment in the track.

Mr Stewart Jackson (Peterborough) (Con): My hon. Friend is making a typically powerful case, as a diligent constituency MP. Does she agree that, while passengers understand that there will be service outages, what frustrates them is the lack of information? What we

need is proper co-ordination between the train operating companies and Network Rail in real time so that people can make alternative arrangements.

Maria Caulfield: I absolutely agree with my hon. Friend. It is as if he is psychic, because that was going to be my very next point. As well as the investment, the Secretary of State has asked the Rail Delivery Group to bring together Network Rail and the rail operator so that when there are problems on the tracks, passengers have a better experience through better customer service and information about alternative routes. We have all felt frustrated on a Monday morning when engineering works have overrun and trains have been cancelled because of poor communication between Network Rail and the rail operator. Those two points, however, do not take away from Southern rail's poor performance. As we move from the dispute to a normal rail service, my constituency wants a good rail service.

Helen Hayes (Dulwich and West Norwood) (Lab): I thank the hon. Lady for bringing the issue to the House. Her constituents and mine suffer the daily misery of the failure of Southern rail. Does she agree that Southern's performance has been so bad over the past two years that it should have been stripped of its franchise, and that it is because of a problem with the structure of the franchise that that has not been contractually possible? Will she join me in calling on the Secretary of State to look as a matter of urgency at ways in which the franchise can be stripped from the operator and handed to Transport for London or another part of the public sector, such as the Department for Transport, to run in the interim while the service is sorted out?

Maria Caulfield: The Secretary of State is on record as saying that once the dispute is resolved, the performance of Southern rail will have to be tackled. I can only speak for myself when I say that I would look at all the options. It is not acceptable to my constituents and others across the country that only 66% of train services run on time. I know of people who are losing, or who have lost, their jobs and who are moving home because of that poor performance. People miss flights from Gatwick airport, which is on the rail line; I even know of a young couple who missed their honeymoon because of Southern rail. Getting to and from work is also an issue. I have been contacted by many parents who have had to arrange extra childcare because they have been unable to get home in time to collect their children from school.

I agree with the hon. Lady. I want the Minister to outline the timescale within which we expect performance to improve. We cannot go on for months with poor performance. Before the dispute, Southern was fined £2 million for its poor performance, but given how much it earns from the contract, that is a drop in the ocean. It would be helpful if the Minister could outline the timescale within which he will measure Southern rail's performance and the sanctions that will be imposed on it if it does not improve the service.

This is not just about the number of trains that are cancelled or delayed. A huge number of constituents contact me when trains fail to stop at stations. If people in rural constituencies such as mine miss their stop because the train keeps going, the next stop is often

10 miles away, which can mean a taxi ride home. They might even be dropped off at an unmanned station without any lighting or a taxi service. The situation is heart-breaking. There are more issues than the sheer number of cancellations and delays. My Lewes constituents often find that their train will terminate at Haywards Heath for no reason. It usually divides, but if there is no driver or guard it just terminates and they are left to their own devices to try to get home. Short trains are also causing severe overcrowding. There should be no reason for suddenly cutting a 12-carriage train to eight carriages. There are also huge concerns about the timetable for 2018. Residents are deeply concerned about the proposals to cut the only direct services from the town of Seaford to London.

Although I welcome the Secretary of State's announcement of a refund equivalent to the cost of a month's travel for season ticket holders, it is not working. Not one of my constituents has heard from Southern rail, and I would be surprised if anyone else has, either. They were supposed to be contacted in January and told how they would get the rebate, but not one of them has heard anything. That goes hand in hand with the everyday experience of the delay repay scheme. The Government have tried to reduce the length of the delay for which people can claim from 30 minutes to 15 minutes, but time and again I hear from constituents who say that the system is not working. Passengers have to apply online or by post, and they often find that their forms are lost or their claims are challenged by Southern rail. Most of us do not bother using Delay Repay, so the train operator is getting off scot-free. Our constituents do not receive compensation for the taxis that they have to take when their train does not turn up or when it terminates early, or for the extra childcare that they have to pay out for. Simply compensating people for the rail fare that they have paid is not enough.

Part of the issue is the key card system. Unlike in the TfL system in the zones around London, passengers have no opportunity to use a contactless card; they have to use a Southern rail key card. It must be pre-loaded before a journey, which means that passengers cannot spontaneously get on a train without pre-loading their card first. If they have not left enough time and the IT system is not coping, the ticket will not have loaded on to the key card in time, and they will not be able to get through the barrier. It is a cumbersome, clunky ticketless system, and it is part of the reason why people cannot claim their refunds.

We were promised flexible season tickets for people who travel, as I do, two or three times a week. With more people working at home, the traditional season ticket is rapidly becoming outdated. Southern is still consulting on the flexible season ticket that we were promised and has not delivered on it. I would be interested to hear an update on that from the Minister.

Another key issue that I want to outline is the experience of disabled passengers. Particularly in the towns of Seaford and Newhaven, an appalling bus replacement service has been provided, using buses that are not wheelchair accessible. Many disabled passengers have been turned away over the last few months, because they have been unable to get on to those buses. Taxis have been ordered, but disabled passengers have experienced long waits. That is unacceptable, in my belief. Even when the rail service is working, disabled passengers have to pre-book and hope that their booking will result

in station staff being there to help them. Many disabled passengers have contacted me to say that the assistance that they have booked has not been available at the station and they have been unable to get on to their train.

A final point on the experience of disabled passengers concerns toilets. There are no “Changing Places” toilets in my constituency. Haywards Heath, which is a big junction for my constituents, has had a huge upgrade. It has a new car park and a fantastic system that allows wheelchair users to take a lift directly to the platform, but there are no suitable toilet facilities. That led to one of my young constituents, who goes to Chailey Heritage School, having to be changed on the platform because there was nowhere among the new all-singing, all-dancing facilities for her to be changed. In this day and age, that is completely unacceptable.

I welcome this week’s announcement, and it is a huge relief to us all that the dispute seems to be coming to an end. For us, it is the first step in getting an improved rail service. The experience over the last 18 months has been absolutely dreadful. We dread returning to a normal Southern timetable. We want a good Southern timetable with trains that turn up on time; that are not cancelled or delayed; that do not terminate early; and that are accessible for all passengers. If that does not happen, we want the reassurance that Southern will be taken to task and dealt with by means of financial penalties or, if it comes to it, a change in the franchise.

2.43 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on securing the debate. I know that this subject is close to her and her constituents’ hearts, and we have had much ministerial correspondence on the matter. She has, as ever, spoken up for her area with a strong voice, whether it has been about services for Lewes’s famous bonfire night celebrations or about replacement bus services.

I understand the frustration that my hon. Friend and her constituents have experienced with the service that they have had. I expect Govia Thameslink Railway to be able to run a reliable and predictable service for passengers—that is an entirely reasonable expectation—so I can only imagine what it must be like to be dependent on such an unpredictable service not just as a commuter, but as someone who needs to travel regularly. There are two elements to improving the service: the industrial relations issues; and the long-standing, underlying service problem areas. I will go through each in turn.

As hon. Members will be aware, trade unions and Southern rail have been in dispute since mid-April last year. The dispute has centred on driver-operated doors, and it has caused significant disruption to passengers. However, moving to a way of working in which the driver controls the train doors and the second person on the train focuses on customer service will be much more passenger-friendly and will allow a higher performing and more resilient rail service. The unjust industrial action arising from the dispute has held back GTR from delivering a modern, safe and passenger-focused railway. We want a railway that is fit for the future, but the dispute is getting in the way.

Although the dispute is a matter for the union and the train operator to resolve, my right hon. Friend the Secretary of State and the Rail Minister, my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), have been doing everything they can to limit the impact of the strikes on passengers. On strike days and to cope with the overtime ban, additional measures have been put in place to help people to get to work.

A huge amount of work is taking place behind the scenes to try to get a resolution to the dispute. That is why I welcome ASLEF’s offer to suspend industrial action, allowing for a new round of intensive talks towards the end of this week. Indeed, those talks might be happening right now. I hope the talks end in success, which would allow us to get on with improving services and, most importantly, ending the misery that industrial action has inflicted on hundreds of thousands of passengers.

The travelling public are still subject to strikes by the National Union of Rail, Maritime and Transport Workers, however. I assure hon. Members that the train operator has contingency plans in place. On RMT strike days—such as next Monday, on 23 January—tickets are accepted on alternative GTR routes and other operator’s services, while bus replacement services are in place where there is no alternative rail option. In the meantime, GTR has trained a large number of office staff as contingency conductors to provide cover on non-driver-only operation Southern routes, and additional GTR and agency staff have been deployed to stations to help passengers.

Let me turn to the issue on which the dispute centres: the driver-controlled operation of the doors. Essentially, DCO involves someone driving and also controlling the doors without the need for a guard. Drivers on Southern have been striking against what others in GTR have been doing for years. This way of working is perfectly safe. DCO services have been operating effectively at very busy stations on a third of the UK network for more than 30 years. In fact, more than half the trains running in Britain, including all trains on London Underground, operate with drivers in full control of the doors. Indeed, more than 60% of GTR’s current services operate without conductors.

We are investing about £2 billion of public money in providing longer modern trains across the GTR network, which is all about delivering extra capacity for the travelling public and coping with increased demand for services. These trains are fully equipped with the latest technology that allows the driver fully to operate the train from the cab, in line with modern practice. When Ian Prosser, Her Majesty’s chief inspector of railways, published his GTR DCO inspection report recently, he confirmed that driver-controlled operation on Southern is safe. The Office of Rail and Road has concluded that the proposal fully meets legal requirements for safe operation.

Given that such a significant voice has assessed the practice as safe, as well as the safe record of operating such services, I hope that the unions will now acknowledge that they have no credible argument for saying that DCO is an unsafe method of operation. GTR has publicly stated that there will be no compulsory job losses until the end of its franchise in 2021 as a result of this modernisation, and affected conductor staff will have their pay protected.

[Andrew Jones]

Our railways are a success. Passenger numbers are growing. In fact, they have more than doubled since privatisation—from 735 million journeys a year in 1994-95 to 1.7 billion in 2015-16. That is a fantastic record. We will obviously need more people, not fewer, to help passengers in the future. The changes are about freeing up staff time so that they can focus on providing customer service and helping the travelling public on board the trains. If the unions insist on retaining outdated ways of working, it will be impossible to deliver the benefits, including improved reliability, that the new technologies can bring.

GTR has always been clear that there will be more staff on board trains in the future than there are today. They will be there to help passengers, including by giving customer assistance to individuals at unstaffed stations. Some 99% of on-board supervisor contracts have now been signed, and more than 80% of the additional 100 on-board supervisors who have been recruited have started their role. We hope that the new talks will end the months of misery and hardship faced by the travelling public, and the problems that my hon. Friend the Member for Lewes articulated so powerfully today.

I turn to some of the underlying service problems. My right hon. Friend the Secretary of State is acutely aware that performance has not been good enough in the past and has deteriorated again in recent weeks. We need to be clear about what is causing that, because some of it has been more about the failure of infrastructure operated by Network Rail than failures by GTR. The instruction to drivers not to work non-contractual overtime on rest days has also had a significant impact on services.

None the less, I assure the House that the Department is determined to resolve the issues that exist as quickly as possible. Some of them should be addressed by the work that Chris Gibb has done as head of a new project board, working with GTR, the Department for Transport and Network Rail to explore how to achieve a rapid improvement in services. My hon. Friend the Member for Lewes asked specifically about the timing of improvements. I will check on that work and write to her with further information.

It is appropriate that GTR is held to account for the quality of its product, and the Government continue to do that. GTR must work with Network Rail to deliver better passenger services as soon as possible. We monitor closely the performance of all rail franchises, and the franchise agreement contains clear penalties and incentives so that operators are penalised for repeated poor performance in the areas for which they take direct responsibility.

Helen Hayes: It is straightforwardly the case that the measures in the franchise agreement covering Southern rail have not provided sufficiently significant incentives or deterrents to improve performance—they have not worked. Will the Minister comment further on that?

Andrew Jones: We know that there have been significant problems on the line, but the biggest single blockage to progress is the gun that is being held to everybody's head by the industrial action. The huge investment in new rolling stock will deliver a vastly improved service,

with improved capacity and comfort on the trains. All we need is for that £2 billion investment to reach customers as fast as possible.

Helen Hayes: I agree that the industrial dispute needs to be resolved, but the fact remains that Southern rail was failing long before that dispute even began.

Andrew Jones: I agree that there have been operational challenges which, as I said, have resulted in poor performance and predate the strike. That is clearly correct, but the strike has taken those challenges much further and compounded the underlying problems.

As I said, my right hon. Friend the Secretary of State has brought in a team to head a new project board, bringing together all the different parties to explore how we can make a rapid improvement in services. However, it is hard to do that when such huge day-to-day operational challenges are caused by the strike action. I am happy to agree with the hon. Lady's point about the underlying problems that predate the strike—that is without any doubt. Under the regime of performance monitoring for the franchise, penalties have been levied against GTR for cancellations and short formations, and they will continue to be so levied.

My hon. Friend the Member for Lewes mentioned compensation, which is important, given the cost of rail travel and the level of disruption. Last month, the Government announced a multimillion pound compensation package for season ticket passengers in recognition of the hardship experienced by those who have suffered long delays, cancellations and disruption in recent months. She said that no one in her constituency had heard about the scheme, but they should have been hearing about it this week, so I am grateful for her feedback, which I will take back to the Department. I ask her to make sure that such practical, on-the-ground experience is continually fed back to me and my ministerial colleagues. The Delay Repay 15 scheme has been introduced to make it easier for Southern passengers to claim compensation.

It was appalling to hear my hon. Friend's points about disabled services. We are dealing with Victorian infrastructure and trying retrospectively to install accessible and friendly services. This urgent work has been undertaken by successive Governments of all parties. Progress has been made, but there is a long way to go, and the experience she mentioned of someone having to be changed on a platform is obviously utterly unacceptable. The task of improving our public transport system for people with disabilities is important to the Department and one of my personal priorities. We will shortly be publishing an action plan for how to improve accessibility for people with disabilities on all our public transport, and for the first time we will include cognitive impairment and dementia in that.

This stretch of the network is one of the most intensively used in our country, having seen a dramatic increase in journey numbers over the past few years. I mentioned the dramatic passenger growth across the network as a whole, but the growth on this stretch is right at the top end of that spectrum. We need to increase capacity and update and modernise the service.

I fully recognise that strikes have caused disruption for passengers and that the current performance is far from satisfactory. It is utterly not good enough. ASLEF's

offer to suspend industrial action is a step in the right direction, and I hope that with these latest talks we can get on with improving services and, most importantly, ending the misery that this industrial action has inflicted on hundreds of thousands of passengers. We need to resolve this matter so that we can get back to the important task of improving the line and delivering the service that my hon. Friend and others across the House are rightly demanding for their constituents.

Rail is a critical and successful industry. It has been a success by all measures—growing passenger numbers,

its safety record, and levels of investment from the public and private sectors—but when it fails, it highlights just how critical it is and how much people depend upon it. We need to work together to make the improvements that my hon. Friend is right to demand for her constituents.

Question put and agreed to.

2.58 pm

House adjourned.

Written Statements

Friday 20 January 2017

ENVIRONMENT, FOOD AND RURAL AFFAIRS

January Agriculture Council

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): The Agriculture and Fisheries Council will take place on 23 January in Brussels. I will represent the United Kingdom.

As the provisional agenda stands, the primary focus will be an exchange of views on agricultural products in free trade agreements.

There will also be an information item on the dairy market and milk package report. This will be followed by a Council discussion.

The Maltese presidency, whose presidency term commenced on 1 January, will present their six-month work programme to the Council.

There is currently only one item scheduled under “any other business”:

Conclusions of the 40th Conference of Directors of Paying Agencies (tabled by the Slovak delegation).

Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

[HCWS424]

HEALTH

Children’s Mental Health In-patient Services

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): I would like to update the House following a point of order on this issue on 12 April 2016 (Col 183) made by my predecessor, the right hon. Member for North East Bedfordshire (Alistair Burt), former Minister of State for Community and Social Care, who met the voluntary and community sector organisation that brought this issue to light with the BBC. He was able to have a useful discussion with them on the key problems and potential solutions. He made the commitment to look into this issue and set out how this will be improved in the future.

Deaths in children’s in-patient mental health services are rare events. Every preventable death, especially in young people, is a tragedy and it is important that they are properly recorded so that lessons can be learned and action taken where necessary. There can be particular challenges in the way deaths are registered and classified. There can be a time lag before an inquest concludes on the cause of death and where a young person is concerned; there may be a lack of clarity around intent, so that the cause of death may not be classified as suicide.

Officials have now made a detailed assessment of the available data. I can confirm that there have been 11 deaths of patients under the care of mental health in-patient services, both inside and outside of the premises since January 2013. It is not possible to provide an accurate figure on the number of deaths prior to this time

period, due to the commissioning arrangements and data collection methods which were in place at that time. It is with regret that I cannot provide a figure for this earlier time period. However, I am fully committed to making sure that we are able to improve on this in the future.

Following assessment of the data, the right hon. Member for North East Bedfordshire brought into effect increased oversight in this area. As of June 2016, both the Minister with responsibility for mental health and the Secretary of State for Health receive an immediate report of any death in a children’s in-patient mental health setting or on home leave from such services where they occur. We will simultaneously notify the National Confidential Inquiry into Suicide and Homicide if a self-inflicted death has occurred in these circumstances, so that both the figures and clinical lessons can be captured as part of annual reports, which will be made available to Parliament. This will provide insights for national and local organisations to take on board. We have written to providers of children’s mental health in-patient services to remind them of the responsibilities of their reporting duties.

A report by the National Confidential Inquiry into Suicide and Homicide on Suicide in Children and Young People, which was published on 26 May 2016, shows that 60% of those who had died had not been in contact with mental health services at all. This illustrates the urgent need to make sure that children and young people can access mental health services to prevent such tragedies in future. The ambitious transformation programme that has been put in place to ensure that young people receive the support they need is designed to do just that.

We know that we need to improve the system of investigating deaths of mental health patients. The Government and local providers are working hard on the implementation of the Mental Health Taskforce report which will address these issues, and the House will be kept informed. Also, the Secretary of State recently announced a series of measures in response to the Care Quality Commission’s report “Learning, candour and accountability” that will require NHS trusts and foundation trusts to improve their understanding of deaths arising from problems in care and demonstrate the learning and action that follows.

On behalf of both previous and current Ministers, I am grateful to those who have brought this matter to our attention in the House.

[HCWS427]

Employment, Social Policy, Health and Consumer Affairs Council: December 2016

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): The Employment, Social Policy, Health and Consumer Affairs Council met on 8 December in Brussels. For the health part of the meeting, the UK was represented by the Deputy Permanent Representative to the EU. The meeting featured one substantive item about the European semester and health, and a number of other items as part of the “any other business” section of the agenda.

On the topic of the European semester, the UK stressed member state competence and the importance of maintaining a narrow focus for the semester. Regarding

the involvement of Health Ministers in discussions about the semester, the UK stated that it had no objection to focused discussions, although added that Health Ministers are already engaged through national co-ordination. Discussions about this issue will continue under the Maltese presidency.

Under the AOB part of the agenda, the UK presented on the candidacy of Dr David Nabarro for Director-General of the World Health Organisation (WHO). The UK emphasised Dr Nabarro's UN experience—including on cholera, food security and sustainable development—and stressed that he has demonstrated a reform-minded approach and is committed to transforming organisational effectiveness. The UK stated that he had the backing of the Prime Minister and chief medical officer.

On antimicrobial resistance (AMR), the UK stressed the importance of keeping up momentum following the recent agreement of a declaration on AMR at the UN General Assembly, and outlined areas where work needed to be focused; including on research and innovation, the development of new products, on implementing national action plans and on benchmarking.

There were also discussions on alcohol, about the production of paediatric medicines, and about follow-up work relating to Council conclusions on pharmaceuticals. The EU Commission provided an update on European reference networks, as well as feedback about the report "State of Health in the EU", which it has jointly published with the Organisation for Economic Co-operation and Development. There was also an update about the discussions held at the recent conference of the parties to the WHO framework convention on tobacco control.

Finally, there were updates about recent conferences, and Malta provided an overview of priorities for its presidency, commencing on 1 January.

[HCWS425]

Pharmaceutical Price Regulation Scheme

The Parliamentary Under-Secretary of State for Health (Nicola Blackwood): On 23 December 2016, the Government published the level of payment due from members of the Pharmaceutical Price Regulation Scheme (PPRS) in 2017 to keep health service spend on branded medicines within the levels agreed under the scheme.

The Department of Health and the Association of the British Pharmaceutical Industry have agreed in principle to amend chapter 6 of the 2014 PPRS in accordance with paragraph 3.4 of the scheme in order that the scheme continues to deliver its agreed objectives of predictability and stability to Government and industry, and to ensure that the cost of branded medicines to the NHS stays within affordable limits. The effect of the changes is that the payment percentage for 2017 is to be set at 4.75% for 2017, and the 2018 PPRS payment percentage will be determined by reference to the existing PPRS payment mechanism, provided that the resulting percentage falls within the lower and upper limits of 2.38% and 7.80%. The Government recognises the additional contribution being made by the pharmaceutical industry in acknowledgement of the financial challenges facing the NHS.

The Department has published a document setting out further details entitled "Pharmaceutical Price Regulation Scheme (PPRS) 2014: revised payment percentages at December 2016".

Pharmaceutical Price Regulation Scheme (PPRS) can be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-01-20/HCWS426/>.

[HCWS426]

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