

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## MERCHANT SHIPPING (HOMOSEXUAL CONDUCT) BILL

*Wednesday 8 February 2017*

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### CONTENTS

CLAUSE 1 agreed to.  
CLAUSE 2 agreed to, with an amendment.  
Bill, as amended, to be reported.

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**Sunday 12 February 2017**

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**The Committee consisted of the following Members:***Chair:* SIR ALAN MEALEField, Frank (*Birkenhead*) (Lab)† Glen, John (*Salisbury*) (Con)† Hayes, Mr John (*Minister of State, Department for  
Transport*)Kwarteng, Kwasi (*Spelthorne*) (Con)† Mak, Mr Alan (*Havant*) (Con)† Morton, Wendy (*Aldridge-Brownhills*) (Con)† Phillips, Jess (*Birmingham, Yardley*) (Lab)† Prentis, Victoria (*Banbury*) (Con)† Pursglove, Tom (*Corby*) (Con)Shannon, Jim (*Strangford*) (DUP)† Stewart, Iain (*Milton Keynes South*) (Con)† Stuart, Ms Gisela (*Birmingham, Edgbaston*) (Lab)† Whiteford, Dr Eilidh (*Banff and Buchan*) (SNP)Williams, Craig (*Cardiff North*) (Con)Woodcock, John (*Barrow and Furness*) (Lab/Co-op)† Zeichner, Daniel (*Cambridge*) (Lab)Glenn McKee, *Committee Clerk*† **attended the Committee**

## Public Bill Committee

Wednesday 8 February 2017

[SIR ALAN MEALE *in the Chair*]

### Merchant Shipping (Homosexual Conduct) Bill

9.30 am

**The Chair:** Welcome to the Committee. I have a couple of remarks to make at the beginning. First, will everyone in the room switch off their electronic devices? Secondly, I remind hon. Members that they should not bring hot drinks, which are not allowed under the rules of the House.

We begin with clause 1 of this short, two-clause Bill. Only one amendment has been tabled, to clause 2. I suggest that Committee members make remarks about the amendment and clause 2 during the debate on clause 1—in other words, there will be a general debate about the contents of the Bill on the question that clause 1 stand part of the Bill. If the Committee is content with that suggestion, I will put formally the questions on the amendment and that clause 2 stand part after consideration of clause 1, on the basis that those provisions will already have been debated. Is that agreeable?

**Hon. Members:** Yes.

#### Clause 1

HOMOSEXUAL ACTS IN THE MERCHANT NAVY: REPEALS

*Question proposed,* That the clause stand part of the Bill.

**John Glen** (Salisbury) (Con): It is a pleasure to serve under your chairmanship, Sir Alan, for what I think is the first time. I thank hon. Members from both sides of the House for being here this morning.

The Bill is extremely straightforward, repealing provisions in the Criminal Justice and Public Order Act 1994 that purported to allow for the dismissal of a seafarer from a merchant navy vessel on the ground of homosexual activity. The Bill does not make an effective legal change, as those provisions have been superseded by the Equality Act 2010. I do not want to repeat the extensive airing that the issues had on Second Reading a few weeks ago, but the Bill is still worth pursuing, for four reasons.

First, the Bill is symbolic: it completes the repeal of historical provisions that penalised homosexual activity. Secondly, it delivers on the commitment made during the passage of the Armed Forces Act 2016. Thirdly, it gives reassurance. At the moment, an individual could look up the 1994 Act online and be alarmed or confused by its apparent provisions in this area. Fourthly, the Bill tidies up legislation: it makes the status of the current law absolutely clear and removes defunct provisions.

Let me attend to the contents of the Bill. Clause 1 simply repeals sections 146(4) and 147(3) of the 1994 Act. My amendment addresses the point made by my

hon. Friend the Member for Corby on Second Reading, when he helpfully discussed commencement. He essentially argued that there did not need to be the customary two-month delay.

I am informed by parliamentary counsel that they default to a two-month commencement period unless there is some reason to consider a shorter or longer period. I have been advised that there will be no adverse consequence from an immediate commencement, hence the amendment. It amends clause 2 to set the date for commencement as the day on which the Bill is passed—that is, when it receives Royal Assent. I thank my hon. Friend for raising that issue. I hope that the amendment will strengthen the Bill's symbolic function in showing our determination to settle this matter as quickly as possible.

Clause 2 deals with commencement, which I have just discussed, and the Bill's extent, which is throughout the UK. I reassured the House on Second Reading that, as a maritime issue, the subject of the Bill is a reserved matter, so it does not require legislative consent motions from the devolved Administrations.

As I said, this is a very straightforward Bill, repealing defunct provisions of the 1994 Act. It will give reassurance that no discriminatory employment practices are allowed in law, in the merchant navy or elsewhere, and it will tidy up the statute book. I hope that my amendment will strengthen that signal in showing our determination to complete as soon as we can the repeal of historical provisions that penalised homosexual activity.

**Daniel Zeichner** (Cambridge) (Lab): It is a pleasure to serve under your chairmanship, Sir Alan. I congratulate the hon. Member for Salisbury on introducing the Bill. I am delighted that it has cross-party support. I have very little to add although, in the accustomed manner, that will not stop me saying it anyway.

We very much support repealing those provisions in the Criminal Justice and Public Order Act 1994 that suggest it would be lawful to dismiss a seafarer for homosexual activity. This is a very short Bill. Clause 1 would omit from the 1994 Act sections 146(4) and 147(3):

“(homosexual acts as grounds for dismissal from the crew of merchant ships).”

Clause 2, as we have just heard, is being amended. It would have required the Act to come into force at the end of two months, but we support the amendment.

The Bill's brevity does not in any way undermine its importance; short Bills can be quite significant, as we are discovering at the moment. There is little to amend and I hope it will be agreed that it is relatively straightforward. We are all keen that the Bill should be passed, and speedily. It is clear that the provisions that the Bill seeks to repeal have no place in a modern society based on sexual equality and inclusion. Although other countries appear to be going backwards at the moment, it is good that we continue to go forwards.

The provisions to be repealed are now legally null and void in any case, superseded as they were by the Equality Act 2010 and related regulations. Dismissing a member of a merchant ship's crew on account of homosexual activity would be discrimination on grounds of sexual orientation, contrary to part 5 of the 2010 Act.

As we discussed on Second Reading, section 14(3) of the Armed Forces Act 2016 already repealed the parts of the Criminal Justice and Public Order Act that related to the armed forces but left in place the aspects concerning merchant ships. The Government said they would decouple the two issues and would soon act to repeal those sections concerning merchant ships.

The Bill will tidy up existing legislation and remove discriminatory language from the statute books. It is an important, albeit symbolic, gesture, so let us get it done.

**The Minister of State, Department for Transport (Mr John Hayes):** I am delighted to serve under your chairmanship, Sir Alan. Like you, during my time in the House I have heard many hon. Members and Ministers begin their speeches by saying, “I will be brief.” The difference today is that I mean it: I will be extraordinarily brief.

I have to do only the following: to congratulate my hon. Friend the Member for Salisbury on bringing the matter to the attention of the House and to reassure the Committee that I will not be using the beautifully crafted but arid speech prepared for me by my civil servants, because I do not need to add much to what was said on Second Reading and previously.

It is a curious thing that in our age we tend to measure virtue in mechanistic terms—both curious and undesirable, I think. Men and women are driven by feeling, and what arises from feeling. So, in taking the Bill forward, let us not speak in mechanistic terms. Let us not speak drily about legal consistency and procedural certainty.

Let us delve a little deeper just for a moment. The Bill is about being fairer, kinder, more reasonable and more generous. If those are more testing virtues and more difficult to think about this morning, then so be it: we should consider them for all legislation—particularly the kind that we have before us, which involves people’s feelings, sentiments and privacy. Men and women are complicated and fascinating because of their complexity. We should at all turns, at every opportunity, try to remember those enduring values of reasonableness, kindness, fairness and generosity. In that spirit and for that purpose, I welcome the Bill.

I will say one more thing if I may. It is also common in our age to speak of transparency and openness. Let us also this morning, just briefly, make a case for privacy. The Bill would reinforce the privacy of people who simply seek to go about their lives in the way that they choose.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

## Clause 2

### COMMENCEMENT, EXTENT AND SHORT TITLE

*Amendment made:* 1, in clause 2, page 1, line 6, leave out “at the end of the period of two months beginning with” and insert “on”—(*John Glen.*)

*Clause 2, as amended, ordered to stand part of the Bill. Bill, as amended, to be reported.*

9.40 am

*Committee rose.*

