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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Thursday 25 January 2018

House of Commons

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Plastic Waste

1. **Alan Mak** (Havant) (Con): What steps he is taking to reduce waste from plastics. [903535]

8. **Vicky Ford** (Chelmsford) (Con): What steps he is taking to reduce waste from plastics. [903544]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): On 11 January, the Government published our 25-year environment plan, which states our ambition to eliminate all avoidable plastic waste. We have already banned microbeads in personal care products, we are removing single-use plastics from Government estate offices, we are exploring a reward and return scheme, and we welcome the introduction by retailers of plastic-free aisles. We are also investigating how we can develop our producer responsibility scheme to give producers more incentives to design more resource-efficient products.

Alan Mak: I thank the Secretary of State for his answer. Hayling Island beach has been recognised for its clean coastline by being awarded a blue flag for the past 26 years, partly because it is plastic-free. Will the Secretary of State congratulate Havant Borough Council and local residents, and continue to support coastal communities to keep coastlines plastic-free?

Michael Gove: I absolutely will. The leadership shown by Havant Borough Council is equalled, of course, by the leadership shown by my hon. Friend. When I had the opportunity to visit his constituency and its coastline last year, I saw his commitment to our marine environment. It is vital that colleagues such as my hon. Friend are applauded for their determined environmental work.

Vicky Ford: People in Chelmsford really care about their recycling. Will my right hon. Friend confirm what actions we can take to ensure that the end product can be put to meaningful use after we put things in our recycling?

Michael Gove: My hon. Friend makes an important point. She has made determined efforts in not just this Parliament but the European Parliament to make recycling easier for all. We are exploring how we can better co-ordinate efforts at a local level to ensure that more material is recycled and, indeed, that more recyclable material is used.

Mary Creagh (Wakefield) (Lab): On a visit to Bywaters recycling centre in Bow yesterday, I saw the amazing work that the waste industry is doing to tackle our waste and heard about some of the challenges it faces. I was told that the Chinese ban on imports of UK waste has caused the price of recycled paper to fall from £100 a tonne to £20 a tonne, and I presume that the same can be said for plastic. That will have an impact on the viability of councils' recycling contracts and will feed through to council tax bills. Does the Secretary of State agree that we can tackle the problem by setting long-term targets for the waste industry, such as the 65% target by 2035 that has been suggested by the EU?

Michael Gove: Setting appropriate targets is absolutely part of this. One of the challenges of the EU's target is that, because weight is such an important component in how the EU measures recycling, it does not always incentivise quite the right behaviour. Even though the EU has made important strides, I am glad that our own Government have gone further by ensuring that we tackle the scourge of single-use plastics.

Nick Thomas-Symonds (Torfaen) (Lab): The UK is in a unique position to tackle plastic waste in the world's oceans due to the number of our overseas territories. Will the Secretary of State be speaking to those overseas territories to develop a comprehensive strategy in this area?

Michael Gove: Well—[*Interruption.*] It was a very good question. The hon. Gentleman always asks very good questions, whether in this House or elsewhere, and he also writes very good books. He makes an important point, and the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), will be meeting representatives of the overseas territories next month. He is right that there is more work to do on the network of marine protected areas around many of our overseas territories, and he is right to encourage us.

Mr Speaker: I am sure that the hon. Member for Torfaen (Nick Thomas-Symonds) will feel that his status not just in this House, but in the country—perhaps even in the world as a whole—will have been greatly enhanced by the generous tribute that has just been bestowed upon him by the Secretary of State.

12. [903549] **Iain Stewart** (Milton Keynes South) (Con): Primary school pupils at Oxley Park Academy in my constituency have launched a campaign to replace plastic straws with environmentally friendly alternatives. Will the Secretary of State commend their initiative and, if I send him the details, will he take on board their suggestions?

Michael Gove: I absolutely commend the pupils' initiative. The next generation often puts some of us to shame in its commitment to ensure that we have a more sustainable approach towards the environment. There is another youngster who has been leading the charge against plastic straws: the relatively newly installed editor of London's *Evening Standard*, whose "The Last Straw" campaign has been instrumental in ensuring that commercial organisations ban plastic straws. He is a relatively new entrant to my profession of journalism and I commend him on his promising start.

Mr Speaker: The Secretary of State thinks that the young man is not doing too badly, and I am sure that the young man concerned will feel fortified by that.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I commend the Secretary of State for the publication of the environmental strategy, which is an important and significant step, but there are still opportunities to do more. Will he tell the House why he allowed 25 years in the strategy for the elimination of non-essential plastics? If they are non-essential, surely we can do better than that.

Michael Gove: I have enormous respect for the right hon. Gentleman. The nature of the 25-year plan was a recommendation of the Natural Capital Committee and, as he knows, it covers a wide range of issues. The Government are bringing forward more demanding and more ambitious targets to reduce single-use plastics, but he is right to encourage the Government, and all of us, to do more.

Kirstene Hair (Angus) (Con): I wish you, Mr Speaker, and the Minister a happy Burns day. In Scotland, there is discussion about a plastic bottle return scheme. What discussions has my right hon. Friend had with his counterparts in the Scottish Government to ensure that a system can effectively work while preventing English bottles from being paid for by the Scottish Government, and vice versa?

Michael Gove: I thank my hon. Friend for her question. On the subject of Burns day, I recently had discussions with the Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs at the US Department of Agriculture to see whether he could lift the ban on haggis. Although the American President has many faults, he has one virtue: he has a Scots mum. On that basis, I hope he may listen sympathetically.

On the equally important issue of the deposit return scheme, we will be working with devolved Administrations to ensure that we have a UK-wide approach wherever possible.

Mr Speaker: The House will certainly want to be kept informed about the haggis situation, and I am sure the Secretary of State will not disappoint us in that regard.

Sue Hayman (Workington) (Lab): Mr Speaker, I am sure that you would agree that plastic pollution is one of today's great environmental challenges. The Secretary of State has mentioned the importance of recycling a number of times, so I am concerned by reports that the Government have been opposing the new EU targets. Will the Secretary of State explain why the Government are opposing the new recycling targets?

Michael Gove: We are anxious to make sure that, across the EU, we have the right targets. One of the flaws with the EU system, as I acknowledged earlier, is that because of its reliance on measuring through weight, it sometimes incentivises the wrong approaches. I am confident that our own country has gone further than the European Union has requested or suggested on everything from banning microplastics to looking at taxes on single-use plastics and, indeed, introducing the charge on plastic bags. In all those areas we have shown

that we have gone further and faster than the EU, and of course that is the Government's ambition for a truly green Brexit.

Trail Hunting

2. **Grahame Morris** (Easington) (Lab): What assessment he has made of the extent to which trail hunting is used as a cover to conduct illegal fox hunting. [903536]

14. **Christian Matheson** (City of Chester) (Lab): What assessment he has made of the extent to which trail hunting is used as a cover to conduct illegal foxhunting. [903552]

Mr Speaker: With my leave, the supplementary to Question 2 will be put by the right hon. Member for Warley (John Spellar). I wish the hon. Member for Easington (Grahame Morris) well, and we hope he is in full voice again very soon.

The Minister for Agriculture, Fisheries and Food (George Eustice): I also hope that the hon. Member for Easington (Grahame Morris) recovers his voice soon.

The Government have made no assessment of the effect of trail hunting. However, anyone who believes that an offence has taken place during a hunt, including during a trail hunt, should report the matter to the police, as the police deal with complaints of illegal hunting. Decisions on the arrest and prosecution of those taking part in illegal hunting activities are matters for the police and prosecuting authorities.

John Spellar (Warley) (Lab): The Minister will be aware that concerns are growing that trail hunting is being used as a cover for illegal hunting. This was recently brought into focus by the invasion of a cat sanctuary—run by the well-known Celia Hammond Animal Trust—in East Sussex by a pack of hounds from the Romney Marsh hunt. What action will the Government take against those who continue to hunt illegally?

George Eustice: The law in this area is clear. Between 2005 and 2015, 682 individuals were prosecuted and 423 were found guilty, so the law is clear and is being enforced. Even groups such as the Royal Society for the Prevention of Cruelty to Animals have accepted that this is a law that is being enforced.

Christian Matheson: In the four weeks since Boxing day, at least four foxes in Cheshire have been illegally killed by trail hunts. As the Government have withdrawn their plans to scrap anti-hunting laws, is it the case that someone in government has given a secret nod and a wink to trail hunts that they can continue to hunt and kill foxes with impunity?

George Eustice: No, that is not the case. The Prime Minister has made it clear that she has listened to the mood of the country and that there therefore will not be the free vote on foxhunting in this Parliament that we pledged in our manifesto. As I said earlier, foxhunting is a matter for the police and the prosecuting authorities. Anybody who believes the law has been broken should report it to the police.

Disposable Plastic Packaging

3. **Catherine West** (Hornsey and Wood Green) (Lab): What steps he is taking to discourage the use of disposable plastic packaging. [903537]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): In addition to the measures that I set out in my previous answers, our 25-year environment plan explores how we can better incentivise producers to design better products, including packaging. We are working with the Waste and Resources Action Programme charity and the industry to increase the amount of recyclable packaging on the market.

Catherine West: More than 200 Members signed my letter on what the supermarkets could do to improve their recycling so that they meet the targets that my hon. Friend the Member for Workington (Sue Hayman) mentioned. Which supermarkets has the Secretary of State personally spoken to in order to bring them in line with Iceland, which is apparently the leader in this area?

Michael Gove: That letter was excellent, if I may say so. I have talked to not only Iceland, but Marks and Spencer, Waitrose, Tesco and Sainsbury's. We had a roundtable before Christmas at which those retailers and others made a shared commitment to ensure that we reduce the demand for plastic, that fewer plastics are used, and that those plastics that we have more of are recycled or recyclable. A commitment was also made to work with local government to make it easier for all to recycle.

Peter Aldous (Waveney) (Con): Will the Secretary of State outline what steps he is taking to improve and increase the capacity of recycling facilities and infrastructure across the country?

Michael Gove: We are looking at how we might reform the packaging recovery note—PRN—system to ensure that the market works better to encourage more recycling and more capacity in the waste industry.

Ian C. Lucas (Wrexham) (Lab): When I was doing my family shopping at Asda in Wrexham last weekend, I noticed the appalling amount of plastic packaging on meat products, which seems to be in place for the ease of the supermarkets rather than that of their customers. Will the Secretary of State please raise the issue of packaging with the supermarkets?

Michael Gove: I absolutely will, but while I have no wish to undermine Asda, which is an admirable retailer, I find that when buying meat, the best thing to do is to go to one's local butcher, buy locally and invest in the local economy.

Mr Philip Hollobone (Kettering) (Con): Will the Secretary of State join me in congratulating Water UK on its initiative to encourage more places on our high streets to allow people to refill their water bottles, rather than buying water in disposable plastic containers?

Michael Gove: My hon. Friend makes an excellent point. Water UK's initiative is wholly welcome. The idea of a nationwide network of refill stations is absolutely right.

The decline of public water fountains marked a deeply regrettable trend, so I am glad that they are making a comeback.

Jim Shannon (Strangford) (DUP): Some 480 billion plastic bottles were sold globally in 2016. If we want to address one of the key issues, it has to be plastic bottles. What discussions has the Secretary of State had with the companies to reduce the number of bottles or to have them reused—whatever the case may be?

Michael Gove: We have discussed with industry bodies representing a variety of manufacturers and with retailers everything that we can do to reduce such use. The hon. Gentleman is absolutely right. The world's conscience has been awoken to the scourge of plastic in our oceans by the crusading work of documentary makers such as David Attenborough, and also by an increasing awareness of how important it is that we tread more lightly on our planet. The leadership that the hon. Gentleman has been showing in Northern Ireland is exemplary.

Ivory Sales

4. **Rachel Maclean** (Redditch) (Con): Whether the Government plan to have their proposed ban on ivory sales in place by the illegal wildlife trade summit in October 2018. [903538]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): The Government's consultation closed on 29 December. We had more than 70,000 responses, so we are considering them carefully. We want to act at pace—that is why officials are preparing legislation—but we need to be careful that we give due consideration to all the responses so that we introduce appropriate legislation that will end the scourge of elephant poaching in Africa and other parts of the world.

Rachel Maclean: Wildlife crime is a threat to conservation and animal welfare at home and abroad. Wildlife and Countryside Link's report has revealed that enforcement officers are hindered by a lack of proper recording and reporting processes. As we prepare to host the IWT summit, and considering the progress that my hon. Friend has referred to regarding the trade of ivory products, what assurances can she give me and the all-party group on endangered species, of which I am the chair, about the measures being taken by the Department to address the matter?

Dr Coffey: The UK Government have been active in taking practical action to reduce demand and strengthen enforcement. We are investing in schemes around the world to reduce this pernicious trade. DEFRA and the Home Office continue to fund the national wildlife crime unit to tackle wildlife crime here in the UK. Actionable intelligence is key, and I assure my hon. Friend that we will continue to make this a priority.

Gavin Robinson (Belfast East) (DUP): I support the noble aim of both the Secretary of State and the Minister in this regard, but the hon. Lady will be aware of concerns among antique dealers about the ramifications for products that contain historical ivory. Can she offer

any assurance to assuage their concerns that the sale of ivory that has been in antiques for generations will be allowed to continue?

Dr Coffey: We are considering the matter carefully, but we need to have a comprehensive ban. In the consultation, we put forward a suggestion on several exemptions, and we are looking through the responses to that particularly carefully. Nevertheless, it is important that we recognise that having ivory as a valuable object just because it is ivory is something that we simply do not want in this country or around the world, which is why we are taking strong action.

Leaving the EU: Air Quality

5. **Nick Smith** (Blaenau Gwent) (Lab): What steps he is taking to improve air quality after the UK leaves the EU. [903539]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I am pleased to say that the Government will continue to improve air quality, supported by the new comprehensive clean air strategy that we are developing and will publish later this year. We have already put in place a £3.5 billion plan to improve air quality, with a particular focus on transport, and we have significant targets to reduce emissions of the five damaging air pollutants. The hon. Gentleman will recognise that this is a devolved matter, and the Welsh Government are actively considering how to improve air quality in Wales.

Nick Smith: By when does the Minister think that Volkswagen will face criminal charges in the UK for its emissions scandal?

Dr Coffey: I am not a Transport Minister, but we all recognise that consumers—including, I expect, people in the House today—will have felt duped by the dodgy practices that took place. Transport Ministers are actively engaged with this issue.

Dame Caroline Spelman (Meriden) (Con): I represent a car-manufacturing constituency. Will the Minister acknowledge that the UK car industry has made significant contributions through its investment in low emission cars, which is a key part of the strategy to improve air quality?

Dr Coffey: My right hon. Friend is absolutely right that we have been investing in improving and cleaning up transport infrastructure. We have introduced legislation to require the deployment of far more electric charging points. I am pleased that the money we are investing is helping to clean up buses, which is key to improving air quality, particularly in urban centres.

Tony Lloyd (Rochdale) (Lab): The Minister will recognise that there is an air quality crisis now, particularly in respect of the impact on children. Some of the problem is down to the most polluting vehicles, including heavy goods vehicles and buses. What will this joined-up Government do to make sure that we get those vehicles off our roads?

Dr Coffey: This is why the Government are investing—we have been for several years—to clean up things like the bus vehicle fleet. We have the clean transport fund. I am sure that the hon. Gentleman will be keen to work with his council and Greater Manchester to work on an air quality plan, because it is important that we have local solutions that tackle the local issues.

Sue Hayman (Workington) (Lab): The Government's air quality plans are simply inadequate, and they have been taken back to court yet again. With an estimated 40,000 premature deaths attributed to illegal air pollution every year, just how critical does the situation have to get before the Government finally act to comply with the High Court ruling? Will the Secretary of State and the Minister support Labour calls to introduce a new clean air Act to deal urgently with this matter?

Dr Coffey: We need clean air action and that is what the Government are delivering. We are working with local councils, and I wish the hon. Lady would encourage Labour councils to get on with it. I have had to issue ministerial directions to get councils to bring forward plans, and that is a real problem. I wish that we could work collegiately on this, because what matters is improving the health of the people we represent. I am keen to do that, and I would welcome the hon. Lady's support in working with Labour-led councils to achieve that.

Flood Insurance

6. **Rachael Maskell** (York Central) (Lab/Co-op): What progress he has made on ensuring access to affordable flood insurance for people living in high flood risk areas; and if he will make a statement. [903540]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): Before the introduction of Flood Re in 2016, only 9% of householders who had previously claimed for a flood could subsequently get insurance quotes from two or more insurers. By October 2017, availability had improved such that 100% of householders could get quotes from two or more insurers. Costs are down, and four out of five householders who have previously made a flood claim have seen price reductions of more than 50%.

Rachael Maskell: It is two years since Storm Eva and, with flood alerts along the River Ouse in York this week, residents living in leasehold accommodation or accommodation built since 2009, along with businesses, have been failed by the Government's not putting in place appropriate insurance. What recent discussions has the Minister had about this issue?

Dr Coffey: I direct the hon. Lady's attention to the record £2.5 billion that we are investing in flood defences between 2015 and 2021, from which people and businesses in York will benefit, as she knows. The rules for leaseholders are quite specific. After careful parliamentary scrutiny, a certain approach was taken so that commercially required insurance was not included in Flood Re. I continue to meet the British Insurance Brokers Association. Members have raised around five cases with me, and those are the ones that I am pursuing.

Neil Parish (Tiverton and Honiton) (Con): Flood Re has really helped to cover residential properties, but what about a guest house? Is that a business or a residence? Can it actually get affordable insurance? Businesses, and small businesses in particular, are finding it difficult to get affordable insurance.

Dr Coffey: As I have said, I have taken up the issue of leasehold properties, and I have had the issue of commercial properties raised with me. Flood Re was a big and quite fundamental change in this country. In fact, every householder supports other householders for a limited period of time to help with flood resilience. It would be a massive change for businesses in one part of the country to subsidise other businesses because of their location choices. I recognise that this is not a straightforward issue, which is why we continue to work with the insurance industry to improve cover.

Tim Farron (Westmorland and Lonsdale) (LD): Many in Cumbria who suffered flooding were affected by surface water flooding. Although the Environment Agency's flood defences must meet a once in 100-year standard, the water companies are obliged to meet only a once in 50-year standard. What plans does the Minister have to ensure that the water companies are held to the higher standard so that homes and businesses are not put at risk of the devastation and misery caused by flooding?

Dr Coffey: We are talking about water companies and the protection of assets. Surface water is the responsibility of local councils. We are working on a strategy, led by the Environment Agency, which has overall strategic oversight on this, and we will be doing more on surface water flooding this year.

Holly Lynch (Halifax) (Lab): As we have already heard, parts of the country, including my constituency, were affected by both flood warnings and flooding again this week. The 25-year environment plan gave the Government the opportunity to think long-term about responding to flood risk. Although I appreciate that the national flood and coastal erosion risk management strategy will be updated in 2019, can the Minister explain why the plan itself fails to include any proposals or funding relating to reducing flood risk beyond just the next three years?

Dr Coffey: When the Government made the decision to have a six-year plan for funding, they dramatically changed the situation for householders and businesses. The decision allowed the Environment Agency to have long-term plans instead of having a year-to-year hand-to-mouth existence. The hon. Lady should welcome the fact that we have that in place, and we will be working on future budgets at the appropriate time.

Trade Deals: Standards

7. **Alex Cunningham** (Stockton North) (Lab): What steps he is taking to safeguard UK food safety and animal welfare standards in future trade deals. [903542]

The Minister for Agriculture, Fisheries and Food (George Eustice): The Government are proud of the high food safety and animal welfare standards that underpin our high-quality Great British produce. We have no intention

of undercutting our own reputation for quality by lowering our food and animal welfare standards in pursuit of a trade deal.

Alex Cunningham: On that basis, then, does the Minister know whether his boss, a former Education Secretary, would be content to serve our schoolchildren American chlorinated chicken?

George Eustice: The point I would make to the hon. Gentleman is that, when we leave the European Union, the withdrawal Bill will bring across all existing EU regulations, including those on chlorinated chicken. As my right hon. Friend the Secretary of State has said many times, animal welfare is the issue here, and the issue of chlorinated chicken can sometimes mask animal welfare concerns.

Helen Goodman (Bishop Auckland) (Lab): British farmers will be completely undermined if we have a flood of imports from countries with lower animal welfare standards. Will the Minister now tell the House that that is to be one of the Government's red lines in negotiating free trade agreements?

George Eustice: If the hon. Lady had listened to my earlier answer, she would have heard me say that we have no intention of undercutting our own reputation for quality by lowering our food and animal welfare standards in pursuit of a trade deal.

Plastic Waste

9. **Steve Double** (St Austell and Newquay) (Con): What steps the Government are taking to reduce the amount of plastic waste entering the sea. [903545]

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): We are taking a series of measures to reduce the amount of plastic entering the sea. Our plastic bag charge has led to 9 billion fewer single use bags being used in England. Our microbead ban, which comes into force this month, is one of the toughest in the world, but of course we need to work internationally through forums such as the UN, the G7 and the G20.

Steve Double: As the Secretary of State is aware, on 6 February I will be hosting an event in Parliament, together with Sky TV, as part of its ocean rescue campaign, inviting Members of Parliament to pledge to reduce the amount of plastic that they use in this place. Does he agree that it is important that Members take a lead and set an example on this issue, and will he join me in encouraging them to come to that event and to commit to cut the amount of plastic used here?

Michael Gove: It is an excellent campaign that Sky has been running, and it is lucky to have my hon. Friend playing such a prominent role, as he has been an outstanding environmental campaigner on this issue for many years. Yes, there is a commitment that we can all make. I also know that the Under-Secretary of State, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), has written to my hon. Friend the Member for Mole Valley (Sir Paul Beresford), the Chair of the Administration Committee,

to see what the House can do to ensure that we reduce the amount of single use plastic on the parliamentary estate.

Mr Speaker: We are indeed considering these matters, and I know that the Secretary of State will feel that there is a song in his heart at the revelation of that development.

Anna McMorrin (Cardiff North) (Lab): The Welsh Labour Government are the third best in the world for recycling, far exceeding their targets this year alone. I am sure that the Secretary of State will join me in congratulating them on that. Can he clarify his position on recycling? He talks a good talk but does little to demonstrate action and is in danger of missing vital EU targets.

Michael Gove: I am happy to praise the Welsh Labour Government on this occasion—there are all sorts of things that Labour in Wales gets wrong, but on recycling I think it is only fair that we say well done. More broadly, it is really important that we all do more, and I want to thank you, Mr Speaker, for the commitment that you have shown with regard to the parliamentary estate. Of course we can do more; I can do more. The critical point is that when people are doing the right thing, as they are in Wales, we should applaud them.

Mr Speaker: I will now go about my business with an additional glint in my eye and spring in my step, confident in the knowledge that I have at least some approval from a person as illustrious and distinguished as the right hon. Gentleman.

Topical Questions

T1. [903553] **Luke Graham** (Ochil and South Perthshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): The House will have heard the very sad news earlier this month that the Nancy Glen, a fishing vessel, was lost off the west coast of Scotland while fishing in Loch Fyne. Two fishermen lost their lives. The Clyde Fishermen's Association is running an appeal to raise money to recover their bodies and support their families. We all know the inherent risk in fishing. The DEFRA Ministers, on behalf of the whole House, would like to thank all those who risk their lives every day to ensure that we can eat fresh fish. Our hearts go out to the families so sadly affected by this tragedy.

Luke Graham: I thank my right hon. Friend for what he has said. Can he assure constituents right across the United Kingdom that the new UK-wide frameworks that will be brought in as a result of our leaving the European Union will work for all farmers, whether arable, livestock, dairy or hill, and wherever they live in the UK, whether in England, Scotland, Wales or Northern Ireland?

Michael Gove: My hon. Friend makes a good point. He does an outstanding job working for his constituents in Ochil and South Perthshire, and I am looking forward

to visiting his beautiful constituency next week. We must absolutely continue to work across the United Kingdom to ensure that the interests of all farmers—Scottish, Welsh or English, and arable or livestock—are respected by a new UK-wide framework.

Dr David Drew (Stroud) (Lab/Co-op): The 2016 Royal Society for the Protection of Birds bird crime report stated that there were 81 confirmed cases of raptor persecution, yet not one prosecution followed. Can the Minister explain why, and what is she going to do about it?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): We take this issue very seriously, which is why it is one of National Wildlife Crime Unit's six crime priorities. It is important that we continue to get evidence so that we can have appropriate prosecutions. The Government cannot direct the police or the Crown Prosecution Service to launch those prosecutions, but we encourage everybody who cares for wildlife to bring evidence to the police.

Mr Speaker: I call Rehman Chishti. Where is the fellow? He is not here—oh dear, oh dear. Never mind. All is well with the world; the right hon. Member for New Forest West (Sir Desmond Swayne) is here.

T5. [903558] **Sir Desmond Swayne** (New Forest West) (Con): Will the Minister come and see what we can do to restore the Avon water meadows?

Dr Coffey: I was in Hampshire recently, visiting six different constituencies, and I would be delighted to return to the wonderful New Forest in due course to look at the matter.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): We remember the crew of the Nancy Glen, and the Secretary of State's words are appreciated.

Farming expects the Secretary of State to continue his support and to maintain standards, of course, but the question for fishing, given all the tonnes he will take from the European Union, is this: where is it going, and when?

Michael Gove: On to the plates of people from the Western Isles to the south-west of England, who can enjoy the fantastic produce that our fishermen catch every day.

Angus Brendan MacNeil: Good dodge.

Michael Gove: Thank you.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I am delighted that Doddington has been granted permission for 600,000 trees to be planted as part of our future environment plan. This is the largest planting scheme in England for a generation. Doddington is a great example of modern mixed forestry, but we need to ensure that this is not the end but the beginning. It is vital that the Forestry Commission supports those who want to plant more trees for reasons such as supporting sustainable river basins. I hope that the Secretary of State will undertake to make sure that this happens. I would be delighted if he would come and visit.

Michael Gove: I am very grateful to my hon. Friend. Yes, the Doddington North Moor development will be hugely welcome, not just in ensuring that we have more woodland cover but in providing a valuable habitat for the red squirrel—a native species that I think we all want to see better protected. We will be working with landowners, the Forestry Commission and others to ensure that there is more forest cover in the years ahead.

T2. [903555] **Alan Brown** (Kilmarnock and Loudoun) (SNP): The Royal Bank of Scotland's decision to close over 60 branches will devastate rural communities, and farming communities are really worried about it. The Prime Minister has completely washed her hands of this, but will the Secretary of State at least meet RBS and make the case for rural communities?

Michael Gove: Access to banking and other services is vital for the future of rural communities. I commend the *Press and Journal* newspaper for the campaign that it has been running, which has been enthusiastically backed by my hon. Friends the Members for West Aberdeenshire and Kincardine (Andrew Bowie), for Banff and Buchan (David Duguid) and for Aberdeen South (Ross Thomson). All those fine Scottish Conservative colleagues have been leading this campaign. The Scottish Government have a responsibility to do more with regard to safeguarding the interests of Scottish farmers, and it has fallen to Scottish Conservative colleagues to be in the lead in the campaign. *[Interruption.]*

Mr Speaker: Order. The hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) is a most eccentric denizen of the House. There is a lot of arm-waving and gesticulation of a very rarefied character. I remind the hon. Gentleman that he now holds an illustrious position in the House, because he chairs a Select Committee. He is trying to become a senior statesperson. A little less finger-pointing would enhance his statesmanlike credentials no end.

Chris Green (Bolton West) (Con): Will the Secretary of State join me in welcoming the vision for the new 50 million tree northern forest and share my delight that the first tree planting will be at the Woodland Trust's Smithills site in Bolton West?

Dr Thérèse Coffey: Indeed. This ribbon of woodland and forest along the M62 will be welcome, and the Government are kick-starting the project with a £5.7 million grant. We will continue to work with the Woodland Trust and other community forests in making this a reality. I am particularly pleased for my hon. Friend, and I look forward to heading to Bolton to see where the first tree is planted.

T3. [903556] **Diana Johnson** (Kingston upon Hull North) (Lab): There is strong cross-party and public support for increasing the penalties for animal cruelty to five-year prison sentences. Could that be done forthwith rather than waiting for the draft animal welfare Bill, which is still subject to consultation?

Michael Gove: I am very grateful for the hon. Lady's support—of course, she has a distinguished record as a Home Office Minister. We will look at any proposals that come from any part of the House to try to make sure that we can expedite this legislation.

Mark Pawsey (Rugby) (Con): I understand the Secretary of State's concerns about what happens to plastic waste once it has been used, but does he agree that its use by retailers in particular gives consumers the widest possible choice and prevents food waste? It is important that any measures that we introduce do not reduce consumer choice and do not cause more of our food to be wasted.

Michael Gove: My hon. Friend makes a very important point. Although we need to reduce demand for plastic and increase recycling, plastic does have a role to play in the preservation of fresh produce and in helping us to tackle food waste, which is in itself an environmental and economic mistake.

T6. [903559] **Helen Hayes** (Dulwich and West Norwood) (Lab): Across Dulwich and West Norwood this winter we have once again seen a huge number of Thames Water leaks, many of them at sites where there have previously been repeated leaks. Last year, Thames Water reported operating profits of £650 million. It has a corporate structure involving offshore companies. The chair of Ofwat has highlighted the

“urgent need for...a step change in the way”

Thames “operates and behaves.” Will the Secretary of State tell my constituents when they can expect to see a winter without the disruption caused by an organisation that is clearly not fit for purpose?

Michael Gove: The hon. Lady is angry on behalf of her constituents, and I share her concern. That is why the chairman of Ofwat, Jonson Cox, has been doing such a good job in holding Thames and other water companies to account. Change is coming, but of course I want it to come faster.

Martin Vickers (Cleethorpes) (Con): As the Secretary of State said, it is vital that we educate our young people about the dangers of plastics in the seas in particular. Will he join me in congratulating Alfie from New Waltham Academy in my constituency, who has done so much to promote this issue? When he visits the area in the not too distant future to meet the fishing and seafood community, as I know he intends to, will he perhaps visit the academy?

Michael Gove: I would be delighted.

T7. [903560] **Joan Ryan** (Enfield North) (Lab): In reference to air pollution, not a single area of London meets the World Health Organisation standards for the damaging type of particle known as PM_{2.5}, and 95% of the capital exceeds the guidelines by at least 50%. The clean air action to which the Minister referred needs resourcing. When will the Government, instead of passing the buck to local and regional authorities, put some money on these fine words?

Dr Thérèse Coffey: I think the huge amount of investment in improving transport infrastructure and helping local councils has certainly done that. When it comes to PM_{2.5}, this issue affects everybody, and that is why it is a key part of what we will be addressing in our clean air strategy. I encourage people to do the right things under the strategy—do not burn wet wood, and think about switching to smokeless coal. These are the kinds of

things on which we can take immediate action now, as well as acting on the long-term issue of improving infrastructure.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): One reason why our countryside is so admired and so respected by urban dwellers is the way it is looked after and managed by our farmers. When will the Secretary of State be able to build on his Oxford speech this month, and say more about long-term support for agriculture?

Michael Gove: When we think of admiration and respect, it is the admiration and respect due to my right hon. Friend. He has been an outstanding Minister and a fantastic constituency Member for the Derbyshire Dales, which is one of the most beautiful parts of England. He is absolutely right that, building on the speech I gave to the Oxford farming conference, more needs to be said and done to outline the framework for farming in the future. I hope to do so at the National Farmers Union conference, when I can celebrate our farmers, who are the best in the world.

Mr Speaker: Have it framed and put it up in the living room.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Haggis production depends on a strong Scottish sheep farming sector. Hill farming and crofting are vital for the local economy of my constituency. The Secretary of State may say that this is a devolved matter, but come Brexit will he work as closely as possible with the Scottish Government in sharing best practice and knowledge to make sure that my constituents' livelihood is safeguarded as far as is humanly possible?

The Minister for Agriculture, Fisheries and Food (George Eustice): We are already working incredibly closely, obviously, with all the devolved Administrations, and indeed we have been doing so to discuss these very matters ever since the referendum decision.

Nicky Morgan (Loughborough) (Con): Further to the question from my hon. Friend the Member for Bolton West (Chris Green), will the Secretary of State ask those involved in building on and encouraging the work on the northern forest to look at the national forest in the midlands as an exemplar? Some 8.5 million trees have been planted there since its inception.

Mary Creagh (Wakefield) (Lab): Under a Labour Government.

Michael Gove: My right hon. Friend the Member for Loughborough (Nicky Morgan) makes an admirable point. I hope to visit her constituency and others to see the wonderful work that has been done. A comment was made from a sedentary position by the hon. Member for Bishop Auckland (Helen Goodman), and I am very happy to acknowledge that leadership has been shown by Labour politicians as well. *[Interruption.]* Forgive me, it was the hon. Member for Wakefield (Mary Creagh). Labour speaks with one voice on this matter—though not on any others. Coalfield communities have been helped on their journey towards revival by the investment

in woodland cover, and my right hon. Friend the Member for Loughborough has been a hugely effective champion of that.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I know it will be hard, but will the Secretary of State sign a pledge to give up on any gimmickry or tokenism in tackling things such as plastic pollution? He will need a lot of allies and a lot of expertise for the radical revolution that he needs. Will he be serious about this and get on with the job?

Michael Gove: Yes.

Chris Davies (Brecon and Radnorshire) (Con): May I congratulate my right hon. Friend on all the excellent work he has done on the environment, but will he reassure the farmers of the UK that it is not a case of either the environment or food production, but a partnership of them both?

Michael Gove: I could not have put it better myself. Our farmers are the original friends of the earth, and we will not have a healthy environment unless we also support those who are our primary food producers and the stewards of our beautiful landscapes.

Ruth Cadbury (Brentford and Isleworth) (Lab): How can we be confident of the Government's intention to be robust on air quality if we leave the EU, when they refuse to introduce a decent scrappage scheme for vehicles and persist in promoting runway 3 at Heathrow?

Dr Thérèse Coffey: Air quality is actually improving. We have made good progress and we want to do more, particularly on roadside NO₂ concentrations. The hon. Lady should welcome the initiatives we have taken. Just this week, the House has approved extra powers to make sure that we get rid of or reduce the capacity of diesel generators, which will do a lot to improve air quality right across the country.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Houghton and Sunderland South, representing the Speaker's Committee on the Electoral Commission, was asked—

Financial Regulation

1. **Alan Brown** (Kilmarnock and Loudoun) (SNP): To ask the hon. Member for Houghton and Sunderland South, representing the Speaker's Committee on the Electoral Commission, what recent assessment the commission has made of the effectiveness of the regulation of (a) election expenses and (b) donations to political parties. [903523]

Bridget Phillipson (Houghton and Sunderland South): The Electoral Commission reported on political finance regulation at the June 2017 general election in November 2017. It highlighted important areas for the Government and Parliament to improve election law and transparency in political finance. The commission's recommendations include increasing the maximum penalty that it can

impose for a breach of the rules, extending the imprint requirement for campaign materials to include online campaigning, and changing the law to allow for transparency of political donations in Northern Ireland.

Alan Brown: After the 2015 general election, the Tory party, the Labour party and the Liberal Democrats were all fined for misreporting election expenses, and the Liberal Democrats continue to play fast and loose with how they allocate expenses between local and national campaigns. Does the hon. Lady agree with the Electoral Commission that the fines are no longer suitable, and that urgent action must be taken to ensure that the penalty matches the crime?

Bridget Phillipson: The hon. Gentleman is right to draw attention to the commission's recommendation to increase the maximum penalty that it can impose on political parties and other campaigners for a breach of the political finance rules. There is a risk that a maximum fine of £20,000 per offence could be seen as the cost of doing business, and the commission's view is that monetary policy should be more proportionate to the income and expenditure of larger and well-funded campaigners.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners, was asked—

Marriage Registration

2. **Diana Johnson** (Kingston upon Hull North) (Lab): To ask the right hon. Member for Meriden, representing the Church Commissioners, what assessment the Church of England has made of the potential merits of proposals in the Registration of Marriage Bill to enable a mother's details to be recorded on marriage certificates. [903524]

The Second Church Estates Commissioner (Dame Caroline Spelman): I must declare an interest because I am promoting the Bill that would enable a mother's details to be recorded in the registration of marriages, and I will introduce it for the second time on 23 February. More importantly, the Bishop of St Albans will introduce an identical Bill in the House of Lords tomorrow. The House could not have a stronger demonstration of how much the Church of England would welcome this change.

Diana Johnson: I congratulate the right hon. Lady on promoting the Bill. One way that women have been written out of history is by not having what work they have done in the past recorded on official documents such as a marriage certificates. I very much support what she is doing, but can anything else be done to promote the Bill and get Government support?

Dame Caroline Spelman: We are doing our very best. On 31 December, I was encouraged to read in *The Sunday Times* that a Home Office spokesman had told that newspaper that the Bill had been "signed off". I hope that might mean that the Government will give the Bill time when it comes here from the Lords, as I am sure it will. We all want this to happen. It would put an end to

an anachronism, and we would all cheer that. Many mothers who have weddings in the offing would like this change to happen in time for their children's marriages.

Jim Shannon (Strangford) (DUP): In a society where marriage break-ups and relationship breakdowns happen daily, we welcome the right hon. Lady's assertion that it is now time to include the mother's details on the marriage certificate. Will she outline a legal timescale for that, and say when it might be completed?

Dame Caroline Spelman: As things stand, an identical private Member's Bill is being introduced in both Houses—that is a pincer movement to try to make this happen. This is only the fifth time that the House has attempted to get this important change to a law that dates back to 1853. If the Government were to give the Bill time in the House, that would speed up that change to the law. I hope that the statement from the Home Office on new year's eve has some substance behind it, and that the Bill will soon be given time in the House.

HOUSE OF COMMONS COMMISSION

The right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, was asked—

Electronic Voting

3. **Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): To ask the right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, what estimate the Commission has made of the potential cost of introducing electronic voting in the Chamber. [903526]

Tom Brake (Carshalton and Wallington): The Commission has given no formal consideration to a move to electronic voting in the House. Its responsibility in that matter is limited to the financial or staffing implications of any change to the present system, were a change to be agreed by the House.

Angus Brendan MacNeil: The voting system here is a bit crazy, Mr Speaker: last week, we spent two hours on eight votes. Most other Parliaments in the world would laugh at that—indeed, they do. Given that MPs do value meeting each other in the Lobbies, can we consider a hybrid system so that we move to something electronic when there is more than one vote? That would save those two hours.

Tom Brake: I have some sympathy with the point that the hon. Gentleman is making, but as I am sure he—now an expert in these matters—knows, this is a matter for the House. If he chose to, he could approach the Procedure Committee and ask it to look at this issue.

Chris Bryant (Rhondda) (Lab): We do have a sort of electronic voting now because the Clerks are using iPads—but using the iPads takes longer than using the pieces of paper of the past because it takes more time to spot the individual names.

I still support our going through the Lobbies—it is a good opportunity to meet Ministers and other colleagues—but it would be good if every vote did not take 16 minutes. Would it not be a good idea to consider some swifter form of technology for the Division Lobbies? We could use a fingerprint or thumbprint to vote.

Tom Brake: The hon. Gentleman has made a sensible point, which I am happy to take back in considering whether the electronic voting that he has described could speed things up.

CHURCH COMMISSIONERS

The right hon. Member for Meriden, representing the Church Commissioners, was asked—

Religious Vocations

4. **Sir Desmond Swayne** (New Forest West) (Con): To ask the right hon. Member for Meriden, representing the Church Commissioners, what recent assessment the Church of England has made of trends in the number of its religious vocations. [903527]

The Second Church Estates Commissioner (Dame Caroline Spelman): I know that my right hon. Friend has a great interest in this subject because he asked me about the training of ordinands in April last year. I am pleased to be able to tell the House that an additional 44 candidates have presented for training as ordained ministers, making a total of 544 in training. That means that we are well on our way to our target of 750 a year by 2020.

Sir Desmond Swayne: As so many clerks retire, what will be the future age profile of my right hon. Friend's holy orders?

Dame Caroline Spelman: Like a lot of institutions, we face the prospect of large numbers of older clergy retiring at the same time as a result of previous pushes to increase the number of people being ordained and entering ministry. I am delighted to say, however, that the number of younger ordinands in the under-32 age group rose by nearly two fifths and now accounts for almost a third of the total.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I was disappointed to hear recently from the head of Uber that only 5% of Uber drivers are women. What is the gender balance among the ordinands the right hon. Lady mentioned in the statement she just made?

Dame Caroline Spelman: The hon. Gentleman has always been assiduous in asking about gender balance. I am delighted to be able to say that the intake of female ordinands has seen an increase of 19% compared with last year. Although women make up only a third of the fully ordained clergy in place at the moment, we are moving, like other professions, towards 50:50.

Dr David Drew (Stroud) (Lab/Co-op): In the diocese of Gloucester it would seem that as soon as we fill one vacancy, another arises. Bishop Rachel is working very hard, but the situation can be sorted only if we bring more people forward for training. What is the Church of England doing to enable that to happen?

Dame Caroline Spelman: We celebrated the introduction of Bishop Rachel as the first female bishop following the change in the law. We now have a female bishop for

Newcastle sitting in the Lords, and very recently a female bishop for London was appointed. There is clear evidence of progress, and there is a method of positive discrimination whereby dioceses eligible to be represented in the Lords are encouraged to appoint a woman so that the Lords moves towards better representation of female bishops.

Gay Conversion Therapy

5. **Mr Ben Bradshaw** (Exeter) (Lab): To ask the right hon. Member for Meriden, representing the Church Commissioners, what discussions the Church of England has had with the Government as a result of the General Synod's call to ban gay conversion therapy. [903528]

The Second Church Estates Commissioner (Dame Caroline Spelman): Following all meetings of the General Synod, it is standard practice for the clerk to the General Synod to inform the appropriate Department. That was done on 21 July following the vote at the Synod to ban conversion therapy. A response was received from the relevant Minister on 24 August.

Mr Bradshaw: It would be helpful if we knew a little more about what that response actually said. As the right hon. Lady will know, this so-called therapy does dreadful damage to young people emotionally and psychologically; its ban is long overdue. The sponsor of the excellent motion in the General Synod has asked for a meeting with the relevant Minister, but that has been refused. I hope that the right hon. Lady will intervene on her behalf.

Dame Caroline Spelman: I am obviously not responsible for the Government's decision, but the General Synod voted clearly and unequivocally to ban gay conversion therapy. I can share some of the contents of the letter that the Minister wrote to me. The Government are strongly against the practice of so-called reparative or conversion therapy. They have no current plans to ban or restrict it through legislation, because existing voluntary registers already provide safeguards for the public, but I will certainly assist in the way that the right hon. Gentleman suggests by writing to the Minister.

Helen Goodman (Bishop Auckland) (Lab): More widely, in some parishes anti-gay prejudice masquerades as theology. What further action can be taken to tackle that?

Dame Caroline Spelman: The leadership of the Church of England could not be clearer on this point. Archbishop Justin managed to secure a commitment to stamp out homophobia throughout the Anglican communion, when all the bishops were convened here in London. It has been established unequivocally, from the top of the Church all the way down, that homophobia has no place in the Anglican communion.

Christians: Middle East

6. **Dr Matthew Offord** (Hendon) (Con): To ask the right hon. Member for Meriden, representing the Church Commissioners, what support the Church of England is giving to Christian communities in the middle east as a result of attacks on those communities during Christmas 2017. [903530]

8. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): To ask the right hon. Member for Meriden, representing the Church Commissioners, what support the Church of England is giving to Christian communities in the middle east as a result of attacks on those communities during Christmas 2017. [903532]

The Second Church Estates Commissioner (Dame Caroline Spelman): The Church of England is in regular contact with the diocese of Jerusalem and the diocese of Egypt with North Africa and the Horn of Africa. I am pleased to report that the news from the region was comparatively positive over Christmas, especially when compared with that of only a few months ago.

Dr Offord: Yesterday, I had a not only interesting but humbling experience when I visited the Holocaust Survivors Centre in my constituency. Many of the people there were actually survivors of the holocaust—the Shoah. Does my right hon. Friend accept that those people are not only concerned about attacks in other countries on the basis of religion, but feel that we need to do more to help the Egyptian Government to prevent such attacks, which are, effectively, a form of genocide?

Dame Caroline Spelman: The proximity of Holocaust Memorial Day reminds all of us that, sadly, such atrocities are ongoing in our world, and that people are persecuted for their faith. Egypt was relatively quiet over Christmas—quieter than in recent months—but it is the ancient Coptic Church in that country for which we, as fellow Christians, fear. It is a fact that Egypt has moved from 21st to 17th on the world watch list of countries about which we should be concerned, not least because of the rise of Daesh there.

Daniel Kawczynski: There is growing concern about the level and extent of the persecution of Christians throughout the middle east and north Africa. What representations is the Church of England making to the Government and the United Nations High Commissioner for Refugees about the disproportionately low number of Christians who are identified for resettlement to western countries?

Dame Caroline Spelman: We are in regular contact with both the Government and the UNHCR about the plight of persecuted Christians. We wanted to get to the bottom of why the percentage of Christians in refugee camps in a number of these countries is so low. In fact, the Christian diaspora is extensive, and Christians living in other countries where they can help to provide safe havens often enable their relatives to travel over. It is significant that, for example, 30% of Syrian refugees in America are Christian. Christians frequently choose to save themselves in such ways.

Gavin Robinson (Belfast East) (DUP): I am in no doubt about the spiritual and pastoral support that the Church of England offers fellow Christians throughout the world, but will the right hon. Lady outline some of the financial or monetary contributions that are made to programmes for those most directly affected?

Dame Caroline Spelman: Because the Anglican communion has a network of churches throughout the world, it can often provide food and resources, clothing and shelter for persecuted communities who are otherwise very hard to reach. Only yesterday, I met the Bishop of

Goma, from the Democratic Republic of the Congo, who bravely puts his own life on the line to provide essential humanitarian assistance, at his own expense, for the Christians who suffer in his country. That is one of the strengths that the Anglican Church has to offer.

Counter-terrorism

7. **Rachael Maskell** (York Central) (Lab/Co-op): To ask the right hon. Member for Meriden, representing the Church Commissioners, what counter-terrorism measures are in place to protect Church of England premises; and if she will make a statement. [903531]

The Second Church Estates Commissioner (Dame Caroline Spelman): Six cathedrals have received money from the programme launched in July 2016 as the places of worship security funding scheme, which became, in 2017, the vulnerable faith institutions scheme. To get funding, a place of worship has to show evidence that it is vulnerable, and cathedrals have been given up to £45,000 to assist with measures that they need to undertake.

Rachael Maskell: I thank the right hon. Lady for the interest she has shown in the counter-terrorism measures that York Minster is trying to put in place. However, the funding for its specific work and the planning regulations are inadequate. Will she work with me to try to ensure that worshippers at York Minster are safe?

Dame Caroline Spelman: Unfortunately, I do not think it is possible retrospectively to reimburse the Minster for the measures it has taken, which I believe are in any event temporary at the moment, but may I share the good practice of the House of Commons, the parliamentary estate, Westminster Abbey and Westminster City Council, which work together to try to make these public spaces safer after the terrible events of last year? I will do everything I can to assist the hon. Lady in getting that kind of good partnership working around York.

Kevin Foster (Torbay) (Con): Given that the Church of England is responsible for some iconic sites, the attention given to this work is welcome, but will my right hon. Friend reassure me that those wishing to meet the living God will not find a palisade fence separating them from His house?

Dame Caroline Spelman: My hon. Friend is right: as Parliament does not wish to turn itself into a fortress because that would cut against what democracy stands for, no more does the Church want so to provide security measures that it becomes a less accessible place to meet with God. That balance has to be struck.

HOUSE OF COMMONS COMMISSION

The right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, was asked—

Contractors: Employment Practice

9. **Christian Matheson** (City of Chester) (Lab): To ask the right hon. Member for Carshalton and Wallington, representing the House of Commons Commission, what

steps the Commission is taking to ensure the highest standards of employment practice from contractors working on the Palace of Westminster renewal and maintenance projects. [R] [903533]

Tom Brake (Carshalton and Wallington): The House service's contract requirements and terms and conditions make provisions for contractors to provide adequate working conditions for employees. The provisions include health and safety, security, training, remuneration and payment of at least the London living wage to employees if working on the parliamentary estate. The working conditions provided by the contractors must be compliant with relevant legislation and ensure appropriate welfare and maintenance of stable and skilled workforces to ensure successful delivery of our contracts.

Christian Matheson: I refer to my entry in the Register of Members' Financial Interests and thank the right hon. Gentleman for that answer.

Companies such as McAlpine, which is up to its neck in blacklisting, have contracts on the parliamentary site. Since the best form of protection for workers is membership of a strong trade union, will the Commission consider giving named officials of the relevant trade unions security access so they can come in and check to make sure blacklisting is not taking place on these premises?

Tom Brake: I thank the hon. Gentleman for advance notice of the supplementary question. I am afraid that the current position is that passes can be issued, for instance by Members, only for a specific purpose in supporting that Member. However, the hon. Gentleman has made a specific request and I undertake to secure a written response to it for him.

PUBLIC ACCOUNTS COMMISSION

The hon. Member for Gainsborough, the Chairman of the Public Accounts Commission, was asked—

Leaving the EU

10. **Mr Philip Hollobone** (Kettering) (Con): To ask the Chairman of the Public Accounts Commission, what recent assessment the National Audit Office has made of the effect of the UK leaving the EU on its work programme. [903534]

Mr Richard Bacon (South Norfolk): I have been asked to reply on behalf of the Chairman of the Public Accounts Commission. The NAO work programme, determined by the Comptroller and Auditor General, is regularly revised to ensure it reflects current issues. Brexit is a major task for Departments, and some Departments are more affected than others. The NAO is keeping in close touch with Departments as they take forward the implementation task.

Mr Hollobone: After we leave the EU, we are likely to be still engaged in a number of EU-wide programmes. Will the Public Accounts Commission satisfy itself that the NAO has the requisite powers to continue to investigate Government involvement in those schemes?

Mr Bacon: The NAO has a remit to look at all UK public, taxpayers' money and it has confirmed that it will scrutinise any financial settlement with the EU. The Comptroller and Auditor General has said his first report is due in the spring.

Business of the House

10.33 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House update the House on the forthcoming business?

The Leader of the House of Commons (Andrea Leadsom): The business for the week commencing 29 January 2018 will include:

MONDAY 29 JANUARY—Remaining stages of the Armed Forces (Flexible Working) Bill [*Lords*], followed by remaining stages of the Automated and Electrical Vehicles Bill.

TUESDAY 30 JANUARY—Second Reading of the High Speed Rail (West Midlands - Crewe) Bill, followed by motions relating to the High Speed Rail (West Midlands - Crewe) Bill.

WEDNESDAY 31 JANUARY—Opposition day (un-allotted half day). Subject to be announced, followed by debate on motions relating to the restoration and renewal of the Palace of Westminster.

THURSDAY 1 FEBRUARY—Debate on a motion on baby leave for Members of Parliament, followed by debate on a motion on hospital car parking charges. The subjects for these debates were determined by the Backbench Business Committee.

FRIDAY 2 FEBRUARY—Private Members' Bills.

The provisional business for the week commencing 5 February will include:

MONDAY 29 JANUARY—Motions relating to the draft Social Security Benefits Up-rating Order 2018 and the draft Guaranteed Minimum Pensions Increase Order 2018, followed by remaining stages of the Smart Meters Bill.

We all remember those who suffered such terrible atrocities during the holocaust as we mark Holocaust Memorial Day this weekend, and I think we are all united in our desire to eradicate such evil acts from our world.

Next week, the House will have the opportunity to discuss the restoration and renewal of the Palace of Westminster. This must be a decision made by Parliament itself; it is not one for the Government. I urge all colleagues to take a basement tour, if they have not done so already, and to speak to the engineers ahead of the debate and see the challenges that lie ahead. Members may also wish to read the reports from the Joint Committee, the Public Accounts Committee and the Treasury Select Committee, and the financial memorandums to the motions, to acquaint themselves with the issues raised in them. They are all available online on the Parliament website, and of course my door is always open to any Member who wants to discuss this in advance of the debate.

Finally, I would like to wish everyone a very happy Burns night celebration tonight, particularly our Scottish colleagues on both sides of the House.

Valerie Vaz: I thank the Leader of the House for giving us the business. I also thank her for her letter about the new list of ministerial responsibilities, which states that this is scheduled for March and that the new list might be available soon. I do not know whether the Government are waiting for changes—perhaps the Foreign Secretary is now going to become the Health Secretary,

although he was reminded by the Chancellor that he is the Foreign Secretary. Ministers must know their responsibilities by now—otherwise, the Government would be in a shambles—so may we have the update sooner rather than later?

May we also have the date on which Parliament will rise in July? We only have the date when we return on 4 June, and I have been summoned for jury service and would like to know the date when I will be available.

I thank the Leader of the House for tabling the motions on restoration and renewal and for the debate on the subject. Having two motions will rather complicate the three-hour debate, however. At last week's business questions, she said:

“Because of the seriousness of the decision before the House, the two motions will not be amendable; it will be a case of either the first motion or, if that falls, the second motion.”—[*Official Report*, 18 January 2018; Vol. 634, c. 1062.]

I hope that she is not trying to bind Parliament. I checked “Erskine May”, and it states that

“if the amended notice does not exceed the scope of the original notice and the Speaker decides that it is proper for the motion to be moved in the altered form”,

it can be tabled. I say hoorah for democracy and hoorah for you, Mr Speaker, because we know that an amendment has now been tabled. This is an important matter—I concur with the Leader of the House on this—and I have been down to the basement. It is important for Members to know that costs are being incurred every day that a decision is not being made.

My hon. Friend the Member for Gower (Tonia Antoniazzi) made a point of order yesterday on the Swansea Bay tidal lagoon, a matter that I have raised many times in business questions. Will the Leader of the House ensure that the Prime Minister responds to the letter that the First Minister, Carwyn Jones, sent seven weeks ago offering financial help for the project? This Government should be working with the Welsh Government on a project that would be a world first. The First Minister is not Owain Glyndŵr; he is a very clever, democratically elected First Minister.

We know that the Government are committed to the environment, because they said so in their 151-page document “A Green Future”, but amazingly, that document made no mention of fracking. I draw the attention of the Leader of the House to a new study, “Sustainability of UK shale gas in comparison with other electricity options”, which examines the environmental, economic and social sustainability of fracking. May we have a statement on why exploratory drilling is going ahead in Lancashire when the study ranked shale gas seventh out of nine different energy sources?

May we have a statement on the UCAS data showing that the number of people applying to become teachers has fallen by a third in the past year, with 6,510 fewer applicants for teacher training in this academic year compared with 2015-16? Sadly, we need a statement from the Secretary of State for Education on why the number of teachers asking for financial support from the charity Education Support Partnership is up 40% on last year.

We want our teachers to teach our children personal, social and health and economic education. The Leader of the House will have heard about the events at the Presidents Club in yesterday's urgent question from my

[Valerie Vaz]

hon. Friend the Member for Birmingham, Yardley (Jess Phillips), in which the hon. Member for Oxford West and Abingdon (Layla Moran) and my hon. Friend the Member for Manchester Central (Lucy Powell) called for the expedition of PSHE. Will the Leader of the House please tell us when that will happen? We need that sooner, rather than later, in our schools. Will she also tell us whether the visit by a Minister to the Presidents Club was an official visit or a private one? Whether it is the Presidents Club or “All the President’s Men”, it is an abuse of power either way.

It is important to have Opposition days. In yesterday’s debate on Carillion, I and others asked a number of questions. The Minister—not the Secretary of State—came to the House to answer the questions, and he is following up on the taskforce that the TUC has asked for. The Opposition look forward to the delivery of the documents to the Public Accounts Committee. Will the Leader of the House say when they will be delivered?

Yesterday, we also had a debate on human rights, in this, the week of Holocaust Memorial Day, which is on Saturday. The Leader of the Opposition reminded us all to sign the book of commitment, which is still available to be signed between 2 pm and 4 pm outside the Members’ Cloakroom. That is a reminder that every one of the rights in the European convention on human rights, which was enacted in UK law under the Human Rights Act 1998, was systematically violated in the second world war. As the Opposition Day debate reminded us, human rights and dignity should be at the core of our society.

Andrea Leadsom: I am grateful to the hon. Lady for her questions. As she mentions, I have written to her on the subject of the ministerial list to say that it will be available as soon as possible.

On the rise of the House in July, now that I am apprised of the fact that the hon. Lady needs time for her jury service—I would not dream of delaying that unduly—I will absolutely seek to ensure that we give the matter consideration and inform the House as soon as we possibly can.

The hon. Lady asks about the motions concerning the restoration and renewal of the Palace. As I said last week—I think she agrees—we want the House to be able to take a decision. I wanted to see what sort of amendments were tabled. I think that I made it clear last week that we needed some sensible alternatives for the House to discuss, and some very sensible amendments have been tabled. I commit to undertaking to ensure that they are included in the options available to the House. Nevertheless, the important point is that the House can make an informed decision next week.

The hon. Lady asks about the Swansea Bay lagoon. As we have discussed several times in the Chamber, the project is extremely expensive compared with other forms of renewable energy. It requires a careful decision, and I know that it is still under consideration. On the subject of fracking, it is clear that natural gas provided by fracking, with some of the world’s strongest and most careful regulation, is a way forward for the United Kingdom as we move towards zero-carbon targets for our electricity generation. From where we are today, we cannot simply get rid of coal from the system—we hope

to do that by 2025—and move straight to lower carbon forms of energy generation. Gas will continue to be an important part of our transition towards a low-carbon future, and natural gas from fracking is one option that is open to the United Kingdom.

The hon. Lady raises the issue of teacher applications. There are 15,500 more teachers in our classrooms than there were in 2010. The number of teachers returning to the classroom has increased by 8% since 2010, which is good news. Experienced teachers who have taken career breaks are coming back into the classroom, and, vitally, there are more teachers with first-class degrees—highly qualified teachers who can impart information to our young people.

I share the hon. Lady’s disgust at what happened at the Presidents Club. There is absolutely no place for that type of activity. A men-only club effectively abusing young women, as reported in this story, is absolutely unacceptable. As she will be aware from the urgent question rightly asked yesterday, the question when we will introduce sex and relationship education in schools is still subject to consultation with young people themselves. It is vital that we do not guess what they want to learn about but ask them themselves, which is why we need to take the time to consult.

On Carillion, I can assure the House that its request will absolutely be upheld and the documents made available, but as the hon. Lady will know, the Public Accounts Commission already has the means to ask to be provided with such documents.

Finally, I completely share the hon. Lady’s desire to reflect the importance of human rights in everything we do—in remembering not just the appalling actions during the holocaust but the appalling civil wars and problems in our own lifetimes. Human rights must be upheld.

Several hon. Members *rose*—

Mr Speaker: Order. As per usual, a great many right hon. and hon. Members are seeking to catch my eye in these exchanges. I simply remind the House that there is a statement by the Secretary of State for Defence to follow, in which I imagine there will be substantial interest and that that will be followed by two well-subscribed debates to take place under the auspices of the Backbench Business Committee. There is, therefore, a premium on brevity from Back and Front Benches alike.

Douglas Ross (Moray) (Con): May we have a statement on the excellent employment figures released this week?

Andrea Leadsom: That was a perfect example of brevity, was it not, Mr Speaker?

My hon. Friend is absolutely right to raise this news, which should be a great pleasure for the entire House. There are 32.21 million people in work—415,000 more than a year ago—while the number of people in employment has increased by over 3.1 million since 2010, which is more than the entire population of Wales. Over 70% of this rise in employment has been in higher-skilled jobs, and unemployment has not been lower since 1971. It is great news for our economy.

Several hon. Members *rose*—

Mr Speaker: Order. I am reminded also that there is a Select Committee statement, which will not absorb a great deal of time but which is important. All that adds to the pressure on time.

Pete Wishart (Perth and North Perthshire) (SNP): On this Burns day, may I thank the great Chieftain o' the Hoose for announcing the business for next week? I join her and the hon. Member for Walsall South (Valerie Vaz) in acknowledging the huge significance and importance of Holocaust Memorial Day on Saturday.

Today we celebrate the birth of Robert Burns, Scotland's greatest poet. Just maybe we should have listened to him when he warned

“the best laid schemes o' mice and men, aft go agley”

before we started with this chaotic Brexit scheme a few months ago.

Now is not the time for “timorous beasties”. We need the Leader of the House to be braver on restoration and renewal. We cannot have a curtailment of debate and the closing down of options on these critical issues. With the huge costs involved, our constituents expect us to have sufficient time to debate them. We must make sure we have that. We must ensure that all options are fully considered. We must also hear today that there will be no attempt to curtail debate by the rejection of the amendments.

Any motion about renewal must also consider modernisation. I hope that the whole House will join my and the SNP's campaign to reclaim our time and end the ridiculous farce of wasting days of the parliamentary year standing in packed Lobbies simply to vote.

The fallout from the Presidents Club dinner continues to develop and appal. Can we have a debate about these clubs to see what more can be done to challenge the laws that sustain them and the culture that still thinks them acceptable? We are in a new era of zero tolerance for this pathetic behaviour, and now is the time to make real and substantial progress in tackling it.

Lastly, as our devolution settlement is passed to the great and the good in the House of Lords, let us remember what Burns said about the petty pomposity and sense of entitlement of those who consider themselves our betters:

“Ye see yon birkie ca'd a lord,
Wha struts, an' stares, an' a' that;
The man o' independent mind
He looks an' laughs at a' that.”

Andrea Leadsom: I cannot possibly hope to emulate that brilliant portrayal of Robbie Burns, and we heard some of his finest words. What I can say to the hon. Gentleman, in the context of his urging me to be brave, is that, when I was growing up, my wonderful step-dad, who is himself a Scot, would always say, if we were sitting around, “This'll no get the bairn a jeely piece.” I hope that is adequate as a slight rejoinder. I will not be sitting around, because we obviously want the jeely pieces.

The hon. Gentleman is right to raise the issue of restoration and renewal. We do need to make a decision, and I sincerely look forward, as I know he does, to the debate next week.

The hon. Gentleman is absolutely right to raise again the issue of the Presidents Club. It is utterly unacceptable that this kind of thing still goes on—it is actually beyond belief. My right hon. Friend the Minister for Apprenticeships and Skills, who answered the urgent question, said yesterday that she was astonished to hear that this kind of thing is still happening. How ridiculous is it that anyone thinks that this is appropriate? I pay tribute to the hon. Gentleman's excellent efforts on the working group that I chair on behalf of the Prime Minister, which is looking into bullying and harassment in this place. He really has been a stalwart champion of getting this work done, as have other members of the SNP, and I am very grateful to them for that.

Finally, we will just have to agree to disagree about the other place. In my view, as you know, Mr Speaker, its Members play a very important revising role, for which we are grateful, and they have expertise that we in this House benefit from.

Rachel Maclean (Redditch) (Con): What more can the Leader of the House do to help millions of consumers who are being ripped off through rip-off energy prices?

Andrea Leadsom: My hon. Friend raises a point that is incredibly important to so many people. The issue of energy prices, for some people, comes down to whether they can afford to heat or eat. The Prime Minister has expressed the fundamental desire to sort out the rip-off prices that some energy companies charge their most loyal customers—in other words, “If you stick with us, you'll get ripped off.” The Bill that we will be bringing forward will therefore seek to put a cap on standard variable tariffs to ensure that rip-off energy prices are a thing of the past.

Ian Mearns (Gateshead) (Lab): I thank the Leader of the House for the business statement. The Backbench Business Committee is open for business, and I would just ask Members to think ahead in terms of memorial and celebration days. I am anticipating applications from Members about International Women's Day and St David's Day—a Welsh debate—so if Members can think ahead to those important dates in the diary and bring forward their applications in a timely way, we will be able to plan well ahead.

I am glad to say that the haggis is not yet an endangered species. Even the clockwise ones, with longer legs on one side, still run round the hills very happily in all of the highlands. On Burns day, we should all be thinking about the sage words of Robert Burns, who said:

“Oh wad some Power the giftie gie us. To see oursels as ithers see us!”

Andrea Leadsom: As ever, I assure the hon. Gentleman that we do take into account the needs of the Backbench Business Committee. I know it is holding some very important and popular debates, and we will continue to provide dates as early as we can.

I share the hon. Gentleman's concern about the endangered nature of the haggis, although according to today's press, it could be possible to clone haggis in the future. However, he is right to raise the importance of getting timely notification of available days, and we will make sure that that happens.

Henry Smith (Crawley) (Con): The Government have made great strides in recent months in bearing down on unnecessary plastic waste. At airports such as Gatwick, in my constituency, as people go through security, a lot of plastic bottles are discarded. Could we have a statement from my right hon. Friend the Environment Secretary on ensuring that there are water refilling points in many places, such as airports, so that we can reduce plastic waste, which is so unnecessary?

Andrea Leadsom: All Members on both sides of the House will be delighted to see initiatives to ensure that water fountains and drinking water taps are made available at all key points across the United Kingdom. We have seen some progress towards that, and I think that that will be very welcome, not least because it will save consumers money, as well as reducing the enormous amount of plastic that finds its way into our marine areas.

Cat Smith (Lancaster and Fleetwood) (Lab): Government figures released today show that levels of rough sleeping are now the highest on record, so can we expect a statement next week about this serious issue that affects all parts of our country?

Andrea Leadsom: The hon. Lady is right to raise the appalling issue of homelessness, which no one in this Parliament finds acceptable as a way forward. The Government have signed up to the important Homelessness Reduction Act 2017 of my hon. Friend the Member for Harrow East (Bob Blackman) to ensure that we do everything possible to eradicate homelessness by 2027 and to halve it by 2022, and several homelessness reduction taskforces are going ahead to consider what more can be done. The reasons for homelessness can be complicated. It is not necessarily just about housing as it can relate to mental health, addiction and other issues.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): May we have a statement on the boundary review recommendations for constituencies, so that they can come before the House for us to ratify? Some of us are very much in favour of the proposals in order to reduce the cost of running this Parliament.

Andrea Leadsom: My hon. Friend raises a contentious point, but he may well want to seek a debate, perhaps through the Backbench Business Committee, so that colleagues can discuss the matter.

Tom Brake (Carshalton and Wallington) (LD): With £3 billion set aside for Brexit contingency planning, £200 million lost to the UK economy each week as a result of slower growth, according to Mark Carney, and £300 million being spent on new civil servants, will the Leader of the House make time available for the Foreign Secretary to come to the House to explain from where he is going to get the £350 million a week for the NHS?

Andrea Leadsom: I do not accept any of the numbers that the right hon. Gentleman is bandying about. The fact is that he should be as delighted as we are on the Government Benches at the employment numbers that belie all the claims of those who sought to keep the UK in the EU, who said that our economy would be in disastrous straits, that unemployment would rise and

that we would be in recession. None of those things has happened. The economy is growing and, importantly, more people than ever before have the security of a pay packet and the ability to feed themselves and their families.

Mark Pawsey (Rugby) (Con): May we have a debate about the provision of top-class sporting facilities? In my constituency, football supporters are concerned that Coventry City are just nine games away from homelessness—its agreement to play at the Ricoh Arena is coming to an end—and speedway fans can no longer watch their sport at Brandon because the stadium has been allowed to get into a state of disrepair.

Andrea Leadsom: I am sorry to hear that, and I understand the frustration of Coventry City supporters. Football clubs are valuable community assets, and every care should be taken to protect their long-term financial future. As my hon. Friend will know, it is not the place of Government to intervene in the fortunes of any particular club. It is for the footballing authorities to administer their sport, and this case is a matter for the English Football League.

Ruth Smeeth (Stoke-on-Trent North) (Lab): Mr Speaker, I am sure that you will be as appalled as I was to learn that half of all the tableware bought by the House last year was not made in England—never mind that it was not made in Stoke-on-Trent. May we have a debate in Government time on public procurement and purchasing post-Brexit so that we can ensure that we actually buy British?

Andrea Leadsom: I share the hon. Lady's enthusiasm for buying British wherever possible. When we leave the European Union, we will be able to look at our procurement rules. Wherever possible, where British goods are equal—in many cases, they are the best—we will be able to purchase them for ourselves.

Stephen Kerr (Stirling) (Con): On the day that we rightly celebrate the life and works of Rabbin Burns, the Stirling Smith Art Gallery and Museum, one of Scotland's iconic cultural centres, is threatened with closure by the SNP council in Stirling. May we have a statement from a Treasury Minister to confirm that the Scottish Government's budget for the coming year is protected in real terms and that it is therefore a political choice, not a necessity, for the Scottish Government to impose spending cuts on local authorities, which threatens institutions such as the Stirling Smith?

Andrea Leadsom: My hon. Friend is working with the friends of the museum to save this valuable community asset, and I understand that the world's oldest football is one of its exhibits. My hon. Friend will no doubt be aware that the Budget allocated a further £2 billion to the settlement for Scotland and that the Scottish Government can take the decision to save this asset should they choose.

Nic Dakin (Scunthorpe) (Lab): With no proper consultation, North Lincolnshire Council is reducing the number of unpaid councillors on Kirton in Lindsey Town Council and Bottesford Town Council, meaning those councils will have fewer voluntary councillors

than smaller neighbouring parish councils. Can we have a debate on the relationship between district councils and town councils?

Andrea Leadsom: The hon. Gentleman raises an important issue about local democracy. We would all like to see much greater decision making at local level, with good people coming forward to take up those posts. An Adjournment debate would be a good candidate to raise these specific issues with a Minister.

Rebecca Pow (Taunton Deane) (Con): Mr Speaker, you may or may not be aware that today is rural vulnerability day. Will the Leader of the House join me in welcoming this important new date in the parliamentary calendar that helps to shine a light on the challenges facing rural areas such as Taunton Deane? Will she find time for a debate on that issue? I would welcome her, and indeed Mr Speaker, to the event in the Palace today.

Andrea Leadsom: I am happy to share in my hon. Friend's pleasure at this new focus on rural vulnerability. Access to transport and other services can be difficult for many people living in rural areas, and of course the issue of loneliness can be more acute. It is right that we look specifically at these issues, and I am happy to support her in her campaign.

Ian Austin (Dudley North) (Lab): We need an urgent debate on homelessness and rough sleeping because the issue has exploded over the past few years not just in major cities but even in towns such as Dudley, and it has been made much worse by benefit cuts and by reductions to social care, help and support services. That is why we need an urgent debate on this issue.

Andrea Leadsom: Homelessness is an appalling situation for anyone to find themselves in, and the Government are dedicating more than £1 billion up to 2020 to tackle homelessness and rough sleeping. As well as supporting the Homelessness Reduction Act, we are looking at what more councils can do to avoid people becoming homeless in the first place. As the hon. Gentleman will be aware, the Government are now investing more than £9 billion in our affordable homes programme to ensure that we provide homes for people who are vulnerable.

Alison Thewliss (Glasgow Central) (SNP): Carole Shields of the Poverty Truth Commission in Glasgow has highlighted to me the difficulties in the transition between young people's benefits and adult benefits in the social security system. Can we have a debate on that important issue? People should not have to wait 12 weeks to transition on to employment and support allowance, as her son did.

Andrea Leadsom: The hon. Lady raises an important constituency issue. If she wants to write to me about it, I will happily take up that specific case with the relevant Minister on her behalf. This is the sort of issue she should raise at the next Question Time opportunity.

Andy Slaughter (Hammersmith) (Lab): I am still waiting for an answer to my question on what caused the Grenfell Tower fire, which I was told was imminent last autumn. Not for the first time, the question has outlasted the Minister of whom it was asked. Can we hear from

Ministers in the Department for Business, Energy and Industrial Strategy about fire safety, especially that of domestic appliances? Last Sunday they announced a new Office for Product Safety and Standards, which appears to be just a new name for business as usual.

Andrea Leadsom: I say again that we continue to be appalled by what happened at Grenfell. The hon. Gentleman will be aware that we have been working since then to make sure that people living in high-rise buildings are safe by carrying out a series of checking and testing, which includes identifying ACM—aluminium composite material—cladding and larger-scale tests to establish how different combinations of cladding and insulation materials behave in a fire. The rules on fire safety are being reviewed, and he is right to raise the importance of this issue.

Stephen Lloyd (Eastbourne) (LD): As the roll-out of universal credit accelerates, Ministers will soon be confronted with the task of transitioning people on tax credits to universal credit. They must tell us soon how people will be informed of the changes and when the draft statutory instruments will be laid. May we have a debate on how the Government will ensure that no one loses out as a result of the transition?

Andrea Leadsom: In statements and in response to urgent questions, Ministers have come to the House to explain the changes to universal credit. We need to learn all lessons so that we improve the system. Universal credit is designed to ensure that work always pays, and there is evidence that it is working. People on universal credit spend more time seeking work and are more successful in finding work.

We have also ensured that people who make the transition to universal credit can receive a transitional payment for housing, that their housing benefit can be paid directly to the landlord when necessary, and that people can receive their payments on day one of their claim, should they need that, so we have listened and made changes to the system. The transition to universal credit is now significantly improved.

Paul Flynn (Newport West) (Lab): When can we take advantage of the pragmatic and progressive views of the new prisons Minister, who has acknowledged that the crises of overcrowding and self-harm in our prisons are the result of 50 years of error by all parties? May we compare the crisis here with the situation in the Netherlands, where there is a shortage of prisoners and 19 prisons have had to be closed? Is that not the kind of problem we would like to have here?

Andrea Leadsom: I absolutely agree with the hon. Gentleman that that is the kind of problem that we want to have. He is right to mention the commitment of my hon. Friend the Minister of State, Ministry for Justice, to clean and safe prisons that are places of discipline and rehabilitation, not harm and violence. This Government gave greater powers last year to Her Majesty's inspectorate of prisons through the urgent notification system, by which specific issues in prisons can be raised immediately. We have also invested £100 million in recruiting 2,500 new prison officers, and we should be at full complement by the end of 2018. There is more to do, but progress has been made.

Catherine West (Hornsey and Wood Green) (Lab): I still have not had a reply to my question about the anti-corruption tsar. Between 2015 and 2017, the then Member for Brentwood and Ongar, Eric Pickles, was the anti-corruption tsar. Who is the current tsar, or has one not yet been appointed?

Andrea Leadsom: I am happy to write to the hon. Lady with a response.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Unlike your good self, Mr Speaker, the Leader of the House has never had the advantage of visiting the Textile Centre of Excellence in Huddersfield. It is the centre of training for the whole textile industry. Will she consider an early debate on the crisis in skills and productivity in our country?

Andrea Leadsom: The hon. Gentleman will be pleased to note that the productivity rise was greater in the last quarter than it has been since the financial crisis. There is a long way to go. Productivity has lagged since that financial crisis, and it is essential that the Government focus—we are doing so—on everything that we can do to invest in greater productivity. We have the national productivity plan, which is worth £31 billion, to ensure that we improve productivity right across the UK.

Holly Lynch (Halifax) (Lab): I am sure that everyone agrees that police dogs are an incredibly useful element of effective policing, especially in relation to firearms and drugs operations, yet following years of cuts to policing budgets across England and Wales, forces have reduced the number of police dogs by between 50% and 80% in the past six years. Will the Leader of the House outline her support for the “Don’t Ditch the Dogs” campaign, and may we have time in the Chamber in which parliamentarians can outline their support for the amazing work of police dogs and their handlers?

Andrea Leadsom: Police dogs do a fantastic job—there is no doubt about that—and I share the hon. Lady’s enthusiasm for them. She may well wish to seek a debate to enable colleagues to give their experiences and to discuss what more can be done to improve the resources available to the police, such as police dogs, that help us to tackle crime.

Diana Johnson (Kingston upon Hull North) (Lab): I am sure that the Leader of the House knows that this week the Institute for Public Policy Research North published a full analysis of transport investment in the next four years. It shows that London will receive five times per head more than Yorkshire and Humber will receive. With Crossrail 2 already so far advanced, there is nothing that can be done by Transport for the North, in its advisory capacity, to change that underfunding over the next few years. May we have a statement from the Transport Secretary about exactly what he has got against the north? Rather than denying the underfunding, he should address it.

Andrea Leadsom: The Government are absolutely committed to the northern powerhouse and to giving the great towns and cities of the north of England much more say over transport investment through Transport for the North. We are spending more than £13 billion to transform transport across the north, which is the biggest transport investment in the region for a generation.

Patrick Grady (Glasgow North) (SNP): Will the Leader of the House confirm whether there will be an opportunity for votes on the amendments to the R and R motions? I am thinking particularly of the one I have tabled with my hon. Friend the Member for Perth and North Perthshire (Pete Wishart) on finally introducing electronic voting to this House and any temporary Chamber. Surely, in the words of Burns:

“Now’s the day, and now’s the hour”.

Andrea Leadsom: I share the hon. Gentleman’s enthusiasm for a certain decision to be taken by the House. As I think I have made clear, we are determined to ensure that there are some clear decisions to be taken. The selection of amendments is a matter for the Chair, not for me, but we are looking at this carefully to make sure that proper proposals are put forward on which the House can make a decision.

Alex Norris (Nottingham North) (Lab/Co-op): This month, Nottingham City Councillor David Mellen is reading to 2,018 Nottingham children to raise funds for Dolly Parton’s Imagination Library scheme in Nottingham. Given the Leader of the House’s enthusiasm for early intervention programmes, will she join me in congratulating Councillor Mellen?

Andrea Leadsom: I am of course very happy to congratulate the hon. Gentleman’s local councillor who is working on that important programme. It is vital that we do anything we can to prepare young people for adulthood, and for a successful and emotionally secure life. For my own part, I strongly favour even earlier intervention—in the perinatal period; I just have to make that clear.

Chris Bryant (Rhondda) (Lab): I am absolutely delighted that the Leader of the House thinks that a “very sensible”—her words—amendment has been tabled to the restoration and renewal motion. I take that to mean the one that I have signed, along with the Chairs of 11 Select Committees, including several Conservatives. I hope that that means that she will be able to vote for it, because we will have a completely free vote and therefore Ministers will be free to do exactly what they want so that we make the right decision for the future of this country. Will she tell us at what time the votes will be next Wednesday?

Andrea Leadsom: I am grateful to the hon. Gentleman for putting thoughts into my mind about how I might vote. I will look at what amendments are tabled and make my decision, as will all Members, so that we reach the best solution that suits the desires of most Members. We cannot say categorically what the timing next week will be—we can never do that—but this will be the second debate on Wednesday 31 January.

Nick Smith (Blaenau Gwent) (Lab): May we have a statement on the sale of high-caffeine energy drinks, which can be harmful to under-16s?

Andrea Leadsom: The hon. Gentleman is absolutely right to raise the fact that those drinks can be harmful to young people. I urge him to seek an Adjournment

debate, which would be appropriate for that sort of subject, or to question Ministers in the next Health questions.

Jo Stevens (Cardiff Central) (Lab): This week, Cardiff airport announced its 2017 results, which show nearly 50% growth since it was taken into public ownership by our Welsh Labour Government. May we have a debate in Government time on the reform of air passenger duty, which would enable our publicly owned airport to continue to thrive?

Andrea Leadsom: I congratulate Cardiff airport on its increasing passenger numbers—that is great news. The Treasury is always looking at ways to improve economic growth in the four nations of this great country of ours. I encourage the hon. Lady to ask about air passenger duty in the next Treasury questions.

Paula Sherriff (Dewsbury) (Lab): Official figures released this week reveal that there are now nearly 22,000 fewer police officers in England and Wales than there were in 2010. My Dewsbury constituency is currently suffering a plague of car crime and antisocial behaviour that the police simply do not have the resources to manage. May we have an urgent debate on police numbers?

Andrea Leadsom: The hon. Lady will be aware that overall police funding has remained steady in real terms and that there are opportunities for police funding to increase next year, if police and crime commissioners use the precept levy that will enable them to do that. The way in which policing is managed needs to reflect new threats from cyber-crime and other types of criminal activity, yet frontline policing throughout the country as a whole has not changed—it has, in fact, slightly increased since 2010.

Vicky Foxcroft (Lewisham, Deptford) (Lab): May we have a statement on today's Office for National Statistics figures showing a 21% increase in knife crime last year. Does the Leader of the House support my call for an immediate cross-party, cross-departmental inquiry into the root causes of youth violence, not just the symptoms?

Andrea Leadsom: The hon. Lady often raises issues around youth violence, and she is absolutely right to do so. Tackling knife crime is absolutely a priority of this Government. It has devastating consequences on victims' families and, of course, our communities. Under Operation Sceptre, the Government continue to encourage police forces to undertake a series of co-ordinated national weeks of action to tackle knife crime. We hosted an all-force briefing event on Operation Sceptre on 23 January, and a record 38 police forces have signed up to take part in the next week of action, which is planned for February.

The operation includes targeting habitual knife carriers, weapons sweeps, test purchases of knives from identified retailers and the use of surrender bins. The Government launched a consultation on 14 October 2017, which has now closed, and we are looking at what more can be done to get rid of this appalling crime.

Daniel Zeichner (Cambridge) (Lab): Two years ago today—on 25 January 2016—University of Cambridge PhD researcher Giulio Regeni went missing in Cairo. His brutally battered body was recovered a week later; he had been tortured and murdered. The crime sparked international outrage and has called into question very basic academic freedoms. May we have a statement from a Minister on what the Government are doing to mark the event, and on what pressure is being exerted on the Egyptian Government to find the truth about what happened to Giulio?

Andrea Leadsom: I think that that appalling case horrified everybody who read about it in the press, and the hon. Gentleman is quite right to raise it. May I suggest that he takes it up at Foreign Office questions, when he can get a proper answer to his question?

Justin Madders (Ellesmere Port and Neston) (Lab): Mostyn House in Parkgate is a fine example of how an old building has been brought back to life. Even though some of my constituents have been living there for more than four years now, planning permission has not been granted. Despite the best efforts of the local authorities, the builder, PJ Livesey, will not do the work that is required. May we please have a debate on what more can be done to take irresponsible developers to task?

Andrea Leadsom: The hon. Gentleman is clearly raising something that is very important in his constituency. I urge him to seek an Adjournment debate so that he can get a reply from a Minister.

Jim Shannon (Strangford) (DUP): Non-governmental organisations working with Iraqi refugees from religious minorities report that those refugees have not had the same access to humanitarian assistance and resettlement support in the middle east as the majority of religious groups and people of other nationalities. Jordan, Lebanon and Turkey need to do more to ensure that Iraqi and religious minority refugees have equal access to humanitarian assistance and resettlement opportunities. Will the Leader of the House agree to a statement, or indeed a debate, on this matter?

Andrea Leadsom: The hon. Gentleman raises a very important point. The UK Government's approach is to look at need rather than religious faith, but this is an important issue, and he might want to seek an Adjournment debate so that he can get a clear answer from a Minister.

Modernising Defence Programme

11.17 am

The Secretary of State for Defence (Gavin Williamson):

I undertook to return to the House at the earliest possible opportunity to update hon. and right hon. Members on the programme to modernise defence, which the Ministry of Defence will be conducting in the months ahead.

Following agreement of the high-level findings of the national security capability review by the National Security Council, I have agreed with the Prime Minister and Chancellor that we should take forward its recommendation for a programme of further work to modernise defence to deliver better military capability and value for money in a sustainable and affordable way. This is essential if defence is to make its full contribution to national security.

The 2015 national security strategy and strategic defence and security review set out a clear ambition to ensure that the armed forces can tackle the threats that we face. It also proposed important new policy initiatives, including a stronger international approach, pursuit of innovation, modernised personnel policies and defence making a bigger contribution to our national prosperity, and we are making real strides to unlock greater efficiency and productivity.

Protecting the United Kingdom and our people remains our first priority and responsibility. As the threats we face become more complex and intertwined, we will need to work ever more closely with our NATO allies. We can also expect to remain actively involved with our partners in the Gulf in tackling shared threats to our security, and the Asia-Pacific region will become more important to us in the years ahead. The Ministry of Defence is making a major contribution to our prosperity as we procure the equipment our armed forces deserve and support defence exports, in which there have been recent successes, most notably the £6 billion Typhoon contract agreed with Qatar.

Significant events last year—the callous terrorist attacks in London and Manchester, and the major storms that ravaged British dependencies in the Caribbean—are reminders of our wider responsibilities. We need to contain threats that have their origin overseas and be prepared to react swiftly and effectively when crises arise. As we identified in 2015, this will require the joint force we are building to be versatile and agile. It will need to be capable of operating in all five domains: land, sea, air, space and cyber. It will need to be international by design, routinely exercising and operating with allies and partners. It will need to be credible and capable of operating against state and non-state threats—normally not alone but with NATO allies and other partners, but we must also be able to act on our own if and when required. It must be able to contribute to our national security at home, working with the police and other national security organisations.

While the major elements of our plans for Joint Force 2025 remain the right ones, in order to secure competitive advantage over our potential adversaries we need to ensure that we can move quickly to strengthen further our capabilities in priority areas and reduce the resources we devote elsewhere.

The Government commissioned the national security capability review to ensure that we have the policy and plans to implement our national security strategy, so that our investment in national security capabilities is as joined-up, effective and efficient as possible to address current national security challenges. A report will be published later in the spring.

As my right hon. Friend the Prime Minister said in her recent Lord Mayor's banquet speech, the threats, risks and challenges have become more complex and intertwined and have developed in areas and ways that we broadly expected, but at a much greater pace than was foreseen. The defence budget is £36 billion this year—the fifth largest defence budget in the world—and it will increase by £1 billion each year so that it will be almost £40 billion by 2021. The UK remains one of the few countries to exceed NATO's 2% spending target, and this Government have committed to continue to increase the defence budget by at least 0.5% above inflation every year. However, we must do more to ensure that we use our resources effectively and deliver the efficiencies that the Department has committed to, so that they can be reinvested in the capabilities we require for our armed forces.

It is for these reasons that I have agreed with the Prime Minister and the Chancellor to launch the modernising defence programme so that we can strengthen and modernise the armed forces to meet the threats that the NSCR identified. Modernising defence will allow us to deliver better military capability and value for money in a sustainable and affordable way, and it will allow us to ensure that defence capabilities complement other national security capabilities in the most effective way. I am determined to realise this goal through a modernised, more productive and more effective joint force that can deter threats more effectively and ensure that we can deliver what is required of defence today and succeed in any future conflicts. Turning this approach into reality will be my key goal for the modernising defence programme.

This programme will involve four strands of work. The first three will optimise how the MOD is organised and is operating, identify further efficiencies and ways to be more productive, including through an aggressive programme of business modernisation, and improve our performance on the commercial and industrial issues. The fourth strand will look at the capabilities that defence requires to contribute to our three national security objectives today and in the future, but also, most importantly, to understand the ever-changing threats that this country faces. I am determined to use the modernising defence programme to ensure that defence can make its full contribution to our national security on a sustainable basis.

I will speak to right hon. and hon. Members about this programme of work on a very regular basis, and I will keep the House updated as decisions are made. In the meantime, I would warmly welcome any contributions that right hon. and hon. Members would like to make. My Department and I will be consulting beyond the House as this programme of work gets under way in the weeks ahead.

Protecting our national security and the safety of the British people both at home and abroad remains the Government's first priority. Let us make no mistake—the world is becoming a more dangerous place. We cannot afford to shy away from this reality, nor can we take our

security for granted. But even more than that, in a post-Brexit world Britain must continue to champion the global good. It must continue to reach out to seize global opportunities and deal with global threats. Our history teaches us that we cannot have prosperity without security. To protect that prosperity we must have armed forces primed and ready to tackle the challenges to come.

11.26 am

Nia Griffith (Llanelli) (Lab): I am sure that I speak for Members across the House in paying tribute to the dedication of our armed forces.

I thank the Secretary of State for his statement and for advance sight of it. However, I respectfully say, Mr Speaker, that the way in which this statement has been arranged by the Government has been shambolic from start to finish, and utterly discourteous to right hon. and hon. Members, some of whom may be elsewhere today because of explicit and repeated assurances by the Government that the statement would come on Monday. I am sure you have noted, Mr Speaker, that Members first heard news of this announcement when it was briefed to journalists on Tuesday afternoon, without so much as a written statement in this place. Then we had the complete farce of yesterday when the Government indicated that they would make a statement, then it was off, then it was on, and finally it was off again, with a full update promised on Monday. Clearly, the new facility to combat fake news is badly needed. [HON. MEMBERS: "It was yesterday."] I am talking about 7 o'clock yesterday. I does not fill me with much confidence about the conduct of this review that its origins have been so mired in chaos.

We do welcome the decision to separate out the modernising defence programme from the national security capability review, but the decision to hold a separate defence review must not simply be an excuse to kick the difficult decisions facing the defence budget into the long grass. This week we heard grave warnings from the Chief of the General Staff about the threats that this country faces. There has been growing concern that the Government's savage cuts to our nation's defences have left us ill equipped to respond to those threats.

The measure of this review will be in the detail. I hope that the Secretary of State will be able to give us some specific answers today. Turning to the most important question, will the review be fiscally neutral? We know that much of the concern about the NSCR was that it was being carried out within the same funding envelope as the spending review. But if this review identifies that additional spending is necessary for the security of our nation, will the Government step up to the plate? Surely the Secretary of State must agree that it would be pointless to have a review that finds we need additional equipment or increased personnel only for the Government to ignore that recommendation. We cannot do security on the cheap, and it is high time that the Government recognised that. Yet the statement makes reference to "further efficiencies" being carried out as part of this review, raising the spectre of yet further cuts.

Crucially, how does this review fit into the work being done by the National Security Adviser? Are any recommendations he may have made on defence as part of the NSCR to be carried over into this review, or is it a

case of starting from scratch? When it comes to threat assessments, will the modernising defence programme and the NSCR have a common view of the most significant threats?

Will the planned numbers or targets for our armed forces change, and if they do, will there be changes to planned structures and ongoing restructuring? Similarly, does the Defence Secretary foresee this review having an impact on the better defence estate strategy and future basing arrangements? Might it include the cancellation or downscaling of procurement plans, and if so, how will industry be involved in the process? Finally, what is the planned timetable for this review, and when will it be published? It is vital that our serving personnel are not kept in limbo about their future, but can be assured about when they will get answers.

This review represents an important opportunity for a step change in the Government's approach to defence policy. We all hope that the Defence Secretary will use this chance to deliver real investment in our nation's defences and the resources that our armed forces so badly need.

Gavin Williamson: I take on board the hon. Lady's comments about the organisation of future statements, and I commit to improve on that.

I thank the hon. Lady for welcoming the review that we have brought about. She mentioned the Chief of the General Staff's comments. I think it is very important that the people who lead our armed forces can have a voice and speak about the threats this country faces. We spent 20 years feeling that the threats this country faced may have disappeared, and we got used to not facing peer enemies. That is not the world we live in today, and it would be irresponsible not to talk about such threats. The British people must understand the challenges that our nation is facing and what the armed forces are dealing with every day.

The hon. Lady asked whether the review aims to be fiscally neutral. No, it does not. It will look at how we can get the armed forces we need to deal with the threats that we face. The Government are absolutely committed to delivering the very best armed forces, and many Government Members and Opposition Members are equally committed to that. I very much hope that they will continue to support the Ministry of Defence and the armed forces in the work we are doing to get the very best armed forces for future generations.

The hon. Lady asked when the review will be published. My aim is to publish it in the summer, and my hope is to do so before the House rises for the summer recess. I very much emphasise that we want to hear people's views. The armed forces will always need to change and evolve. She asked a question about what I said about efficiencies. I think every organisation in the Government should be looking at how it can do things better and more efficiently, so I do not apologise for saying that the Ministry of Defence can do things better. I want it to do better and to drive efficiencies so that the money can be put into the frontline for our armed forces.

Let us not be hesitant about coming forward with ideas. If the hon. Lady has some ideas about how she thinks this could be done better, she will always find me very keen and willing to listen to them. I once again thank her for welcoming the review, and I look forward

[Gavin Williamson]

to working with her and with all Members of the House in trying to make sure that this review very much works for our armed forces.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): May I welcome my right hon. Friend to his place? I have sat in this place for 25 years—as you know only too well, Mr Speaker—and, sadly, I know that every Government bring forward another statement about modernising the armed forces, but invariably end up spending less money on the armed forces, while leaving them under the same pressures.

May I urge my right hon. Friend, in the conduct of his office, to please learn from previous mistakes? For example, when we went into the Bosnia area we had a “just-in-time” equipment policy based on supermarkets. That was very modern, but it ended up with tanks up on the side of the road with no equipment because we could not get it to them “just in time”. War is an expensive and wasteful business. Will he please ensure that we do not repeat the nonsense of people saying, “You can modernise,” when actually they mean, “You cut”?

Gavin Williamson: History teaches us many lessons, and we will try to learn as many of them as possible. My right hon. Friend has a lot of personal experience of the armed forces, and I welcome his contribution and thoughts on the review. We want the best armed forces possible. This is not an operation to take money off the armed forces; it is about ensuring that we get the armed forces and the support that we need, and recognising that they do the most amazing job for our country. That is what we hope to achieve as part of this review.

Stewart Malcolm McDonald (Glasgow South) (SNP): I thank the Defence Secretary for advance sight of his statement, but the public must understand the farce that we went through yesterday to get to this point. This statement was on, it was off; it was maybe on, then it was definitely off. It was to happen next week, then we learned that it was happening today—better late than never, I suppose. We must also stop reading about these reviews in *The Times*, and he must endeavour to come to the House more often, rather than allowing leaks to newspapers. [Interruption.] I realise he is here now, but hon. Members know exactly what I am referring to.

Let me ask a couple of questions about the statement. Will the right hon. Gentleman expand on this week’s announcement about the new disinformation unit. Again, we had to read about that in the newspapers and he did not mention it today. If this review is not to be fiscally neutral, will he confirm that that is a departure from what Sir Mark Sedwill told the Defence Committee in a letter in which he said that it would be fiscally neutral? If it is not fiscally neutral, can members of the armed forces expect a pay rise when the review concludes? How will the review deal with Russian activity in and over the north Atlantic? Given what the right hon. Gentleman said about wishing to engage with Members, will he agree to meet me to discuss that issue? When he comes to report on this review in the summer, will he commit to handling it a lot better than he handled things yesterday?

Gavin Williamson: The hon. Gentleman seems to think that the British public are really interested in the tabling of statements. I think they are interested in the fact that the Government are acting to ensure that our armed forces have the resources and everything they need. The review does not aim to be fiscally neutral—that is why we brought it out of the national security and capability review, which is a separate review mechanism. Sir Mark is doing an amazing job on the NSCR, which he outlined would be fiscally neutral, and this review has led on from that. I would be more than happy to meet the hon. Gentleman to discuss his wider issues and concerns about the north Atlantic.

Sir Michael Fallon (Sevenoaks) (Con): Is my right hon. Friend aware that he will have the support of the whole House if he manages to secure additional funding for the pressures this year and next, and then puts the defence budget on a more sustainable footing that allows our armed forces to tackle the increased threats that they face, without demoralising rumours of “deep cuts”? The words used here are interesting and important, but what really matters in the end is money—more money.

Gavin Williamson: I thank my right hon. Friend for all that he has done for our armed forces. Without his work and campaigning, we would not today have a rising budget, with £4 billion of extra resources committed to our armed forces by the Government. I will take on board his comments. His article in *The Daily Telegraph* today sets absolutely the right tone and approach for how to take things forward. I hope I have the opportunity to sit down with him to discuss how we get the balance right and ensure that we achieve everything that he has set out and built on for our armed forces over the past four years. We must look at getting additional resources for our armed forces so that they have the capability to protect and truly defend Britain’s global interests, both near and far.

John Spellar (Warley) (Lab): My reaction to this much heralded, hokey-cokey statement is, is that it? Although the voice was Williamson’s, the hands were clearly Hammond’s. Will the Secretary of State confirm whether the programme is still fiscally neutral? Why does it not say that increases in security expenditure will not be at the expense of defence? Why does it rehash the same old tired call for so-called and unspecified “efficiencies”? Why will he not just confirm that the winner is in fact the Treasury and its view that there are no votes in defence? In spite of his warm words, will not the real losers be our superb troops, our excellent defence industry, and the defence and security of our nation?

Gavin Williamson: I apologise if the right hon. Gentleman did not hear me. There is not the constraint of the programme being fiscally neutral; we are looking at what we can do and how we can deliver it to the best of our ability. I am very grateful to both the Chancellor and the Prime Minister for all they have done to work towards the position where we can put forward this programme and have the opportunity to look at the needs of our defence industry and establishment.

Mr Keith Simpson (Broadland) (Con): I have every sympathy with the Secretary of State: over the last two days when this was going to be announced, it was the old Army motto “knickers on, knickers off”, which many of us are familiar with.

A number of colleagues, including my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), have pointed to the crucial matter of money. Twenty years ago, the Labour Government carried out an enormous strategic defence review, which on the whole was well received, but it was never funded. Has the Secretary of State any confidence at all that his recommendations will actually be funded by the Treasury?

Gavin Williamson: Yes; I very much hope that the recommendations of the programme will be listened to closely by the Prime Minister and the Chancellor. Its whole aim is to give the armed forces the opportunity clearly to set out our case for the resources that we need going forward.

Ruth Smeeth (Stoke-on-Trent North) (Lab): The last 48 hours may have been somewhat chaotic, but I am more concerned about the last two months. There has been rumour after rumour and speculation undermining not only our global reputation, but the confidence of our serving personnel about their future.

There have been rumours about the Parachute Regiment merging with the Royal Marines and the end of amphibiousness—all this has been nonsense. Will the Secretary of State give us assurances that we will stop seeing such rumours on the front pages of the newspapers and be informed about what is happening? More importantly, what is happening with the review and where is the threat assessment coming from? What will the terms of reference be and when will we see them?

Gavin Williamson: There has been an awful lot of speculation over the past few months and virtually all of it has been proved to be completely untrue. I will continue to keep the House updated on progress, as I promised to in my statement. I will do everything I can to make sure that the armed forces, as well as the House, are listened to as we develop the programme going forward.

Dr Andrew Murrison (South West Wiltshire) (Con): There is real logic in separating out the security and defence reviews that the Secretary of State has referred to, but going forward, things such as cyber, intel, asymmetric warfare and drones will touch on both security and defence. How will he distinguish Sir Mark Sedwill's review from the one that he has announced and will lead?

Gavin Williamson: We will be continuously working very closely with Sir Mark—given that a great deal of work has already been done on the NSCR, it would be crazy for us not to do that. What the review identified was that more work needed to be done on the Ministry of Defence budget. If the exercise were fiscally neutral, it would not have been possible to deliver in such a way. We will be working closely with the Cabinet Office to ensure that everything that we have done sits within the priorities of the National Security Council. As for cyber-attack, the Ministry of Defence itself leads on aspects of that. All the work across all those realms is done in conjunction with all the parts of our national security infrastructure—GCHQ, MI5 and MI6. It is essential that that continues going forward.

Dan Jarvis (Barnsley Central) (Lab): Given the Secretary of State's desire to consult, I think that there would be merit in his coming along to the Joint Committee on the

National Security Strategy so that we could dig into the detail of his announcement more thoroughly. Does he agree, however, that quantity has a quality all of its own, and that, given the threats that we know we face, any further reduction in armed forces personnel would be extremely unwise?

Gavin Williamson: We have made a commitment in relation to the size of our armed forces. I think there is a strong argument that we need forces with not just the very best equipment but mass, if we are to be able to deploy.

Bob Stewart (Beckenham) (Con): On Monday, General Sir Nick Carter, the Chief of the General Staff, stated that the Russians could go to war far more quickly than we had previously thought. Will my right hon. Friend allow consideration, and some support, to leaving, say, a brigade in Germany, so that we would be closer to where the battles may well be?

Gavin Williamson: We are very much looking at that option. We need to ensure that forces that are even further east can be properly resupplied and supported.

John Woodcock (Barrow and Furness) (Lab/Co-op): I think the whole House will congratulate the Secretary of State on taking the review out of the straitjacket, but is there a risk that the submarine programme—in particular, funding for Astute boat 7, which has not yet been priced—could be diverted by the review?

Gavin Williamson: It is too early in the process for me to be able to comment on that, but I will look into the issue and come back to the hon. Gentleman. Obviously, the whole point of the programme is to look at things afresh. However, we have commented fairly regularly on the increasing threat that we face in the north Atlantic, which has been raised by Members. We must ensure that we have submarines that are able to operate in and defend the north Atlantic.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I thank my right hon. Friend for delivering good news to the House, and congratulate him on leveraging the somewhat unexpected and sudden nature of his appointment to the advantage of Her Majesty's armed forces and the Ministry of Defence. Leveraging control over the defence review back to the Department for the first time since 2010 represents a return of sanity, because the current defence review is proving undeliverable, which shows what happens if policy is divorced from the Department that has to deliver it.

Gavin Williamson: My hon. Friend makes an important point about this programme being led by the Ministry of Defence. Our armed forces should be leading the programme, because they have the greatest understanding of what is needed, and what support they will require to be most effective going forward.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): We all welcome the impending completion of our splendid new aircraft carriers, HMS Queen Elizabeth and HMS Prince of Wales, but there is some indication that we have insufficient Royal Navy surface warships—frigates and destroyers—to provide a protective screen for those magnificent ships in conflict. How will what the Secretary of State has announced sort that one out?

Gavin Williamson: My predecessor made it clear that we would invest in Type 26 and Type 31 frigates to ensure that that protective screen would surround those magnificent aircraft carriers, of which everyone in the United Kingdom is so proud.

Kevin Foster (Torbay) (Con): I welcome the Secretary of State's statement and its upbeat tone. We have had a lot of discussion about threats from the north Atlantic and Russia; will he confirm that we will also look at the threats east of Suez, as, with Brexit, more of our trade will depend on that part of the world?

Gavin Williamson: One of the key elements of this programme is looking at how we can use defence to increase the prosperity of the nation. We talk about global Britain and about international diplomacy, and our armed forces are virtually always the best diplomats, because when others see British forces—whether the British Army, the Royal Air Force or the Royal Navy—they perceive them as a real symbol of Britain's reach and what we can achieve in the world, and we will certainly be looking far beyond Suez.

Tony Lloyd (Rochdale) (Lab): The Defence Secretary knows that nobody in the House today believes our defence forces are anything other than underfunded, but against that background and if he is to have the meaningful conversation with the nation indicated in his statement, will he give early consideration to publishing the terms of reference and the perception of the changing strategic threats that this nation of ours faces?

Gavin Williamson: The NSCR will be looking at producing a document explaining how it sees the changed threats and how we should respond to them, and that will be in the public domain. We need to have a more active debate—we all encourage that—because the threats we are facing are developing very quickly. Just five years ago, Russia was not seen as a real threat to our national security. We have to start talking about it. If we do not talk about it, people do not understand those threats. I will certainly be encouraging that debate going forward.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Given the nature of the increasing tensions with Russia, which my right hon. Friend has alluded to, will he give me an assurance that the size and frequency of British rotational deployments to Poland will increase under this review?

Gavin Williamson: Just before Christmas, I had the opportunity to visit our troops stationed in Poland. We are not currently looking at increasing the number of troops in Poland, but we are always talking very closely with our NATO partners; they are on a six-month rotation, which seems to suit matters currently, but we will keep that under review.

Paul Flynn (Newport West) (Lab): Is not the wild and petulant infantilism of the statements by our world leaders a great threat to the security of the world, and does not history tell us that the greatest accelerant to war is an expectation of war, which we are fuelling at the moment? Would it not be far better for us to look to

the great work we could do now in peacekeeping on the border in Bangladesh, rather than be thinking of war making?

Gavin Williamson: We are one of the most active nations in making sure we bring peace right across the globe. We have a great history and we should take great pride in everything we have achieved in the past, and I have no doubt we will achieve in the future. But we have to understand that people who are threatening Britain do not respect weakness; if we were to disarm, or get rid of our nuclear deterrent, or diminish or get rid of our conventional forces, that would make them no less likely to attack us. We have to have an effective deterrent, and that is not just a nuclear deterrent; it is a conventional deterrent as well.

Alan Mak (Havant) (Con): Innovative defence technology firms, particularly in the small and medium-sized enterprises sector, can play an important role in making sure our armed forces have access to the best possible equipment. As my right hon. Friend's review proceeds, will he ensure that SMEs' role in procurement is seriously considered?

Gavin Williamson: My hon. Friend has done a lot of work on the fourth industrial revolution, and we must ask how we can harness those new technologies to give our military the constant advantage going forward. The battlefield is changing incredibly rapidly, and if we can work with SMEs, we need to do more of that because some of the greatest and most innovative ideas come from those businesses. I appreciated the time my hon. Friend took to speak with me about some of the work being done in his constituency of Havant and look forward to working with him further to make some of those ideas a reality.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I welcome the review, which postpones possible defence cuts, but the longer the uncertainty goes on, the harder morale will be hit. Will the Secretary of State now reassure Plymouth serving personnel and their families that the Devonport base, HMS Albion, HMS Bulwark and the Royal Marines will not be cut in the further efficiencies that he has just announced?

Gavin Williamson: We have outlined in the programme the fact that we need to do this quickly. We are conscious of the concerns that many people in the armed forces have expressed, which is why we are committed to ensuring that we report back before the summer recess.

Mrs Pauline Latham (Mid Derbyshire) (Con): The Secretary of State might not realise that, although Derby is as far from the sea as anyone can get, we have a very strong relationship with the submariner associations. The submariners are our unsung heroes: they are under the sea for months at a time. Will he ensure that they form an essential part of this review and that they are looked after? And do not forget that our submarines are powered by Rolls-Royce engines from Derby.

Gavin Williamson: And very fine engines they are! We have had a continuous at-sea nuclear deterrent for almost 50 years. The work of our submariner force inevitably goes unnoticed—that is the aim—but what they do to

protect our country is truly magnificent. Without their commitment and dedication, the country would be a lot less safe.

Patrick Grady (Glasgow North) (SNP): This is the first chance I have had to welcome my former opposite number from the Whips Office to the Dispatch Box. May I ask him at what point Trident would become a burden on the defence budget, or indeed on the budget of the whole country? Surely, if it takes up a greater proportion of our defence spending, it will put pressure on conventional forces and put us in harm's way, rather than keeping us safe.

Gavin Williamson: I dearly miss my former honourable counterpart and the work that we did together as Chief Whips. The continuous at-sea nuclear deterrent is a vital part of our defence and we should never see it in isolation. People often talk about it without recognising that it is part of the whole spectrum of deterrence, involving the infantry, Royal Navy frigates and destroyers, Royal Air Force helicopters and fast jets and the British Army itself. The continuous at-sea nuclear deterrent is an integral part of all that, and if we got rid of it, we would make Britain less safe. We have to have it. I would have thought that the hon. Gentleman welcomed it, because it brings an awful lot of wealth, prosperity and jobs to Scotland. On this side of the House, we are very proud of that.

Rebecca Pow (Taunton Deane) (Con): I welcome the Secretary of State's statement. Does he agree that it is vital to have the flexibility to support our allies when required? I particularly want to highlight the flexibility of the Royal Marines—40 Commando is based in my constituency—not just to provide security but to help the community, for example, in times of floods and hurricanes.

Gavin Williamson: I note my hon. Friend's comments about the flexibility of the Royal Marines. She is right, but this applies not only to the Royal Marines but to the Parachute Regiment and to every part of the British Army, the Royal Navy, the Royal Air Force and the Royal Fleet Auxiliary. We saw how they stepped up at a moment's notice in the Caribbean to deliver relief to tens of thousands of people, and we see them stepping up to the plate every year when tragedy hits different parts of the United Kingdom. We are very proud of that, and it is an essential part of what they do and will continue to do.

Diana Johnson (Kingston upon Hull North) (Lab): My constituents have raised with me the importance of sovereign capability—that is, retaining the ability to produce in this country the equipment that we need for our armed forces. What importance does the new Secretary of State put on that?

Gavin Williamson: I put a great deal of importance on it. I want us, wherever we can, to purchase products that are manufactured here in Britain. We also have to look at manufacturing products that we can sell not just to the Ministry of Defence but right across the globe. The larger the product portfolio that we can sell to the Gulf, Europe and the United States, the better it will be for British industry.

Dr Matthew Offord (Hendon) (Con): As part of his review, will the Secretary of State make certain that, thanks to the innovation of British enterprises, we have the most modern weapons for our ships, tanks and planes?

Gavin Williamson: Absolutely. This is where we have the opportunity to embrace new technology to make our armed forces more effective in what they do. If we stand still, our enemies will overtake us. In this country, we have some of the most innovative companies, some of which have never before sold to defence, and we have to make use of that innovation.

Cat Smith (Lancaster and Fleetwood) (Lab): I had hoped to ask the Secretary of State for reassurance for the service personnel and the many thousands of people across Lancashire who work in the defence industry, but I am aware that many colleagues were expecting this statement to be made on Monday and they are not in the Chamber today. Will the Secretary of State's door be open to colleagues who are not here today because of the hokey-cokey nature of this statement, and will he meet them?

Gavin Williamson: I will always meet them. Jobs in Lancashire are close to my heart, and I was very proud to sign a deal with the Qataris for the largest Typhoon order in more than a decade. We need to be doing more of that. How can we sell more Typhoons, more Hawks and more equipment around the globe? I look forward to working with Members on both sides of the House to make sure that the British defence industry continues to thrive and prosper.

Stephen Kerr (Stirling) (Con): I congratulate my right hon. Friend on his statement. What does he believe will be the outcome of the review on the vital issues of recruitment and retention?

Gavin Williamson: I do not want to prejudge the programme just yet, but we need to give people the real confidence and belief that the armed forces are treasured and valued by everyone in this country. We need people to realise that if they join the Army, the Navy or the Air Force, they will have not just a great career but the best possible career that anyone could ever have. I hope that the programme will give them the confidence that a career in our armed forces is the best career that they can pursue.

Gavin Robinson (Belfast East) (DUP): It is great to see you back in the Chair, Mr Deputy Speaker.

I believe that the Secretary of State is seized of the danger of continually augmenting our threat assessments and losing capacity, only to find that old threats are renewed. As he looks to modernise this country's defence capability, may I urge him to look closely at Northern Ireland? Not only does my constituency have the UK's largest dry dock, which is suitable for Queen Elizabeth class carriers, but the city is home to the latest ECIT and CSIT cyber-security centres. Northern Ireland has never been found wanting when it comes to personnel or procurement opportunities, and I urge him to look to us.

Gavin Williamson: We owe a great debt to Northern Ireland. It contributes 7% of our armed forces—a percentage that is far greater than its population as a proportion of the UK's—in the Regular Army and the reserves. I will have Northern Ireland at the forefront of my mind. I am not sure whether the Democratic Unionist party is suggesting that a third aircraft carrier should be built at Harland and Wolff. It is absolutely vital that we work together to make sure that a part of the United Kingdom that has continuously played such an important role in our national defence carries on doing so.

Matt Warman (Boston and Skegness) (Con): I welcome this statement. The cyber-threat that we face is novel and unprecedented, and I welcome its presence in the statement. It is not simply about state and non-state actors hacking our infrastructure and our businesses; it is about the spread of disinformation. Can my right hon. Friend say a little about what consideration the review will give to that new way of directly reaching our citizens?

Gavin Williamson: The National Security Adviser is leading on much of this, and I do not want to pinch other aspects of the national security capability review. I would struggle to get away with outlining some of the things that we want to do without breaching national security. I hope that my hon. Friend will forgive me for evading his question.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his statement and promise of a review. Recruitment to the services has fallen to such an extent that more personnel now leave than are recruited.

Those who know, in the Army, Navy and Royal Air Force, tell me that reopening Army recruitment offices on the high street would increase recruitment. Will he as a matter of urgency consider the reintroduction of high street recruitment centres to increase the numbers and then deliver the defence modernisation around the soldiers recruited?

Gavin Williamson: We are looking at that option. We have seen an upturn in the number of people applying to join the British Army—up 15% this year—but we are happy to look at all ideas to make sure the right number of people are applying to join our armed services, so that they can operate effectively.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I wish you, Mr Deputy Speaker, and the Secretary of State a very happy Burns day. Tomorrow evening, I will be addressing a Burns supper in the wardroom of HMS Nelson. When I stand up, will I be able to confirm that the review will remain in the sole command of the Secretary of State and that, in conducting it, he and his staff will be fully aware of the critical importance of our senior service's capabilities, especially its amphibious capabilities, about which there has been some concern of late?

Gavin Williamson: I can give clear confirmation that the review will remain in the hands of the MOD. We are driving this review and programme of modernisation. The Prime Minister and everyone else think it right that the MOD do this. It is the first time we have done it this way since 2010, and I hope that as a part of it we will get the right answers.

Points of Order

12.6 pm

Dr Julian Lewis (New Forest East) (Con): On a point of order, Mr Deputy Speaker. First, may I say what a delight it is to see you back in the Chair? Have either you or Mr Speaker been given notice by the Chancellor of the Exchequer that, in view of the important call by the former Secretary of State for Defence that we spend 2.5% of GDP on defence, he will be coming to the Chamber to announce an increase in the defence budget, so that the present Secretary of State can put it to good use?

Mr Deputy Speaker (Sir Lindsay Hoyle): I can assure the right hon. Gentleman that I have had no such indication, and Mr Speaker has not passed one on to me either. The good thing, however, is that his comments are on the record, and I am sure that someone will be letting him know the outcome shortly.

Diana Johnson (Kingston upon Hull North) (Lab): On a point of order, Mr Deputy Speaker. It is very good to see you back in your place. It was July 2017 when the Prime Minister announced a public inquiry into the contaminated blood scandal, the worst treatment disaster in the history of the NHS. It is now nearly the end of January 2018 and we still do not have a chair, terms of reference or any indication of when it will be established. Have you been given any indication by the Government of a statement or announcement of what will happen next with this long-awaited public inquiry?

Mr Deputy Speaker: I have been given no such indication, but I know that the hon. Lady will be taking up other avenues to pursue the matter. Her comments on this important matter are on the record, and I am sure the Government will be looking at it.

Stewart Malcolm McDonald (Glasgow South) (SNP): On a point of order, Mr Deputy Speaker. Again, it is a pleasure to see you back in your place. We have just had the statement. Many Members—those who are here and those who are not here—feel deeply aggrieved at the way it has been handled. You will know, Mr Deputy

Speaker, about the shenanigans yesterday: the statement was on and off several times. Worse, in a debate yesterday morning, the Minister for the Armed Forces assured Members that the statement would be happening next week, not this week. I was also given an assurance by the Leader of the House that it would happen next week. I welcome the fact that it has come early, but the Government's jiggery-pokery has been deeply unedifying and discourteous to Members. Can you give us an assurance that the Ministry of Defence will not do this again, and can you advise Members on how to ensure that, when Ministers report on the review in July, as they hope to do, the same thing will not happen and they will not trick Members into thinking that a statement is not forthcoming when it actually is?

Mr Deputy Speaker: What I can say is that it is not for the Chair to decide when the statement will come; it is up to the Secretary of State when they decide to do it. I recognise that there has been a lot of frustration. I am sure that will have been taken on board. I am sure that the usual channels can begin to have a conversation to try and ensure that all parties do not feel aggrieved. I am sure this is something that has been taken on board, but I can assure you that it is not for the Chair to decide when the statement will come. Recognising that the House is frustrated, and that this is an important matter, I am sure that this was not done deliberately.

Dr Julian Lewis: Further to that point of order, Mr Deputy Speaker. I am sorry to come back again, but I happen to know that there was a strong wish on the part of the Secretary of State for Defence and his team to make the statement yesterday. The only reason it was not made was so as not to cut into Opposition day time. I do think that should be borne in mind.

Mr Deputy Speaker: What I would say is that I do not want to pursue the debate. I know there were various discussions yesterday. In the end, the statement came today. I do not want to get into how it was arrived at. I think that is something that was done, quite rightly, with Mr Speaker. It is where we are at now, and I am not going to pursue this in any other way, other than to say that the statement has been heard. Let us move on from that.

Ministers' and Officials' Conflicts of Interest

PUBLIC ADMINISTRATION AND CONSTITUTIONAL AFFAIRS COMMITTEE

Select Committee statement

Mr Deputy Speaker (Sir Lindsay Hoyle): We now come to the Select Committee statement. Mr Bernard Jenkin will speak on his subject for up to 10 minutes, during which no interventions may be taken. At the conclusion of the statement, I will call Members to put questions on the subject of the statement and call Mr Bernard Jenkin to respond to those in turn. Members can expect to be called only once. Interventions should be questions, and should be brief. Front Benchers may take part in questioning.

12.11 pm

Mr Bernard Jenkin (Harwich and North Essex) (Con): It is the role of the Public Administration and Constitutional Affairs Committee to oversee the UK's changing constitution and the efficacy of the civil service and the machinery of government. Within that, PACAC covers matters of ethics and propriety in Whitehall, overseeing the work of the Committee on Standards in Public Life, the ministerial code, the special advisers code, the civil service code and the work of the Advisory Committee on Business Appointments, which oversees the rules governing departing Ministers and Crown servants when they take up outside appointments.

PACAC has defined its overriding purpose as being "to conduct robust and effective scrutiny in order to help create conditions where the public can have justified confidence in public services/government."

In that context, just before the election, in April 2017, PACAC published a new report on ACOBA, entitled "Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action". That followed a report published in 2012 by our predecessor Committee, which recommended replacing the existing business appointment rules with a statutory system. The main recommendations of that report, and of our more recent 2017 report, have been flatly rejected by the Government. I am afraid that many people believe that to be hopelessly complacent. PACAC is therefore announcing in its supplementary report, published today, that we intend to hold a further inquiry into these matters.

The way we manage conflicts of interest arising where former Ministers and Crown servants leave the Government to take up jobs elsewhere really matters. There is a constant stream of embarrassing stories in the media about the so-called revolving door between employment in the public and private sectors, suggesting that people misuse the advantage of a job in Government to get lucrative jobs outside. Although many of these stories may be unfair, the situation is deeply corrosive of public trust in our system of democracy and Government because the present system of oversight fails to provide adequate assurance.

For example—I will name only one Department as an example, but this includes every Department—a constant flow of Ministry of Defence civil servants, and

of senior officers from the armed forces, finish up working in the defence industry. A similar situation occurs in other Departments. No one should assume that there is automatically anything wrong with that, but there needs to be an adequate system of assurance that there is, indeed, nothing wrong, and that we are not fostering an over-permissive attitude. The expectation of many people—even of some Ministers—is that this is the new normal and that everybody does it.

We acknowledge, and I pay tribute to, the hard work of the ACOBA board—the chair and the secretariat—but PACAC's 2012 and 2017 reports can be described only as excoriating. In 2017, PACAC concluded:

"ACoBA, in its current form is a toothless regulator which has failed to change the environment around business appointments."

That is because ACOBA lacks power and resources, and its remit is much too limited. It is not a regulator—it is merely advisory, with no sanctions for non-compliance—and there are regular instances of the business appointment rules being ignored.

Furthermore, serious gaps exist in ACOBA's monitoring process, so while we know about some high-profile cases, we have little idea about the scale of non-compliance. That has got worse since the Government removed ACOBA's responsibility to monitor and report applications from Crown servants below SCS3 in 2010. Departments are meant to post half-yearly data on their websites to show when advice has been given to applicants at SCS2 and 3 levels, but this data has become patchy. We just do not know how many civil servants below SCS3 level who have performed important roles in respect of policy formation and commercial relationships end up in a position to draw on inside information or their Government contacts after they leave the civil service.

In the period between PACAC's two reports, the challenge has escalated, with increased numbers of public servants and Ministers moving between the public and private sectors. There have also been a number of high-profile cases, leading to declining public trust in a system that was designed to promote public confidence. A personal observation is that the magazine *Private Eye*, from which we took evidence, frequently appears to do a better job of policing the business appointment rules than does the advisory committee itself.

It is essential that steps are taken to ensure that the ACOBA system is swiftly improved. In PACAC's more recent report, we set out a number of new recommendations in relation to how that could be done without resort to statute, although we recommend that a cost-benefit analysis of statutory regulation should be conducted. The Government have rejected statutory regulation on the basis that it would be too costly, but they refuse to do the cost-benefit analysis.

PACAC recommended that the Government provide ACOBA with the powers and resources necessary to actively monitor and enforce compliance with the rules. There should also be a substantial increase in transparency regarding ACOBA's decisions, and that should be done by Department. Applications should be published on receipt and not just when they are approved. That might reduce a lot of ACOBA's unnecessary workload.

Most importantly, the business appointment rules should be fundamentally changed. A system to manage conflicts of interest needs to be more than just a code of rules and declarations. A principles-based system, if it

is effectively taught by leaders and learned by everyone so that it is intrinsic to public service, would create a new and different expectation that individuals will act with integrity, encouraging people to regulate their own behaviour and attitudes according to those principles.

Our report recommends a substantial change of emphasis in the ministerial code and the civil service code to highlight the values and principles that should guide attitude and behaviour. We need to instil an expectation of integrity in individuals' decisions. That, combined with independent checks, could effectively foster a substantial improvement in attitudes and behaviours. Evasively, the Government responded that the essence of those principles and values is already embedded in the code, but they are not explicit enough. We need a change of heart, and we need a stronger system—otherwise public confidence will continue to be eroded.

Christian Matheson (City of Chester) (Lab): I thank the hon. Gentleman and his Committee for their powerful report and for the statement he has just made. The Opposition are committed to bringing this issue to the top of the political agenda and to seeking reform, as not a week seems to go by without the exposure of some conflict of interest in the heart of Government. Bearing in mind his statement and his report, does the Chair of the Select Committee agree that the report raises serious questions of governance and confirms that this is a Government of the few, by the few and for the few?

Mr Jenkin: I will leave aside the soundbite that came at the end of the hon. Gentleman's question, but the substance of his remarks is correct. The system is inadequate and needs to be strengthened and reformed, and I am delighted that Her Majesty's official Opposition are taking an interest in the matter.

Alison Thewliss (Glasgow Central) (SNP): It is very good to see you in the Chair, Mr Deputy Speaker.

I thank the hon. Member for Harwich and North Essex (Mr Jenkin) for his statement. The SNP agrees that the business appointments rules should be strengthened, and we are disappointed with the Government's response to the report. As Burns might have said, "I wad na gie a button for it." Does the hon. Gentleman agree that the public and the press, specifically *Private Eye*, recognise that the Government's response to the evident revolving-door problem smacks of complacency and self-interest? Does he agree that the actions of the former Chancellor demonstrate how little respect there is for ACOBA? Does he also agree that, if the Government and this House do nothing to strengthen the business appointments rules, we risk further undermining trust and integrity in politics?

Mr Jenkin: Our report mentions George Osborne in two respects. First, we state that it was striking and startling that ACOBA appeared to give the former Chancellor a blank cheque in allowing him to join BlackRock on an inflated salary so shortly after he left his office. Secondly, George Osborne also completely bypassed the appointment rules prior to accepting his appointment as editor of the *Evening Standard*. We regard that as a glaring example not necessarily of any particular dishonour by any particular individual, but of how the system absolutely fails to command public confidence.

The Parliamentary Secretary, Cabinet Office (Chloe Smith): I join others in welcoming you back to your place, Mr Deputy Speaker, and I thank my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) for his work in bringing these affairs to the House's attention today. If Members present have not already taken a look at the Government response to the Public Administration and Constitutional Affairs Committee report, I encourage them to do so. We clearly state that the Government are committed to maintaining the highest standards of conduct for Ministers and civil servants, including special advisers, and we believe that the rules and procedures in place are proportionate and adequate. We look forward to working with the Committee to do more, however, and I put on the record my willingness to work with its Chair to do so.

Mr Jenkin: I welcome my hon. Friend back to the Front Bench in her new position at the Cabinet Office, to which she brings considerable experience, including of this issue. However, I have to express my disappointment at the Government's response. Some minor amendments were accepted, but it regards the system as the highest example of regulation and openness when it simply does not deliver the public confidence that we want. I appreciate that this is a vexed issue and that we do not want to deter people from coming into the public service for fear of being treated unfairly on the way out, but the present arrangements are inadequate. The response even refused to put more explicitly into the ministerial code words such as

"You must... take decisions in the public interest alone"

and

"You must... never allow yourself to be influenced in contracting, procurement, regulation or the provision of policy advice, by your career expectations or prospects if you leave the public service"

and

"You must not... take up any post outside the public service in businesses or [commercial] organisations operating in areas where you have been directly responsible".

I do not understand why those things cannot be put explicitly in the ministerial code so that they are talked about and understood, which would begin to change the attitudes that unfortunately pervade many of the Ministers, special advisers and civil servants in Whitehall.

Paul Flynn (Newport West) (Lab): The Government's conduct in responding to the report reinforces the public's view that we here are acting in our own private interests, not in the public interest. Is it not significant that a Prime Minister who did not lift a finger during his period in office in answer to pleas for reforms to jam the revolving door has now taken advantage of that period of office to take a job in China, with which he worked when in Government? Will the Chair of the Public Administration and Constitutional Affairs Committee explain to us why George Osborne did not come to the Committee to explain why he had five meetings with BlackRock, why he altered the law in its favour and why, after losing office, he took a job with them on £650,000 a year for one day's work a week? If that is not an egregious example of the abuse of the revolving door, it is hard to see what is. We have a shameful record, and perhaps the Chair will agree that the public will rightly regard us with contempt and as unfit to police our own affairs.

Mr Jenkin: Sadly, I agree with the hon. Gentleman. As a member of my Committee, he has been instrumental in drawing the Committee's attention to these issues. I would almost describe him as the conscience of the Committee on the issue, and long may he continue to encourage us in this work. As he knows, it is not the practice of the Committee to prosecute individual cases, and we should resist that because it would divert attention from the substance of the work that we need to undertake. I am actually quite pleased about how obviously carefully drafted the Government's response is to our report because the points we are making in our report are having a telling effect. We have a long way to go, however, and that is why the hon. Gentleman has been one of those encouraging the Committee to continue pursuing the subject with a further inquiry. I thank him for his work for the Committee.

Backbench Business

Joint Enterprise

Mr Deputy Speaker (Sir Lindsay Hoyle): Under the Standing Orders, the Member moving the motion should usually speak for around 15 minutes.

12.26 pm

Lucy Powell (Manchester Central) (Lab/Co-op): I beg to move,

That this House notes the Supreme Court judgment in the case of *Jogee and Ruddock* of February 2016 that the law on joint enterprise and parasitic accessory liability had been wrongly interpreted for more than 30 years; further notes that since that judgment, the number of cases brought under joint enterprise has remained unchanged; further notes that there have yet to be any successful appeals of cases from before February 2016; and calls on the Government to review the use of joint enterprise and to bring forward legislative proposals to clarify the law on joint enterprise.

I welcome you back to your place in the Chair, Mr Deputy Speaker, and I am sure that the whole House will join me in wishing you and your family all the best; I know that it has been a very difficult few weeks for you.

I thank the Backbench Business Committee for accepting the application for this important debate, and I thank the right hon. and hon. Members who supported that application, particularly the right hon. Member for Sutton Coldfield (Mr Mitchell), the hon. Member for Bromley and Chislehurst (Robert Neill) and my right hon. Friend the Member for Tottenham (Mr Lammy), all of whom were co-sponsors of the application. I also thank the families and campaigners on joint enterprise, who are known as JENGBA—Joint Enterprise: Not Guilty by Association—and many of whom are in the Public Gallery today. They have never given up in their fight for justice for their loved ones.

Why are we having this debate now? It is nearly two years to the day since the Supreme Court made a landmark ruling that the law had taken a “wrong turn”. That followed years of campaigning and high-profile and seminal documentaries and films, such as “Common” by Jimmy McGovern. Since then, however, nothing of substance has actually changed. In the run-up to the ruling, the campaigners highlighted how, particularly in murder cases, secondary parties were too often receiving mandatory life sentences for having a lesser part or no significant part when compared with the principal party. They also showed that the evidential threshold was much lower than would normally apply to murder, particularly the notion that secondary parties “might” have foreseen the actions of others, rather than having knowingly foreseen them.

At the time of the ruling, campaigners, parliamentarians and others viewed it as a victory and had confidence that injustices would be put right and that the use of joint enterprise would be more limited going forward. However, two years on, the Supreme Court ruling feels increasingly like a pyrrhic victory, with no case from the 30 years in which the “wrong” law was applied being awarded an appeal, and many new cases with all the hallmarks of the old cases being successfully prosecuted.

Siobhain McDonagh (Mitcham and Morden) (Lab): I congratulate my hon. Friend on securing a debate on this difficult issue, which is not a small matter. Does she agree that 4,500 people are currently in prison having been caught by the wrongful application of joint enterprise law? Men, women and children are serving long sentences for crimes that they did not commit.

Lucy Powell: I fully agree with my hon. Friend. We know it is at least that sort of figure—we do not have accurate figures.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I congratulate my hon. Friend on securing this debate. This crucial issue is a priority for the newly formed all-party parliamentary group on miscarriages of justice.

The particular case of Alex Henry is of great importance. I chair the Westminster Commission on Autism, and several people in this ghastly predicament are on the autism spectrum and have been taken totally out of care.

Lucy Powell: I thank my hon. Friend for raising that particular case, and I know the family are here today. The case has many of the hallmarks that we will come on to discuss.

We are now seeing a new generation of joint enterprise lifers in prison. The Supreme Court says it is “the responsibility of the court to put the law right”.

But many of us have come to the conclusion that the criminal justice system will not right itself, and is not righting itself, in relation to joint enterprise, and that we need to act. That is why Members on both sides of the House have joined together to send a strong signal both to the Government and to prosecutors and others that the way in which we continue to apply the law and the incredibly high bar that has been set for previous unsafe convictions to be reheard need to be redressed.

Graham Stringer (Blackley and Broughton) (Lab): I congratulate my hon. Friend on bringing this important subject to the Floor of the House. I have had reason to represent one of my constituents, Jace Ryan Smith, who was convicted and sentenced to 31 years under joint enterprise. He was doubly punished recently because he was not allowed to go to his grandmother’s funeral, not because of anything he had done wrong but because Greater Manchester police thought he may become a victim of another gang. Is not the real problem with joint enterprise that people are punished and given long prison sentences of more than 30 years for actions they did not carry out themselves?

Lucy Powell: I agree wholeheartedly with my hon. Friend.

Chuka Umunna (Streatham) (Lab): Will my hon. Friend give way?

Lucy Powell: I will take one more intervention before making some progress.

Chuka Umunna: I am grateful to my hon. Friend for giving way. I reiterate that it is very good to see you back in the Chair, Mr Deputy Speaker.

I have two questions. First, following on from the point raised by my hon. Friend the Member for Blackley and Broughton (Graham Stringer), the statistics show that 37% of those serving long sentences for joint enterprise are black. That is 11 times the proportion of black people in the population. The figures for people of mixed race are similarly disproportionate, which underlines why it is essential that we have the review that my hon. Friend the Member for Manchester Central (Lucy Powell) calls for in the motion, which I fully support.

Secondly, given the uncertainty, surely we are seeing the courts acting, in effect, as legislators. That is wrong. Where there is uncertainty in the law, it is for this House to tidy it up, particularly where the law is visiting injustice upon people in the way we are seeing.

Lucy Powell: I wholeheartedly agree with my hon. Friend’s sentiments, and I will address some of that in my speech.

With hundreds of lifers in prison after being convicted under what the Supreme Court views as a wrong application of the law, this is potentially one of the biggest and most widespread miscarriages of justice ever to face our justice system. As such, I fear that the cosy club of the criminal justice establishment is closing in on itself to prevent this from ever being fully exposed.

What is joint enterprise? Joint enterprise has been applied in cases for more than 300 years, although it is a common law that has never been passed by Parliament. The doctrine allows for more than one person to be charged for the same offence, despite the fact that they may have played a different role, or no role, in the crime. Joint enterprise applies to all crimes, but in recent years it has been particularly used as a way to prosecute murder, especially, but not exclusively, in cases involving groups of young men.

This is obviously a very emotive issue, particularly for families of murder victims, and no one is suggesting that those who commit murder, or who knowingly and intentionally assist in committing murder, should not face the full force of the law. However, nor should the evidential bar for serious offences like murder be lower, by virtue of presence or association with the principal offender, as we have all too often seen.

Indeed, there are many cases, many of which I am sure will come to light today, in which people are serving life sentences when it is clear that they did not commit murder but were found guilty under the “old” or “wrong” law of parasitic accessory liability. Furthermore, many others who were convicted as secondary parties are carrying the same sentences as the principal based on a prosecution narrative of gang and association, even though intent and foresight are unproven and the secondary party was not physically present or had withdrawn from the scene.

When one looks at the profile of those convicted of murder, there is a further flaw in how the doctrine is applied. The majority are of black and ethnic minority backgrounds, and the vast majority are young, with many teenagers serving life for a secondary or parasitic role. I will say more, as will others, but we have to ask questions about the disproportionate use of such doctrines in cases involving certain communities.

The political context is also relevant to this debate.

Mr David Lammy (Tottenham) (Lab): Does my hon. Friend recognise that where 14, 16 and 19-year-olds have gone to prison for significant periods of time when it is absolutely clear to the community that they have not committed murder, as happened in her community of Moss Side, it undermines the black community's sense of justice, fewer people co-operate with the police, fewer people have faith in the justice system and it undermines all she is attempting to do?

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I hope to give everybody 10 minutes. If Members intervene, the danger is that I will have to drop the time limit immediately.

Lucy Powell: I fully agree with my right hon. Friend the Member for Tottenham (Mr Lammy), but I will try to make some progress.

There was a political context when the joint enterprise law began to be overused and extended in its use during the 1990s and the noughties, but there is a different political context today. As my right hon. Friend has just said, we now more clearly understand the consequences of disproportionate and unfair applications of the law against certain groups. I am pleased the Government recognised that when they launched the Lammy review and in the Prime Minister's recent comments on "burning injustices"—I hope she can live up to that rhetoric.

Practice and the law have been far too slow to catch up with the changing mood in the country. I will briefly discuss what the Supreme Court ruling does and does not say, and what still needs to be addressed. First, the ruling is clear that the law governing secondary liability has taken a "wrong turn" and has resulted in the "erroneous" application of the law. However, it also sets out that, in order for appeals to be heard "out of time," a substantial injustice test, not the usual unsafe conviction test, will be applied. Yet the substantial injustice test was not clearly set out in the ruling and has never been set out by Parliament. The substantial injustice test has subsequently been tested through case law and is now an almost impossibly high bar for people to clear. That is why, nearly two years on, there has yet to be a single successful appeal awarded by the Court of Appeal.

Finally, in our opinion the Supreme Court failed to address another question put before it: does joint enterprise over-criminalise secondary parties?

What needs to change in the law—first, what needs to change going forward, and secondly, how can we put right some of the injustices of the past? It is clear that joint enterprise continues to be overused and is disproportionately used against groups of young men, particularly those from black and ethnic minority backgrounds. I saw that at first hand in a recent case in which 11 young black men from Moss Side faced charges of murder. Seven of them were convicted of murder and four were convicted of manslaughter. The youngest was only 14 and many of them were not previously known to the police. As research by Manchester Metropolitan University has shown in its study "Dangerous Liaisons", more than half of all those serving life sentences are children or young adults, and more than half are from a black and ethnic minority background.

Andy Slaughter (Hammersmith) (Lab): Will my hon. Friend give way?

Lucy Powell: I will have to make some progress. I am sure someone else will give way later.

The extensive research also found that the establishment had a gang narrative that often relied on neighbourhood narratives, racialised assumptions, unevidenced constructs and loose associations. Things such as social media tags and videos have been critical to securing many of the joint enterprise convictions. We know that there are serious flaws in this approach. That is why my right hon. Friend the Member for Tottenham has raised it in his review and why the Home Affairs Committee is looking into it. Indeed, joint enterprise cases continue following the Supreme Court ruling, albeit under new Crown Prosecution Service guidance, but that remains problematic.

We want the Government to look at three areas for future cases. The first is proportionality and whether joint enterprise is being used correctly or disproportionately against certain groups. We ask the Government to do what the Supreme Court failed to do, which is to establish whether joint enterprise over-criminalises secondary parties. Secondly, and related to that, we need the data. Collating the data about who is being charged and convicted, and where, is urgent now and long overdue. Thirdly, the long-awaited outcome of the review of the CPS guidance needs to be brought forward, and quickly. It must include clearer guidance for prosecution discretion so that lesser offences can be brought against secondary parties in many cases.

The final point is about retrospective cases and putting right the injustices of the past. We are not asking for automatic reopening of every single case. It is right that there must be a test, but the test is now so impossibly high that no cases have successfully been heard by the Court of Appeal, and the Criminal Cases Review Commission has yet to recommend that a single case should come back, despite having received 99 fresh applications and reviewing 90 more. Indeed, appeal judges seem utterly dismissive of these cases. Unlike in a usual appeal case, where the threshold is the possibility of an unsafe conviction, applicants in the case of the "wrong" law of joint enterprise are also required to demonstrate that, as well as being unsafe, had the correct law applied there "would" have been a substantial difference to the outcome. In most other cases, this would be simply that it "may" have done so. So we believe that the substantial injustice test needs establishing by Parliament in law, and it should make it clear that the threshold is "may", not "would".

Moreover, we think that the Court of Appeal should also be allowed to consider the ongoing effect of the conviction on the applicant and, critically, take account of the applicant's age, mental health and other vulnerabilities at the time. The old, or wrong, foresight test now applied correctly to adolescents or those suffering with learning or mental difficulties would surely provide a substantial change to convictions. Today we would not expect an immature teenager or someone with learning difficulties to understand the old, weak foresight test.

I want the Government urgently to consider a mechanism for clarifying the threshold in these cases. Just to be clear, this is not about opening the floodgates, but if the law has been wrong for 30 years, during which time hundreds if not thousands of mandatory life sentences were handed out under the old wrong law, then it stands

to reason that at least some—not a tiny, tiny few—of the cases are a clear injustice that the courts are currently failing to put right.

I think we can all agree today in the House that the law took a wrong turn. That now needs putting right. The establishment is evidently not putting itself right, so the Government and Parliament need to act. We urgently need a review of the use and scope of the prosecutions brought under joint enterprise, particularly its disproportionate use against young BAME men. We also need urgent clarification of the qualification for appeal so that we can put right decades of substantial injustices and unsafe convictions leading to many serving life sentences for murders they did not commit.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Lindsay Hoyle): I call Mr Andrew Mitchell, with a 10-minute limit.

12.46 pm

Mr Andrew Mitchell (Sutton Coldfield) (Con): Mr Deputy Speaker, along with the whole House I welcome you back to the Chair. I congratulate the hon. Member for Manchester Central (Lucy Powell) on securing this debate and thank Mr Speaker and the Backbench Business Committee for granting it. I draw the attention of the House to my outside interests as set out in the register.

We are holding this debate today because we know that thousands of people have been prosecuted under joint enterprise over the last decade alone, and we have a profound fear that some of these convictions are unsound. I am deeply conscious that behind each of these crimes lies a victim, usually murdered, with grieving loved ones whose lives have been changed for ever and ruined. My heart goes out to all those and their families who have suffered in that way. But we also know that there is a wealth of evidence that suggests that joint enterprise has both convicted people in error and wholly disproportionately affected those who identify as black, Asian and minority ethnic.

Young people from ethnic communities have been, essentially, hoovered up for peripheral and in some cases even non-existent involvement in serious criminal acts. The Supreme Court's decision in the case of *Jogee* has established that the previous interpretation of the law was wrong and confirmed the abolition of what I am advised lawyers call parasitic accessory liability, to which the hon. Lady referred. But to date only a very limited number of joint enterprise convictions have been quashed.

To find a defendant guilty of a criminal offence, a jury must be satisfied that a defendant both committed the crime and had the requisite state of mind to carry out the crime. Yet the law on joint enterprise, and secondary liability more generally, was developed by the courts to ensure that all participants in a criminal enterprise could be held accountable. Indeed, it has been a key tool when prosecuting suspected gang members. But there has been a failure by our criminal justice system to distinguish between gangs and groups. The House will understand that not all members of groups have a criminal purpose. Not all members of gangs or groups join in when there is an incident. Humans are by

nature social animals. People naturally hang around in groups or sports teams or protest marches. That does not mean, if an incident occurs, that everyone in the group intended whatever happened to happen.

We now have evidence of how discriminatory the law of joint enterprise has been, and I congratulate the right hon. Member for Tottenham (Mr Lammy) on the work he did in revealing the unequal treatment of, and outcomes for, black, Asian and minority ethnic individuals in the criminal justice system. Over recent years, I have worked with Matilda MacAttram, of Black Mental Health, who has done so much good work exposing the inadequacies of the criminal justice and legal system in this respect. I also pay tribute to the Prime Minister who, as Home Secretary, ensured that the voice of Black Mental Health was heard in Government.

It is no accident that the bulk of the prison population convicted under a joint enterprise doctrine is young BAME men. It is an uneasy and difficult truth that an association might exist unconsciously or otherwise in the minds of the police, prosecutors and juries between being a young ethnic minority male and being in a gang, and therefore being involved in forms of urban violence. Such findings are echoed by studies of the ethnic profile of prisoners convicted on the basis of joint enterprise. One study by the Centre for Crime and Justice Studies found that, for young people convicted under joint enterprise, nearly 60% were BAME.

There is now a real suspicion that justice has miscarried in many joint enterprise cases. Juries were not directed on the correct law, even in the most serious of cases. The high standards of legal accuracy we are entitled to expect of our justice system have simply not been met. In such cases, we rightly expect the appeal system to function and to function effectively.

Even as recently as 2017, prosecutors were still trying to find an easy way to convict, as was shown by the case of *Lewis*. Thankfully, the judge found there was no case to answer. The prosecution appealed that ruling and rightly lost. There is now a logjam in our criminal justice system, with the Court of Appeal appearing wrongly to block appeals by joint enterprise prisoners. The burden of the substantial injustice test, to which I have referred, has been passed on to the prisoner, which requires the person convicted to satisfy the Court of Appeal that

“he would not have been convicted had the jury been directed on the basis of the corrected law as set out in *Jogee*.”

Instead, the question should be, “Is there a realistic possibility that he would not have been convicted?”, which I understand has legal precedence and which was the test previously applied in the case of *McInnes v. Her Majesty's Advocate*.

Along with the hon. Member for Ealing North (Stephen Pound), to whom I pay tribute, I visited Alex Henry in prison in Cambridgeshire. Shortly after his conviction for joint enterprise murder, he was diagnosed with autism. I have taken a close interest in his case over the past two years and think it one of immense concern. As we have learned in recent weeks, the police and Crown Prosecution Service are often difficult to deal with in respect of disclosure. Parliament needs to reconsider the proper approach and the relevant sanctions. The evidence available to a prosecutor is now more comprehensive, with CCTV and phones, which in theory makes it easier to distinguish

[Mr Andrew Mitchell]

between those who join in and those who do not. Recent cases of alleged sexual offending have demonstrated the consequences when disclosure is not properly dealt with.

The right to a fair trial is a basic human right. I worry that, in respect of these cases, our courts are too keen to block appeals by those who might have been convicted by error of the courts. Such behaviour serves only to undermine our faith in the justice system. There is a tendency in Britain to believe that we have the best criminal justice system in the world. I put it to the House that our attitude to the British crime and justice system is riddled with a complacency that is wholly unjustified. That view would be borne out by any fair-minded person who focused on joint enterprise.

The whole House should be grateful to the right hon. Member for Tottenham for his recent report, delivered at the Government's request, on the legal system's treatment of black, Asian and ethnic minorities in Britain. Quite apart from the right hon. Gentleman, there are many in the legal profession who argue that it is simply unacceptable that today, in 2018, virtually all senior members of the judiciary are white men from privileged backgrounds. That simply does not reflect the society that is Britain today and which the judiciary serve.

We should not forget that all too often in Britain, injustice is remedied not by the organs of the state but by the investigative prowess of a free media or, indeed, by Members of the House. Who can forget that the manifest injustice done to the Birmingham Six was remedied not by the police or the state, but by the indefatigable work of two Members of the House: Sir John Farr, the then Conservative Member for Harborough, and Chris Mullin, the then Labour Member for Sunderland South and subsequently a distinguished Chairman of the Home Affairs Committee and a development Minister? Today, the poor families of the victims of that outrage have still not achieved closure, as the ongoing coroner's inquiry in Birmingham demonstrates.

I hope that, following this debate, the media will take a close interest in the cases in which joint enterprise might have led to innocent people being convicted. JENGBA, the organisation formed in 2010 to which the hon. Member for Manchester Central rightly referred, now supports more than 800 prisoners, many of whom are serving mandatory life sentences of 22 years, and the youngest of whom was just 12 when charged. I hope that the Justice Committee, with its considerable authority—its Chair, my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), is in his place—will not allow these matters to rest until they have been fully examined by Parliament, so that we can be assured that justice has been delivered.

12.53 pm

Julie Elliott (Sunderland Central) (Lab): I, too, welcome you back to this place, Mr Deputy Speaker, following the tragic circumstances that befell your family.

I thank my hon. Friend the Member for Manchester Central (Lucy Powell) for the thorough way she set out the issues. I also thank the right hon. Member for Sutton Coldfield (Mr Mitchell) for raising the issues he

did and for mentioning my predecessor, Chris Mullin, who has an astounding and excellent track record on this issue.

This is a very important debate, but it is difficult for politicians to deal with. Let me say first that my sympathies are always with the victims of crime. People who are convicted of murder must be subject to the full weight of the law, as must people who are safely convicted of joint enterprise, but the Supreme Court's change to the law in 2016 is not being implemented correctly. The Supreme Court said that the law had taken "a wrong turn" in 1984, which is clearly correct. However, as has been outlined, cases from before *Jogee* can go back to the Court of Appeal only if the person convicted can prove that their conviction was a substantial injustice.

An injustice is carrying on for many who are still in prison today and cannot be granted an appeal because their cases are "out of time" and would therefore have to pass the substantial injustice test. I wish to focus my remarks on that.

Those who were convicted more than 28 days before the change announced by the Supreme Court have to prove a substantial injustice, which means proving that the change in the law would have categorically made a difference. As has been outlined, that is an enormous bar to have to clear. Those people who were convicted in the 28 days before the change have to show only that their conviction is unsafe—a much lesser test of proof—in that the change in the law might reasonably have made a difference. All that means that, in a hypothetical situation, two people convicted of the same crime with identical evidence would be treated differently in the eyes of the law. That is simply wrong and needs to change.

It is no surprise that of the 800 men, women and children—a lot of them were children when they were convicted—who are supported by JENGBA, not one has successfully appealed their conviction since the Supreme Court's decision on *Jogee*. I put on record my support for JENGBA, which has worked extremely hard not only by raising the issues with joint enterprise, but by supporting the families involved.

In most cases, this country can be proud of the British justice system, but when mistakes, misinterpretations or miscarriages of justice occur, they must be put right quickly. The British justice system is judged on that as much as on how the law is implemented. It is clear that the justice system is failing those people who are still in prison—often after many years—who were convicted more than 28 days before the Supreme Court ruling.

The direction of the law needs to be aligned and all cases should be judged against the lesser test of proof, which is that the conviction is unsafe. That would mean people convicted fairly, equally and reasonably against the new test that the Supreme Court set in putting right the "wrong turn" rightly staying in prison to serve their full sentence. However, those who would not have been found guilty under the new rules would get their freedom, and whatever follows.

That is why this debate is so important. Such an outcome would be right and proper and would restore British justice to being seen once again as fair, equal and reasonable. As long as people are judged against such a ridiculously high bar, British justice will be failing the people in prison who were judged under a wrong law.

12.58 pm

Robert Neill (Bromley and Chislehurst) (Con): I join every other Member in welcoming you back to the Chair, Mr Deputy Speaker.

I congratulate the hon. Member for Manchester Central (Lucy Powell), my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) and the right hon. Member for Tottenham (Mr Lammy) on securing this debate. I wish to speak for several reasons. First, as Chair of the Justice Committee, I think it is important that we keep this matter under review. The Committee has given some consideration to this matter in the past, and no doubt we will again.

Secondly, throughout my adult life, I have been a practising barrister. I concern myself very much with the justice system because it is something of which I am part and in which I believe. A belief in that system was one reason why I came to this House. It is massively important that it does what it is supposed to do—that it does justice and that we get it right. Where we fail to get it right, we should not be afraid to say so.

Thirdly, I have a constituent—I think their partner is in the Public Gallery today—who is serving a life sentence, with, I think, a 23-year tariff, as a result of the application of the joint enterprise principle to a case of murder. He made no bones about the fact that he had been party to an offence of dishonesty, but was convicted of murder, by the application of the joint enterprise principle, as a result of the act of violence perpetrated by another individual. Therefore, that case comes exactly into those with which we are concerned.

For all those reasons, this is a very important debate. I am sorry that there are comparatively few people in the Chamber today. One thing that has struck me since I have been here is how, by comparison with the past, this House takes comparatively little interest in reform of our criminal justice law. Through the '60s and '70s, Members of this House—either through private Members' Bills or the pressure that they put on Government to make changes to Government legislation—effected major changes for the better in many aspects of our criminal law: reforms of the law in relation to homicide and the abolition of the death penalty; and changes to the law in relation to the criminalisation of abortion and homosexuality. A vast number of other really important matters of criminal justice reform emanated from debate in this House. Sadly, too often, that gets squeezed out in the current climate. Perhaps we should debate it rather more.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I am reluctant to intervene on such a good speech, but the hon. Gentleman knows of my interest as co-chair of the all-parliamentary group on miscarriages of justice. Does he not think that the Criminal Cases Review Commission is lacking in that it does not intervene enough, or early enough or persistently enough in these cases?

Robert Neill: There are a number of areas where changes are needed. I have great respect for the work of the Criminal Cases Review Commission, but I am conscious that it is under pressure both in terms of resource and of its terms of reference. It would not be unreasonable to look at that. Miscarriages of justice do occur. I know

that full well because I vividly remember prosecuting one once—not in a murder case, but in a rape case. At the time, the evidence and the legal test appeared compelling, but, thanks to the work of the Criminal Cases Review Commission, evidence came to light, and I had no hesitation in not seeking to resist the appeal when it came to the Court of Appeal a second time. Its work, therefore, is really important. It is also important that it has the means to carry out its vital job, as its role is a significant one. However, there are other gaps that we must look at as well.

Everybody accepts now that there was a serious departure from good reasoning in the case of Chan Wing-Siu in Privy Council back in 1985. When one reads the case, the odd thing is that the judgment, which was described as “taking a wrong turn” in the Supreme Court, was, actually, almost not based on the principal facts or arguments that had brought the appeal to start with. The noble Lord, the member of the Privy Council, giving the judgment in that case rather went off on a tangent and developed what was then regarded as the concept of secondary parasitic accessory liability.

The matter could have been resolved perfectly well on the facts of its own case. It is set out very well in what is a very detailed judgment of a strongly constituted Supreme Court in the Jogee case. I certainly do not fault the judgment of the Supreme Court in Jogee at all. It is exceedingly well-reasoned, and it is significant that not only the then President of the Supreme Court, Lord Neuberger, but the current President, the then deputy president, Baroness Hale, were there. The then Lord Chief Justice, Lord Thomas of Cwmgiedd, took the unusual step of sitting in the Supreme Court because of his experience in criminal justice matters. Intellectually, the Supreme Court in Jogee got the answer right and said that the approach, which had encompassed so many people into secondary liability in homicide offences, was wrong. However, some practical errors remain in its application.

Mr Mitchell: I am most grateful to my hon. Friend for giving way. He is a lawyer, so can he explain to me, as a layman, why, following this extremely well-written judgment on Jogee, which I have also read, the criminal justice system did not react with enormous alarm and immediately set in train reviewing the very large number of cases affected by that judgment?

Robert Neill: That brings me to my next point. There is a concern that, in practice, the filter effect that has been put to the bringing of appeals out of time and the way that it has been interpreted in cases such as Anwar and others has been particularly restrictive. That is the difficulty. It is very clear that the Court of Appeal in the Anwar case and subsequent cases has taken a very narrow interpretation of the substantial injustice point. That does not necessarily have to be the case on the basis of Jogee, but it was always made very clear in the Supreme Court's judgment that one should not assume that the Jogee case would mean that every conviction for murder on the basis of joint enterprise should be overturned, or that in many cases, even where convictions for murder were overturned, there would not also be a conviction for manslaughter, where appropriate, but the level of foresight and involvement was less. That is the important point that we have to consider.

[Robert Neill]

None the less, it is really important that we get to a situation in which people are convicted, certainly, of offences where they have done wrong, but they should be convicted of and sentenced for offences that properly reflect the level of culpability of their behaviour. When we do not get that right, confidence in the system is understandably undermined. That is my concern, which is shared by the Members who have already spoken, about the difficulty of bringing cases out of time to the Court of Appeal. Clearly, it is something that needs to be looked at. If the rule of precedent makes it difficult for a court to do that, perhaps Parliament and Government should indeed consider it.

I just observe in passing that there is, in any event, the proviso to the Criminal Appeal Act 1968, which would mean that if, once the case has been heard, no material injustice occurred, the conviction can be upheld. At the moment, we have a double test: a test to bring the appeal out of time; and then the proviso. The difference is that, in the test to bring the appeal out of time, the onus is on the appellant to meet that test, whereas, under the Criminal Appeal Act, the test in relation to the proviso puts the onus on the prosecution. That is something that needs to be considered.

When the Justice Committee looked at this matter with some care in evidence sessions in the last Parliament, the view was that it had to be seen in the context of a very unsatisfactory state of the whole law of homicide. The distinction between murder and manslaughter remains extremely unclear in this country. Unfortunately, the Government have not so far taken up the opportunity of examining that. The logical route would be to ask the Law Commission to carry out such an examination.

In evidence to the Justice Committee in the last Parliament, Professor David Ormerod, a former chair of the Law Commission, a senior commissioner for criminal law and a distinguished academic Queen's Counsel in criminal law matters, identified exactly that point. He said that a review of the law of homicide still represents the

“best solution”

that

“could encompass the decision in Jogee.”

It would enable us, thereafter, to encompass the consequences that stemmed from it. Referring to the Supreme Court's decision, he said that

“they are constrained, as ever in the common law, by the facts of the case and the nature of the argument.”

That is our common law system. He went on:

“It was not possible for them to offer a comprehensive review of the whole of the law relating to secondary liability, which the Law Commission could do”.

One of my asks of the Government, as well as revisiting the test for bringing the appeals out of time, is to take up the Law Commission's willingness to examine that area. There is vast expertise in the Law Commission, which is sometimes under-used. It can look at the matter dispassionately and set the difficulty that we have with secondary liability in these cases into the broader difficulties that we have with the law of manslaughter. We heard compelling evidence from criminal practitioners, representatives of the Criminal Bar Association, about the real difficulty and complexity of giving direction to juries in manslaughter cases.

Judges have given most careful directions, after discussions with counsel on both sides, but none the less they frequently find juries returning and sending a note seeking further clarification. The greater the lack of clarity, the greater the risk of injustice. I hope that issue can be resolved. I suggest to my hon. and learned Friend the Minister, whom I welcome to her post, that that would be a sensible and measured approach to find an intellectually sound way forward on this intractable issue.

The other matter that I would like the Minister to consider is the review of the Crown Prosecution Service guidelines, which the Justice Committee has taken evidence on. The fact that the review is taking place is welcome. The hon. Member for Manchester Central and my right hon. Friend the Member for Sutton Coldfield referred to the disproportionate impact that the use of prosecutions using joint enterprise has on certain communities.

The fact is that a doctrine developed some 300 years ago still has effects on the social life of 21st century Britain, and those effects are very different from what Lord Hale described in his “History of the Pleas of the Crown” in about 1670. We need to have a means of applying that prosecutorial tool in a way that reflects modern society.

I hope that the public interest element of the Attorney General's guidelines can be strengthened to consider the appropriateness of using this tool in the way we have discussed, given the impact on certain communities within the United Kingdom. I hope that those are constructive suggestions that we can take forward from this debate.

1.11 pm

Stephen Pound (Ealing North) (Lab): It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Robert Neill). I take it from his words and from the emotion behind them that the door to the Justice Committee is now open and that at some future stage it will consider this matter, because I think that is one of the loci from which we can seek to bring an end to this horrendous, disproportionate nightmare, which is a stain on British jurisprudence. In this appalling situation, 40 seconds can lead to 12 years in prison, and somebody who just happens to be within a group of people can find themselves facing the best part of their young life locked away for something they could not stop, even if they wanted to.

It is often said that the House is at its worst when we all agree unanimously, but I think that this is the exception to that rule. Tribute has already been paid to JENGBA, Charlotte Henry, Gloria Morrison and all the other campaigners. I would like to think that even without JENGBA's informed and passionate prodding, people such as my hon. Friend the Member for Manchester Central (Lucy Powell) and the right hon. Member for Sutton Coldfield (Mr Mitchell) would have brought the matter forward, because this is a stain on the British legal system. The Prime Minister has referred to burning injustice. Well, this injustice is burning so strongly and brightly that the smoke is almost choking us, and we cannot see the sense and sanity of the law for the obfuscation that has come from this ridiculous piece of law.

This law was originally introduced to deal with duelling. I appreciate that duelling used to be a pastime of Members of this House, but how can a provision on aiding, assisting or encouraging—or even for parasitic accessory liability—a couple of people duelling in Hyde Park a couple hundred years ago somehow lead to my constituent Alex Henry, a man with a four-year-old child whom he has hardly seen, facing 12 years in prison for what happened in 40 seconds when he was with a group of young men? How on earth can we move from that piece of medieval law to the present situation in which people are suffering?

I suggest that the reason something happened in this area of jurisprudence in the 1990s comes down to one word. It has already been mentioned by the right hon. Member for Sutton Coldfield, who I must forgive for destroying my stereotype of stern, unbending Conservatism, because he has shown himself to be humane, decent and informed on this, for which I pay him full tribute. The word he used was “gang”. In the 1990s, there was an assumption that groups of young people—and young black people—were a threat and that they were somehow out to destroy society: they were corrosive, their music was unbearable, their accents incomprehensible, their clothes unforgivable and their activities incomprehensible to most people. I like to think that those in the senior echelons of the law are well versed in street culture, but on this occasion I think they saw gangs as a threat. They somehow transposed groups to gangs. This piece of draconian, lead-like law was brought in to crush a threat that did not actually exist. Yes, of course there is street crime and violence, but it is not confined to one group of people. Young people such as Kenneth Alexander and dear Alex Henry, who were simply out with friends, now face the life that is ahead of them because of how the law works.

There are few tasks more melancholy than visiting a constituent in prison, and one of the frustrations is the inability to do much more than sympathise and show that they are not forgotten. I think that JENGBA's work is so crucial because it shows that these people have not been forgotten. Would it be inconvenient for the judicial system to review thousands of cases? Damn right it will be inconvenient, but I will take a bit of inconvenience over 12 years in prison for hundreds of people, seeing their lives frittered away, living in the place where sunlight comes with stripes. As far as I am concerned, they have the right to call upon the judicial system and, if necessary, to be inconvenient.

When Alex's sister first contacted me about this case, I could scarcely believe it. I had known the family. He had lived a couple of streets away from me—later he became an economic migrant and moved down to the constituency of my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury), but I still think of him as a Hanwell man. I wrote to the then Minister for Policing, Criminal Justice and Victims, the right hon. Member for Ashford (Damian Green). This is what he wrote in reply, in June 2014:

“In my view, the law on joint enterprise serves a useful purpose for bringing people to justice when they have been involved in the commission of an offence. I do not share the view that the law penalises innocent bystanders and no longer serves a valid purpose. We have no plans to review or amend the law at the moment.”

I am sorry, but this law does not serve a useful purpose: it penalises the wrong people, it brings the law into disrepute, it punishes wholly disproportionately, it

destroys families, it wrecks individual lives and, above all, it disengages a whole group of people from the legal process, because when they see a system go so wrong, how can they possibly have any confidence in it? I have no argument today with the right hon. Member for Ashford, but I think that he was wrong. I think that his letter was based on a brief that probably came from somebody wearing a wig. As far as I am concerned, this law has to be changed.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): My hon. Friend generously gives the right hon. Member for Ashford (Damian Green) the benefit of the doubt, but clearly he was reading from a brief and he has been proven wrong, because the Supreme Court ruled in 2016 that the courts were wrong.

Stephen Pound: Absolutely. The Supreme Court ruled that the law had been interpreted incorrectly, but that is only half of it. Interpreting the law incorrectly is one thing, but righting the wrong is what has to happen now.

Robert Neill *rose*—

Stephen Pound: When it comes to righting wrongs, I give way to the hon. Gentleman.

Robert Neill: The hon. Gentleman is making a passionate case, and I agree with him that righting this wrong in the way the law has been applied is important. Does he agree that there is a distinction between the concept of joint enterprise and how it has been applied? For example, if he and I jointly agreed to commit a burglary, the application of joint enterprise in those circumstances would be perfectly reasonable. The problem is the extension to groups of young people when one of them commits acts of violence and when it is suggested that foresight can be equated with intent. That is taking the doctrine beyond a sensible application.

Stephen Pound: The hon. Gentleman has indicated a way forward. He knows the case of Craig and Bentley, which I remember very well indeed. Let us not forget that one of them was hanged in a joint enterprise. Is it not a salutary thought that if the present law on joint enterprise had been applied when we had the death penalty, 20 young men would have been hanged. Can you imagine? If everybody in a group of people where somebody dies was said to be guilty, as with Craig and Bentley, would they then all have been hanged? The mere thought of that is so horrific—so disgusting—that it surely brings into sharp relief the insanity of this legislation and the idea that this great blanket of culpability is cast over a whole group of people. This law is nonsensical. It is cruel; it is brutal; it is outdated; and it has to go.

Amazingly, this is the first time that we have debated this subject on the Floor of the House. I hope that today will be the beginning of a process that leads to people like Alex Henry seeing daylight, and his child and his family, again. When I last saw Alex—I have visited him a couple of times—he was keeping his head down and keeping his nose clean. He was working in the kitchen. He actually had kind words for the staff at HMP Whitemoor, but the hope was going out of his eyes. You could actually see him looking at that long, long stretch ahead of him.

[Stephen Pound]

As my hon. Friend the Member for Huddersfield (Mr Sheerman) mentioned, Alex is a man on the autism spectrum. In his appeal, evidence was submitted on his behalf by none less than Professor Baron-Cohen. One cannot get a higher authority than that. Was that opinion accepted? Clearly not, because my constituent is still in prison. He is a young, autistic man who, for 40 seconds of his life, did not stop something happening. He did not do anything wrong; he did not stop it happening. Can it really be right in this day and age that the law we are all sworn to uphold—that we are a part of as part of the establishment of this country—is having that impact on people, disproportionately on young black men, and disproportionately on the innocent?

I profoundly hope that this debate is one of those occasions when something really good comes from this place—where we put down a marker to say, yes, we thank JENGBA for all its work, but even without JENGBA, in our own heart of hearts, in our own knowledge and analysis of the situation, we realise that this stinks. It is wrong—dangerously, destructively, corrosively wrong. We have to do something about it. Let today be the day that we consign the present interpretation of joint enterprise to the dustbin, move forward and bring the law back into repute—take it away from ill-repute. I hope that Kenneth Alexander and Alex Henry can then take their rightful places in society where we want them to be. May they be here in the House of Commons, in the Gallery or wherever, rather than behind bars at the nation's expense. We cannot go on like this.

1.22 pm

Chris Green (Bolton West) (Con): It is a pleasure to see you back in your place, Mr Deputy Speaker.

It is also a pleasure to follow the hon. Member for Ealing North (Stephen Pound), especially given the points that he raised about the local context—the 40 seconds leading to 12 years—the historical context and this ancient practice deriving from duelling. I appreciate the hon. Member for Manchester Central (Lucy Powell) bringing this important debate to the House.

Our justice system needs to recognise the context in which much crime happens. There is a social context. It is more than just an individual engaging with and committing crime. Friends and family have a huge influence on people's lives, on what they do and on the moral framework in which they act. If an individual gets in with the wrong crowd, perhaps a gang or a mob, and those people encourage, force, direct or egg on people to commit crimes, the justice system has to take account of their actions. There has to be that justice. That is what friends and families of the victims, so often murdered, would want and expect.

Therefore, I would like to support the hon. Lady's comments about improving the sense of proportionality and about the gathering and presentation of accurate data. It is so important that we have good data to base these decisions on in future. I also agree with her on bringing forward the CPS review.

I am not a lawyer, so I do not want to detain the House for too long. I recognise that following the Supreme Court ruling of February 2016 the CPS has

consulted widely on new legal guidance for prosecutors in cases of secondary liability. I hope that the Minister agrees that hon. Members and their constituents would be best served by waiting for that guidance to be issued.

1.24 pm

Mr David Lammy (Tottenham) (Lab): I congratulate my hon. Friend the Member for Manchester Central (Lucy Powell) on securing this debate and on the way in which she has gone about representing her constituents, many of whom I met a few weeks ago, who are caught up in this terrible nightmare. I pay tribute to the right hon. Member for Sutton Coldfield (Mr Mitchell), who has championed and taken up many of these issues consistently in this House over the past few years.

The doctrine of joint enterprise is a common law doctrine very much derived from judicial decisions, not legislation passed by Parliament. As has been said, it is now time for Parliament to reflect hard on where we have arrived at and on the fact that this debate is essentially about juveniles—people as young as 14 who are looking at spending significant stretches of their lives behind bars. This debate is about what we have come to describe as “gangs”. We do not use the word “gangs” when we are talking about the Bullingdon club; we do when we are talking about black youth in constituencies such as mine or white youth in constituencies such as Salford in north-west England.

That is why it is so important that we look hard at a doctrine that stretches back to 1846, when two cart drivers engaged in a race that killed a pedestrian. Throughout the 20th century, further court judgments clarified the joint enterprise doctrine in the case of murder. Even if there is no plan to murder and one party kills while carrying out a plan to do something else—for example, robbery—the other participants can still be found guilty. The use of that doctrine has been criticised by academics, by legal practitioners and by the Justice Committee. I want to associate myself with all those remarks and, in particular, with the fantastic work of JENGBA over the past few years.

Following the review that I did for the Government, it is important that we recognise that in black, and particularly Muslim, communities, there is tremendous concern about our judiciary. In those communities, the judiciary do not appear to be independent and justice is not perceived to be blind. That is why I was so disappointed that, when I proposed a target in my review, it was roundly rejected by our senior judiciary and by the Government, although a target is not prescriptive but merely a goal.

I am concerned that the independence that our judiciary say they have, and rightly have in our democracy, means that they are hugely detached from the communities that we are talking about. They do not have to defend their actions in Tottenham town hall or Manchester city hall. They are never present in those communities. They do not have the kinds of surgeries that we do. It is really important that they reflect hard on the common law tradition. In other jurisdictions such as Canada, Australia and New Zealand, there has been progress on proximity and diversity in relation to the judiciary, but in this country we appear to be stuck. On this occasion, it is absolutely clear that the common law makes no common

sense. That is why I referenced joint enterprise in relation to black, Asian and minority ethnic communities in my review.

The offence of joint enterprise has long been justified, by Ministers of both Conservative and Labour hue, on the basis that it sends a wider social message. I will not quote the right hon. Member for Epsom and Ewell (Chris Grayling), a former Justice Secretary—hon. Members will recognise that I do not need to; they will know what his views would be—but let me quote Lord Falconer. He said of joint enterprise in 2010:

“The message that the law is sending out is that we are very willing to see people convicted if they are a part of gang violence—and that violence ends in somebody’s death. Is it unfair? Well, what you’ve got to decide is not ‘does the system lead to people being wrongly convicted?’ I think the real question is ‘do you want a law...as draconian as our law is, which says juries can convict even if you are quite a peripheral member of the gang which killed?’”

I want to say that the former Lord Chancellor Lord Falconer got it wrong, and the perception in the sort of communities we are talking about is that this is very wrong. Joint enterprise raises significant issues of miscarriages of justice, which must command the attention of this House and of our wider justice system.

Afzal Khan (Manchester, Gorton) (Lab): I want to put on the record my thanks to my right hon. Friend for the work he has done with his review. I also thank my hon. Friend the Member for Manchester Central (Lucy Powell), who represents a neighbouring constituency.

This issue has also touched the lives of my constituents. Yesterday, I spoke to Louise Otway, whose son was sentenced to 30 years under joint enterprise. I am concerned by two issues, as a former serving police officer in the Greater Manchester police and as a practising solicitor. My first concern is that, although the Supreme Court has said that the law has taken the wrong turn, nothing has been done to put that right, which is not acceptable. Secondly, as is becoming clear from listening to my hon. Friends, BME and working-class defendants are over-represented, with the use of gang narratives playing into the stereotyping and targeting of these groups. Does my right hon. Friend agree that it is essential we have greater transparency, through the official statistics, about the make-up of joint enterprise defendants?

Mr Lammy: My hon. Friend’s point is exactly right. The issue is: what would happen if the principal’s intent was graver than the accessory’s? In all the cases that have been mentioned, that is absolutely the case. What would happen if the outcome of whatever act the principal carries out is far graver than the accessory was aware of? Getting into questions about the foresight and intent of a young adult is next to impossible, given all that we know in modern times about child psychology, so it is absolutely right that young people should not be convicted in those cases.

Robert Neill: The right hon. Gentleman is making a powerful case and perhaps I can offer him some support. As evidence to the Justice Committee has made clear, practitioners feel it would be of greater assistance to juries deciding on these issues if there were a statutory framework within which they could work. We have done that with the Theft Act 1968, which replaced out-of-date common law arrangements. Ironically, in the Jogie case, the trial judge of first instance was this

country’s first black woman High Court judge, but she was obliged to follow the rules of precedent. Had there been a revision of them by statute, the situation might have been different.

Mr Lammy: The hon. Gentleman is right. He makes the case that it is now for the House really to get thinking about these matters.

As the hon. Gentleman will be aware, an accessory party can be liable under joint enterprise, even if they withdraw from a group before any crime is committed. Many hon. Members will think of the example of a group of students in a playground or a park, where someone talks about teaching someone a lesson—in fact, we might recall such an occasion from our own lives when we were younger—and one of those individuals thinks that teaching a lesson involves significant violence, assault or even something ending in murder, and just because the group had discussed teaching someone a lesson, someone else may end up in prison for murder.

We have been in the House when or know of times when Members have picked up the Mace—I am thinking of the former leader of the SNP and Lord Heseltine. If you picked up the Mace and an older Member thought it was coming towards them and died from a heart attack, you would be in serious trouble. However, if you had discussed it with your colleagues beforehand, they too would be in serious trouble. A whole political party—on that occasion, the SNP—might have been heading towards that. That shows how ridiculous this situation has become, and it is why we need an urgent review.

We are having this debate after politicians have said, “We have to crack down on gangs and that is why we are doing this.” But has it worked? Knife crime is rising: in England and Wales, there were 36,998 knife crime offences in the 12 months to the end of June. Hospital admissions as a result of knife crime and the use of sharp objects are rising. We have a real problem in London, which the Mayor of London is trying to deal with. Has this therefore had the effect that people suggested it would? It has not. It has not had that effect because it is not minors driving knife crime—it is serious organised criminals: gangsters and kingpins. They are driving the trafficking of cocaine and drugs, which is leading to the turf wars that are making some of the communities we represent more violent. The 14, 15 and 16-year-olds or those in their early-20s locked up for the offence of joint enterprise do not know anything about getting a tonne of cocaine from Bolivia or Colombia. We must go after the gangsters, but we are hearing very little about that.

The Ministry of Justice’s own research on joint enterprise convictions understands the psychology of young people. It understands the need of teenagers and juveniles to belong to a group. It understands that they have a predisposition towards risk, seeking excitement and reckless behaviour. It understands their inability to inhibit their impulses and the fact that they have less self-control. All of us in the House who are raising or have raised teenagers will recognise all those characteristics. Are we really going to throw young men—black and white—into prison because they are young?

I have two boys at home. They navigate the streets of north London on their way to school and one in particular goes through some high knife-crime areas. I am raising

[Mr Lammy]

boys who would never ever take a knife out of the house and use it on anybody else—I am absolutely sure about that—but can I say, if something is going on in a park, that one of them might not drift towards the action? Hand on heart, as a father, I cannot say that. I do not ever want to have to visit one of my own children in prison. None of us should want ever to have to visit young people in prison. None of us should want that waste. None of us should want those criminal records. It is time that this House acted.

1.38 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I am grateful to speak in this important debate, and it is always a pleasure to follow my right hon. Friend the Member for Tottenham (Mr Lammy). I congratulate those who secured this debate, especially my hon. Friend the Member for Manchester Central (Lucy Powell), and I thank the Backbench Business Committee for allocating it some time.

When my constituent Ms Gillian Hyatt first came to see me in 2012 about her sons in prison, I thought it a straightforward case of a mum doing her best for her children despite the fact that they had offended. I commend her for pressing me to look beyond a concerned mother and to examine the JENGBA campaign. I attended JENGBA's briefing in Parliament only a few months ago, as did most of my colleagues here today. I was shocked by consistent reports of case after case of mostly young men—including, as we have heard, a disproportionate number from the black, Asian and minority ethnic communities—who had been not only convicted but handed the severest of sentences. I commend JENGBA for its campaign, and for its briefing for today's debate.

Like other Members, I have not heard anyone say that all those locked up are innocent. Called “inside campaigners”, some may well be, but the message I hear most strongly is that although some may be innocent, many are guilty of lesser offences. Some of those offences are much less serious, and therefore the tariffs handed down by the judges seem questionable at least. The numbers are huge, but efforts to assess how many people are involved have proved difficult. The Ministry of Justice has not produced statistics for those found guilty through joint enterprise, and one has to ask why.

The Bureau of Investigative Journalism estimates that between 2005 and 2013, between 1,800 and 4,500 people were prosecuted for murder with joint enterprise used as part of the charge. However, I am getting ahead of myself, because the fundamental flaw in using joint enterprise to prosecute for murder was exposed, as we have heard in speech after speech, by the Supreme Court in 2016. The Court held that in 1984 the law had taken “a wrong turn”—I think every speaker has mentioned that, and it must be one of the weakest euphemisms ever heard—in the case of *Regina v. Chan Wing-Siu*, and it overturned the verdict of *Regina v. Jogee*.

Jogee was retried and found not guilty of murder but guilty of manslaughter, and his mandatory life sentence was replaced by an appropriate sentence for manslaughter. The Supreme Court also ruled that cases prior to Jogee could only go back to the Court of Appeal if people

could prove that their conviction was a “substantial injustice.” Despite the hundreds of cases at least—I repeat that the Ministry of Justice cannot, or will not, say exactly how many there are—the Court of Appeal has denied every joint enterprise appeal. Incidentally, the youngest person to receive a life sentence was just 12 years old when charged.

The common law doctrine of joint enterprise covers two types of offence. The first is “assisting and encouraging”, also known as “aiding and abetting”, and I have nothing to say about that. The other is “parasitic accessory liability”, which I find quite troubling. Even the title sounds as if the accused must be guilty of something, or has some form of vicious disease. PAL is controversial, as the secondary offender would not need to intend the crime, but merely have been able to foresee it.

Traditionally, for someone to be convicted of murder, it had to be proved that the killer intended to kill, or at least to seriously injure someone. PAL was therefore quite a shift, and led to hundreds, if not thousands, of convictions over 30 years since 1985. The Supreme Court decision in 2016 on *Regina v. Jogee* must, at least statistically, call some of those convictions into question. That decision, however, applies to out-of-time appeals only if it can be proved that a “substantial injustice” has occurred—that was tested in *Regina v. Johnson* in 2016—and proved categorically that a change in the law “would” have made a difference. The Criminal Appeal Act 1968 allows the court to quash a conviction where the misapplication of law “might”, rather than “would”, have made a difference. Since the Jogee decision, none of the 800 men, women and children currently supported by JENGBA have successfully appealed against their conviction—not one.

My constituents Asher and Lewis Johnson were both sentenced to 16 and a half years for a murder committed by another man. I will not go into great detail, but suffice it to say that they maintain they had no knowledge of the guilty party's intention. Asher was a youth worker who had never been in trouble before. It might be that there is more to the case, but for them to be found guilty by association seems worthy of fresh examination, especially given the Supreme Court ruling that the law had taken a “wrong turn.” It certainly had for the Johnson brothers. They want a fresh hearing with the evidence presented in light of the Jogee ruling, but that has been denied. I cannot know all the facts, and like all colleagues here I do all I can to support the police in their difficult job, but something here just does not feel right.

In conclusion, JENGBA is calling for the abolition of parasitic accessory liability charging—as my hon. Friend the Member for Manchester Central explained in her excellent speech, CPS guidance on that is still very confusing. It also calls for the abolition of child life sentences, and for the Ministry of Justice to collect data on all joint enterprise secondary party convictions. It argues that this is a

“common law, used against common people, that makes no common sense.”

I believe it has a very strong case.

1.45 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): I congratulate my right hon. Friend the Member for Tottenham (Mr Lammy), my hon. Friend the Member

for Manchester Central (Lucy Powell), the right hon. Member for Sutton Coldfield (Mr Mitchell) and the hon. Member for Bromley and Chislehurst (Robert Neill) on securing this debate, and I thank the Backbench Business Committee for allocating it time today.

I represent some of the family of Alex Henry, whose case was explained in some detail by my hon. Friend the Member for Ealing North (Stephen Pound). Alex Henry was involved in a fatal street fight in Ealing in 2013, and has spent four years in prison, serving 19 years under joint enterprise. His mother, Sally Halsall, is my constituent, and last October I met her and Alex's sister, Charlotte, along with my hon. Friend the Member for Ealing North and the right hon. Member for Sutton Coldfield. I really came to understand the importance and significance of joint enterprise, and the need to review the law.

In August 2013 Alex Henry went shopping with three friends. A confrontation took place that lasted just over 40 seconds. It is not clear why the confrontation took place, but it may have been triggered by a stare. One young man used a knife from within a bag, and he stabbed two brothers, one of whom tragically lost his life. On the sixth day of the trial, the man with the knife pleaded guilty to murder and grievous bodily harm with intent, and was sentenced to 22 years. Alex Henry received a sentence of 19 years—only four years less—despite never touching the knife or even being aware of its existence.

Since Alex's conviction in March 2014, his family have campaigned tirelessly with JENGBA to reform the law of joint enterprise. The injustice, as the family saw it, was that traditionally, for someone to be found guilty of murder the Crown needed to prove that the defendant inflicted fatal harm while intending to kill, or at least to commit very serious harm. Conversely, under joint enterprise the Crown needs only to prove that the defendant foresaw the possibility that the crime "might" happen, rather than that they intended it and knew that it "would" happen. This means that it is easier to prove the guilt of the accessory than the principal offender. Therefore, in Alex's case the Crown needed to prove that Alex foresaw the possibility that the stabbing "might" happen, rather than that he intended and knew that it "would" happen.

There was no evidence that Alex knew about the possession of the knife and therefore that someone might be stabbed. However, the Crown persuaded the jury by arguing that "friends tell each other everything", and therefore that Alex must have known the other man was in possession of a knife that day, and foreseen the possibility of its use if any altercations were to arise during the shopping trip. "Friends tell each other everything and therefore the crime could have been foreseen"—what a shocking indictment of the way the law works if that can lock up a young man for so long.

As we have heard, in February 2016 the joint enterprise law was successfully reformed. Now, rather than foresight, the Crown needs only to prove that the defendant intentionally encouraged or assisted the principal offender while knowing that the crime "would" take place. The law of joint enterprise has convicted thousands of men, women and children, 800 of whom are supported by JENGBA. However, the courts have ruled that the change in the law will have no automatic retrospective effect for out-of-time appeals, which include every case resulting in conviction 28 days or more before the

change in the law. Instead, those out-of-time appeals will be allowed only if a defendant can prove a substantial injustice, which means proving that the change in law would, without doubt, have made a difference.

However, that is an impossible test, as was found in the case of *Regina v. Anwar* in 2016. The evidential bar has not been raised by Jogee; in particular, presence at the scene of the offence can amount to encouragement of the crime. Moreover, proof of the defendant's intent to encourage, coupled with his knowledge that the crime would happen, can be inferred from the friendship of the co-defendants, just as foresight was inferred before Jogee.

If nothing more need be shown evidentially since the change in the law, how can a defendant prove that the change in the law would have made a difference? In comparison, those who have suffered a misapplication of the law changed in Jogee need to show only within 28 days of conviction that the conviction is unsafe, in that the misdirection might have made a difference. So far, no out-of-time case has succeeded on appeal—including Alex's appeal, which was rejected.

In his excellent report on black and minority ethnic people in the justice system, my right hon. Friend the Member for Tottenham, who is no longer in his place, rightly shone a light on unacceptable inequality, particularly for young people from those communities. But two other factors are particularly relevant to joint enterprise. First, there is maturity. Many convicted under joint enterprise are not in full maturity; the justice system is beginning, slowly, to understand that young men under 25 are not mature and need to be considered slightly differently—their maturity must be a factor in their cases.

The other factor is the autism spectrum. Alex Henry's diagnosis of autism was important in his case. Despite Alex's having had many problems from an early age, no one had suggested to him or his family that he might be on the autistic spectrum until a viewer of the documentary made about the case wrote to the family. Alex's family then arranged for Alex to be assessed by Professor Simon Baron-Cohen, the leading academic on autism and Asperger's syndrome in this country.

The professor's report states that it is incredibly unlikely that Alex could have foreseen what would or might happen in those 40 seconds since, due to his autism, he cannot predict the actions, behaviours or intentions of others. The Court of Appeal rejected that ground because Alex's mother has a PhD in psychology and so she could have coached Alex in "how to act autistic". That is shocking. The court also said that it could not understand why Alex was diagnosed so late in life, aged 23, despite seven previous mental health assessments, which did not result in a diagnosis.

Mr Mitchell: I want to strongly support what the hon. Lady is saying about the judgment of the court in that case in respect of autism. I have read the case and, as a layman, I find the response of the court completely inexplicable.

Ruth Cadbury: I thank the right hon. Gentleman so much. Anybody who has had any contact with people who have been diagnosed with autism at a later stage knows that the condition is often not diagnosed early. Many people go through many difficulties in their lives

[Ruth Cadbury]

before being diagnosed, if at all. Alex was one of those in that unlucky situation. Because autism is an invisible disorder, many assessments found traits of autism as highlighted in Professor Baron-Cohen's report. That could be a factor in appeals.

The refusal of Alex's appeal has left the family devastated, as the House can imagine, but they are determined to see him proved innocent. In their view—and mine, from what I know of the case—he is not a murderer. How many people in prison for joint enterprise have undiagnosed autism? We need to look at that.

Since Alex's appeal was rejected last year, his sister Charlotte has applied to challenge the "substantial injustice" at the Supreme Court. The family are also taking Alex's case to the European Court of Human Rights. They believe that joint enterprise breached article 7 of the European convention on human rights and the principle of legality that holds that there shall be no punishment without law. Since those convicted under joint enterprise were not actually convicted under a true law, their presumption of innocence under article 6(2) remains, and it is breached by the need to prove that the change in the law would have made a difference.

In October 2016, the Select Committee on Justice, on which I have the pleasure and honour of serving, wrote to the chair of the Law Commission to suggest that it review the law of joint enterprise, given the lack of legal clarity in the wake of the Jogee judgement—particularly on how juries should be directed on the question of intention. Unfortunately, the final version of the 13th programme of reform omits any work on joint enterprise. I know, however, that the Justice Committee's Chair will continue to push those points.

Robert Neill: The hon. Lady is right that the Committee will want to pursue that point. However, there is nothing to stop the Government themselves asking the Law Commission to carry out a review, as has happened a number of times in the past.

Ruth Cadbury: Like the hon. Gentleman, I look forward to the Minister's response.

As we have heard, the Justice Committee also wrote to the Director of Public Prosecutions suggesting clarification on the intention of the defendant. I support the clear demands put forward by my hon. Friend the Member for Manchester Central: proportionality, the need for proper data, a review of the CPS guidance and a review of older cases. All those are essential, and we look forward to the Minister's response on all those issues.

For the sake of Alex, the thousands of others imprisoned under joint enterprise and their loved ones, I support the calls of colleagues across the House that the injustice be rectified. Let us right the wrong. If we really want to address knife crime, let us learn from the places that have actually brought it down.

1.57 pm

Andy Slaughter (Hammersmith) (Lab): I have had the privilege of working with JENGBA, and particularly with Gloria Morrison, for seven or eight years, and I am pleased that the organisation is now located in my

constituency. However, I am sorry that we have not made more progress—by "we", I mean the House and the Government. As we have heard, JENGBA has a phenomenal record of representing 800 families in these difficult cases. I have a number of constituents serving long sentences who were convicted before the Jogee judgment and are therefore potentially subject to review; I am sure many other Members do too, given the numbers.

Before coming to those points, let me say that these matters are not easy. I am sure that we all also have constituents who have been the victims of violent crime. As my hon. Friends the Members for Sunderland Central (Julie Elliott) and for Poplar and Limehouse (Jim Fitzpatrick) said, we are concerned that people should be punished suitably for crimes that they have committed. There are famous cases, including those of Garry Newlove and Stephen Lawrence, in which joint enterprise played a part in the convictions. When very serious offences are committed, particularly murder, and there are victims and grieving families, it is perhaps only human nature to want to bring people to justice. The difficulty has arisen because, particularly where there are large gangs or groups, it is more difficult to identify who the actual perpetrators are. The danger of a miscarriage of justice is therefore all the greater.

Several Members have referred to the history of what has variously been called common purpose, secondary liability or joint enterprise. My hon. Friend the Member for Ealing North (Stephen Pound) said that the offence was originally developed by the common law to deal with the social evil of duelling, almost as a matter of public policy rather than law. The leading case of *Swindall and Osborne* in 1846 was about two cart drivers encouraging each other in a race, one of whom killed a pedestrian. It is easy to see in such cases how one can attach guilt to the person who is not the primary perpetrator. My hon. Friend also mentioned the celebrated *Craig and Bentley* case, in which many factors were involved. On Sunday, it will be 65 years since the execution of Derek Bentley. It is 25 years since he was pardoned, and 20 years since his sentence was quashed. Bentley, who was 19, was hanged, but the actual perpetrator, Chris Craig, was not, because he was under 18.

However such cases were resolved, it is fairly easy to see the principle of joint enterprise at work, but, as has been pointed out by my right hon. Friend the Member for Tottenham (Mr Lammy) and others, we are now dealing with a number of new factors. There is the huge preponderance of people from black and minority ethnic communities who are convicted, there is the number of young people convicted, and there is, simply, the number of people who are engaged. It is, I think, wrong to say that not much attention has been paid to the issue; it is a question of what the outcomes have been. The Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill), and his predecessors have produced a number of telling reports.

The Crown Prosecution Service guidelines have been reviewed, although they may still be imperfect, and, of course, there has been the Jogee judgment. That judgment is perhaps unsurprising. As we heard from my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury), before Jogee the level of the mental test for secondary participants was lower than the one applying

to primary offenders. That had to change, and it has changed. There is, therefore, a possibility of review, but—I think the courts are cognisant of this—there is also the issue of floodgates. Will there suddenly be a huge number of cases to review because of a correction of the law—not a change in the law, but a declaration of what the law should have been all along? Many Members have said, “So be it”, but it is up to the Government to decide how the position is to be dealt with, and I am afraid that the Government have been wanting in that regard.

After *Jogee*, in November 2016, the then Secretary of State wrote to the Justice Committee:

“We have concluded that no further review of the law is necessary at this time.”

As far as I know, that is still the Government’s position, although we may hear otherwise from the Minister today. Let me say to the Minister that that is wrong. We need such a review. That will not be easy, because this is a complex and difficult offence and because there are arguments on both sides, but the law gets itself into a mess in exactly these areas. When I was a shadow justice Minister between 2010 and 2015, I urged my party, if it were subsequently to come to power, to look at some of these difficult issues. I am thinking of not just joint enterprise, but inchoate offences and, indeed, homicide. A number of common law offences that have developed over a period may not be fit for purpose in the modern world. I hope that we shall hear some positive answers from the Minister today. Reviewing the law in this respect cannot be left to the courts or the prosecuting authorities. Sooner or later, either this or a future Government will have to do it.

My final point—another JENGBA point—concerns evidence and statistics. I cannot believe that we are not collecting proper statistics. It is clear from the statistics that are available that a high proportion of people are convicted of homicide on the basis of joint enterprise. According to some estimates, the proportion who are sentenced is approaching 50%. Two years ago, I asked a parliamentary question on the subject. My question was:

“To ask the Secretary of State for Justice, how many people have been convicted under joint enterprise in each year since 2010.”

The answer was as follows:

“Such information is not held centrally and could only be obtained at disproportionate cost.”

That, too, is quite wrong. If we are to deal sensibly with this difficult and sensitive matter, we must have the facts.

It would be wonderful to hear from the Minister today that there will be a review, and that the Government will refer the matter to the Law Commission, as was indicated by the Chair of the Justice Committee. It would certainly be welcome to hear that there will be a proper collection of statistics, so that we have a sound basis on which to introduce reform.

2.4 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I congratulate the hon. Member for Manchester Central (Lucy Powell) and her colleagues. They deserve great credit for raising this important matter, and for posing a number of challenging questions.

The consequences of the *Jogee* decision include, of course, uncertainty and distress for victims and relatives who now wonder whether those who have been held responsible for violent crimes against them will have their cases reopened and their sentences quashed. The right hon. Member for Sutton Coldfield (Mr Mitchell) and the hon. Members for Sunderland Central (Julie Elliott) and for Hammersmith (Andy Slaughter) rightly reflected on that. On the other hand, we are all agreed that the so-called wrong turn in the law means that there have undoubtedly been many miscarriages of justice, and people have been convicted and sentenced for crimes far graver than those for which they should have been held responsible. As we know, thanks to the excellent work of the right hon. Member for Tottenham (Mr Lammy), serious questions have been raised about its disproportionate effects on young men from black and minority ethnic communities.

Members who are far more qualified than me—including the hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee—have explained why the decision of the Privy Council in the 1985 case of *Chan-Wing Siu* was wrong and was required to be “corrected” by the Supreme Court. For me, that correction raises three discrete questions.

It is clear that the law after 1985 has been wrongly applied, and that that has resulted in real injustices. The first question to ask is whether the law on joint enterprise and parasitic accessory liability is now operating as we want it to. How should the criminal law respond when a person engages in a joint enterprise with a principal who goes on to commit a more serious offence outside the scope of that enterprise? I think that, on paper, the *Jogee* decision is better than what was in place previously, but Members on both sides of the House have raised concerns about whether it is operating effectively in practice, or as Parliament would wish. The hon. Member for Brentford and Isleworth (Ruth Cadbury) gave appalling examples of judicial reasoning that gave real cause for concern.

The situations in which joint enterprise might arise, and the different views of culpability, are many and varied. A number of Members have focused on the effect on young people and gangs in particular, and we have heard powerful arguments for reform, especially from the hon. Member for Ealing North (Stephen Pound) and the right hon. Member for Tottenham, but joint enterprise arises in many other circumstances. We therefore need to seek a solution that can respond adequately to all the different facts and circumstances. Sentencing is a related issue. Does the application of mandatory sentences in some cases mean that punishments cannot reflect the different levels of culpability of principal and accessory in certain circumstances, and might that, too, require reform?

There are also serious questions to be asked about appeal rights, about which the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) spoke eloquently. If the decision in the 1985 case had been in statute and reflected the will of Parliament, and if it had then simply been amended or replaced in 2016, there would have been no possibility of a right to appeal for those convicted between those times. As the right hon. Member for Tottenham said, however, common law is very different. The Supreme Court is saying that the law was applied wrongly by the courts, and that people have been convicted

[Stuart C. McDonald]

of crimes that they did not commit. It cannot possibly be right that no challenges to those convictions have been successful. There is a strong case for saying that the bar for appeals against such decisions has been set too high.

These are difficult decisions. It has been useful for Members to be able to air their views, but I cannot help agreeing with the Chair of the Justice Committee that a thorough and comprehensive review is required. That work is urgently needed if we are not to return to this issue in the very near future.

2.8 pm

Yasmin Qureshi (Bolton South East) (Lab): I congratulate my hon. Friend the Member for Manchester Central (Lucy Powell), the right hon. Member for Sutton Coldfield (Mr Mitchell), the hon. Member for Bromley and Chislehurst (Robert Neill) and my right hon. Friend the Member for Tottenham (Mr Lammy) on securing this important debate. I also pay tribute to JENGBA on its highlighting of concerns about this law for many years, which contributed to the 2016 Supreme Court ruling that the law had taken a wrong turn.

We have heard many excellent and passionate speeches today. My hon. Friend the Member for Manchester Central spoke eloquently and comprehensively about the issues. The right hon. Member for Sutton Coldfield talked about the family of a victim and their suffering, and also about miscarriages of justice, making the important point that we must distinguish between groups and gangs. My hon. Friend the Member for Sunderland Central (Julie Elliott) rightly said that the victims' families must not be ignored, but that miscarriages of justice must also be dealt with. The hon. Member for Bromley and Chislehurst, the Chair of the Select Committee, talked about the need for hon. Members to press the Government on legal reforms, and the importance of charges and sentences being correct and proportionate to the acts carried out. My hon. Friend the Member for Ealing North (Stephen Pound) contributed with his characteristically passionate oratorical skill, and talked about his constituent Alex Henry, as did my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury). I must also compliment my constituency neighbour, the hon. Member for Bolton West (Chris Green), on the points he made, specifically on the guidance for the prosecutors involved in making decisions on what charges should follow. My right hon. Friend the Member for Tottenham made a powerful speech about how this law has been applied in practice in certain situations.

The law regarding joint liability is complex. In 2012, the Justice Committee—when I was a member—carried out an inquiry into the operation of the legal doctrine of joint enterprise. In 2014, it revisited the issue to see what had occurred. Both reports deal with the status and application of the law before the Jøgee case reached the Supreme Court, where judgment was handed down in February 2016. Although the reports predate this important judgment, much of their background information and analysis remain useful. The Committee explained that joint enterprise is a form of secondary liability whereby a person who agrees to commit a crime with another becomes liable for all criminal acts committed by the other person—the principal offender—in their

joint criminal venture. The Committee suggested that the Director of Public Prosecutions should issue guidance on the use of the doctrine when charging. In particular, it wanted guidance on the relationship between association and complicity. I will return to the issue of the clarity of the law shortly, as it remains a concern of many Members even after the Jøgee ruling.

Victims of crime are at the centre of Labour's approach to justice. Victims, their families and the wider public must have faith in our justice system, and to achieve that our justice system must deliver certainty. Labour is also clear that, where there are substantial injustices arising from the application of the law of joint enterprise before the case of Jøgee, these should be addressed.

Jøgee is reasonably described as a landmark court judgment. It established that the law on joint enterprise had been misinterpreted in the criminal courts for three decades. The ruling turned on the judgment that an individual foreseeing a possible crime does not equate to "automatic authorisation" of it, as the law had been interpreted in previous cases. A higher threshold of proof is now required as a result.

It is welcome that the Supreme Court clarified the application of the law of joint enterprise. The judgment also set out criteria by which potential miscarriages of justice can be addressed where a substantial injustice has occurred.

Subsequent judgments following the Supreme Court ruling relating to joint enterprise appeals have developed the argument around the nature of the substantial injustice. Judgments in joint enterprise cases since Jøgee have explained why the law must provide certainty.

It is clearly in the public interest that convictions are not automatically reopened when judges in later cases develop the law. To reopen all cases would undermine the certainty of convictions and deny closure to victims' families. In the Court of Appeal case of Johnson, it was stated:

"The need to establish substantial injustice results from the wider public interest in legal certainty and the finality of decisions made in accordance with the then clearly established law... It also takes into account the interests of the victim (or the victim's family), particularly in cases where death has resulted and closure is particularly important."

Labour is clear that victims of crime and their families must have confidence in our justice system. However, it is also vital that victims of miscarriages of justice have opportunities to have their cases heard. Without those opportunities, we would risk injustices being permitted to continue.

Those who believe that miscarriages of justice have been committed are of the opinion that how "substantial injustice" is defined has not yet been fully developed. It is right that more clarity is brought to this vital question, and we hope that today's debate has contributed to that. In addition, we welcome the news that the Crown Prosecution Service is reviewing its guidelines and we hope that this opportunity will be taken to help provide more certainty and clarity for both victims and the wider public.

Many members of the public will be surprised to know that no official statistics are available on joint enterprise convictions. That can make it difficult to assess how big an impact the wrong turning in the law between the cases of Chan and Jøgee has had in practice.

Almost two years ago, my hon. Friend the Member for Hammersmith (Andy Slaughter) asked the Secretary of State for Justice how many people had been convicted under joint enterprise in each year since 2010, and a similar request was made by the Justice Committee in the 2010-15 Parliament. The Government response was that the information was not held centrally and could only be obtained at disproportionate cost. That is a plainly unsatisfactory response to a very reasonable request for information that would shed light on the scale of joint enterprise convictions. May I ask the Minister to ensure that the Government take action to rectify this urgently? There is a need to keep proper statistics on offences of joint enterprise; that would greatly assist everyone.

Although there are no official statistics, the evidence that there is from academic research suggests that the doctrine of joint enterprise may have been applied in a discriminatory way. Where such profiling does exist, it shows that the doctrine is not only unjust but undermines the social contract and community support for our criminal justice system.

In its 2014 report on joint enterprise, the Justice Committee explained:

“It is clear that a large proportion of those convicted of joint enterprise offences are young Black and mixed race men. In the Cambridge research sample, 37.2% of those serving very long sentences for joint enterprise offences are Black/Black British, eleven times the proportion of Black/Black British people in the general population and almost three times as many as in the overall prison population. There is also a much higher proportion of mixed race prisoners convicted of joint enterprise offences than there are in the general prison population (15.5% compared to 3.9%).”

The Justice Committee also heard evidence about why there was disproportionality:

“Dr Ben Crewe from the Cambridge Institute of Criminology said that there were probably two main reasons for the disproportionate impact of joint enterprise on young Black men, the first being that ‘BME men may be over-represented in the kinds of communities where young men typically hang around in groups that are labelled by outsiders as gangs’ and the second that ‘an association may exist unconsciously in the minds of the police, prosecutors and juries between being a young ethnic minority male and being in a gang, and therefore being involved in forms of urban violence.’”

Many Members today have alluded to that point.

I pay tribute to my right hon. Friend the Member for Tottenham for his work in the Lammy review. It states:

“Despite the High Court ruling, experts in the field remain concerned about some of the legal practice on Joint Enterprise. Many are not convinced that the line between ‘prohibitive’ and ‘prejudicial’ information is drawn appropriately in the evidence put before juries when cases reach trial. People must be tried on the basis of evidence about their actions, not their associations—and the evidence put before juries must reflect this.”

This again demonstrates the clear need to publish accurate statistics on offences of joint enterprise. We ask the CPS to take this opportunity to rework its guidance on joint enterprise and to consider its approach, so that this and associated laws are not implemented in a discriminatory way and so that, when prosecutors are deciding the appropriateness of the charge and who needs to be prosecuted, this guidance is applied properly and fairly. I hope that the Minister takes this opportunity to do that today.

Mr Mitchell: It was unforgivably remiss of me earlier, Madam Deputy Speaker, not to welcome the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire

(Lucy Frazer) to her first outing on the Government Front Bench. The whole House will wish her well in what will undoubtedly be the start of a long and distinguished ministerial career.

2.20 pm

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I am very grateful to my right hon. Friend for his comments. I would like to start the debate by commending the hon. Member for Manchester Central (Lucy Powell) for securing this debate on an issue that is close to her constituency and to her heart. I also want to thank my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell), my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) and the right hon. Member for Tottenham (Mr Lammy) for supporting the motion today.

I fully recognise the importance of the law in this area. When anyone is charged and convicted of a crime, it will have serious consequences for them, their families and their victims. This is especially the case when the charge may be for such a serious crime as murder. I also recognise the sensitivity of this issue, given that the youngest of those that JENGBA supports was 12 when he was charged with the offence, as many Members have mentioned. That will obviously have a significant impact on his life.

Many Members have identified what the Supreme Court decided, but it is important to set out the principles involved because some Members put forward hypothetical circumstances that could result in a conviction for accessory liability, and I am not sure that all those circumstances were right. It is important to be clear what we are talking about from the outset.

First, I will summarise a few of the points in the Supreme Court judgment in the case of *Jogee*, which was handed down in February 2016. It concerned a very specific area of the law on joint enterprise called parasitic accessory liability, rather than the whole law of joint enterprise. Such liability arises when two people, person 1 and person 2, participate together in one offence, such as a burglary, and during those events, person 1 commits a second offence—for example, he or she murders a security guard. Under the law as it stood before *Jogee*, if the second person foresaw that the first person might act with the intention to kill or cause really serious harm and participated in the burglary none the less, that second person would be guilty of murder alongside the first.

In the *Jogee* judgment, the Supreme Court said that that was wrong, as the motion recognises. A person cannot be guilty merely for foreseeing that an accomplice might commit a second offence during the course of the original plan. Rather, the Supreme Court held that such a person can be guilty only if he or she intentionally encourages or assists a person to commit such an offence and intends them to have the mens rea required for that offence. The effect of *Jogee* is that members of a gang who are not the principal perpetrators of the crime will not necessarily be guilty of the crime in question unless it can be shown that they have intentionally encouraged or helped the principal perpetrators to commit that crime. As many Members have said, the Supreme Court also held that offenders convicted under the old test would be granted permission to appeal only if they had suffered “substantial injustice”. That is the position as it stands, as a matter of law.

[Lucy Frazer]

I should like to respond to some of the points that have been made today. In the short time allotted, I am afraid that I will not be able to respond to them all. I shall concentrate on those that are identified in the motion. There has been a suggestion that the number of cases brought under joint enterprise has been unchanged since the Supreme Court judgment. As the hon. Member for Bolton South East (Yasmin Qureshi) and others have pointed out, however, the difficulty with that argument is that there are no official statistics to enable us to confirm or deny that. A number of Members have criticised the Ministry of Justice for not collecting that data, and we are looking into that. It might be possible to address that under our reforms relating to the common platform. I can confirm that the Ministry of Justice is looking into the matter.

The point was also made that there has not yet been a successful appeal. I understand that that could be extremely frustrating for the parties concerned, but it does not mean that there is no route to an appeal. There is a system to challenge any previous decisions. It is possible for an appeal to be made by an individual, who could also apply to the Criminal Cases Review Commission to have their case reviewed by the Court of Appeal. Indeed, a number of cases have been brought. [Interruption.] They have been brought, but they have been unsuccessful. There has also been criticism of the threshold that the Court of Appeal applies in relation to substantial injustice, but this is not a new test brought in by the Supreme Court in relation to Jogee. It is a long-applied test that the Court Appeal uses in relation to out-of-time appeals.

The key point that has been advanced in relation to the motion today is that there is a need for legislation. I should like to identify a few reasons why it might not be appropriate to bring forward legislation at this stage. First, the law on joint enterprise is not set out in statute; it has evolved through case law. Some criticism was made of that by the right hon. Member for Tottenham, but the evolution of law through the courts has always been an important part of our common law justice system. In our law, the common law has equal weight with law made by statute. No judge in the Jogee case identified a need for Parliament to change the law. Indeed, the hon. Member for Manchester Central has accepted, today and previously, that the Supreme Court ruling said that it was the responsibility of the courts to put the law right. Many Members have accepted that the law as set down by the Supreme Court is right, but some have identified that the implementation of that decision is flawed. I would like to make a few points in relation to that.

The Crown Prosecution Service has already amended its guidance and it is currently operating on guidance in line with the Supreme Court decision. More importantly, it has consulted on revised guidance for use by prosecutors. The hon. Lady has contributed to that, which is to be commended. I am told that the CPS aims to publish a summary of its response to the consultation and the final version of its guidance in the early part of this year.

Many Members have rightly identified the disproportionate number of black and minority ethnic defendants in these cases, and I am pleased that the CPS has confirmed that the revised guidance will take account of the Lammy recommendations, which task

the CPS with taking the opportunity of reworking its guidance on joint enterprise to consider its approach to gang prosecutions in general. The CPS has also revised its internal resources on gangs in the light of the recommendations resulting from the Lammy review.

The motion calls for clarity in the law, but it does not identify what the lack of clarity is or how the law could be improved. Indeed, as the hon. Lady has said, what is needed is for the Supreme Court judgment to be followed. There is no suggestion that the law itself needs to be changed; it just needs to be enforced.

Robert Neill: Does my hon. and learned Friend agree that it is not the doctrine of joint enterprise that needs to be put on a statutory basis or given clarification, but that its operation in relation to homicide, and the law of homicide itself, would benefit from a statutory review? That has been suggested by the Law Commission and by the Criminal Bar Association, and it would give us an opportunity to deal with the anomalies in joint enterprise in the context of homicide. I think that that is what we are looking for.

Lucy Frazer: My hon. Friend is prescient; I was about to go on to the broader points that were made during the debate. He made that point in his own speech, and he has raised it in the Select Committee as well. As a new Minister, I am happy to consider that in due course.

Some other, broader points were made. My right hon. Friend the Member for Sutton Coldfield mentioned disclosure, which I know the Attorney General is looking at. Many other points were made, and I will happily address them when time allows.

To return to the motion, I recognise the importance of the law on joint enterprise and the impact that it can have on people, such as the constituents of the hon. Member for Manchester Central and the others mentioned today. For the reasons set out, however, the Government do not believe that the time is currently right for any changes to the law on joint enterprise. It is for the courts to interpret the law, as laid down by the Supreme Court. I hope that the revised guidance on secondary liability will provide a clear direction for prosecutors in this area of law, and I am happy to keep the matter under review. With that in mind, I invite the House to reject the motion.

2.30 pm

Lucy Powell: Notwithstanding the Minister's response, I think that everyone watching this debate can take away from Parliament the fact that there is a clear and unified view that the law has got it wrong and that the law needs to be put right. Judging by today's debate, I suggest that there would be a parliamentary majority in favour of doing just that. In the meantime, I ask all who are watching—the prosecutors, the Appeal Court judges, the police and others—to start putting things right. We will consider, as a cross-party group, how to put further pressure on the Government and work with them to improve the situation.

I think that there is a clear consensus about proportionality, gangs versus groups, the CPS guidance—the initial interim guidance was problematic—and a wider homicide review. Critically, there is a broad consensus on the retrospective cases and the substantial injustice

test, which would prevent unsafe convictions. It is critical that age, maturity, mental wellbeing and potential disabilities can be taken into account.

This has been an historic debate, and many people who are watching will feel its historic importance. We are not going to stop here. I hear what the Minister says, and I disagree with some of it. We will continue to press the Government to take further action.

Question put and agreed to.

Resolved,

That this House notes the Supreme Court judgment in the case of *Jogee and Ruddock* of February 2016 that the law on joint enterprise and parasitic accessory liability had been wrongly interpreted for more than 30 years; further notes that since that judgment, the number of cases brought under joint enterprise has remained unchanged; further notes that there have yet to be any successful appeals of cases from before February 2016; and calls on the Government to review the use of joint enterprise and to bring forward legislative proposals to clarify the law on joint enterprise.

Proscription of Hezbollah

2.32 pm

Joan Ryan (Enfield North) (Lab): I beg to move,

That this House believes that Hezbollah is a terrorist organisation driven by an antisemitic ideology that seeks the destruction of Israel; notes that Hezbollah declares itself to be one organisation without distinguishable political or military wings; is concerned that the military wing of that organisation is proscribed, but its political wing is not; and calls on the Government to include Hezbollah in its entirety on the list of proscribed organisations.

Mike Gapes (Ilford South) (Lab/Co-op): I am pleased that my right hon. Friend is bringing this issue to the House. I do not know whether she is aware of this, but in December the Government held a debate on the extension of proscribed organisations. During that debate, the Minister for Security and Economic Crime told me that only the military organisation of Hezbollah was proscribed, but that Hezbollah supporters who engaged in terrorist activities in this country would be prosecuted.

Does my right hon. Friend agree that terrorist activities should not be the only grounds for prosecution, and that there should be prosecutions for incitement to hatred, incitement to anti-Semitism and other crimes that are being committed on the streets of London? As the Mayor of London has said, Hezbollah should be banned in its entirety.

Joan Ryan: I absolutely agree with my hon. Friend and I thank him for that intervention, which I take as 100% support for the motion.

I am the chair of Labour Friends of Israel, an organisation that has campaigned for many years on the issue that we are addressing. Hezbollah is a terrorist organisation, driven by anti-Semitic ideology, which seeks the destruction of Israel. It has wreaked death and destruction throughout the middle east, aiding and abetting the Assad regime's butchery in Syria and helping to drive Iran's expansionism throughout the region. It makes no distinction between its political and military wings, and nor should the British Government.

In 2010, the Obama Administration labelled Hezbollah "the most technically capable terrorist group in the world".

Over the past three decades, it has been implicated in a string of deadly attacks against Israeli, Jewish and western targets in the middle east and far beyond. Its operatives have been arrested for plotting or carrying out attacks across the globe, in Europe, Asia, Africa and South America. The litany of death and violence widely attributed to Hezbollah includes the 1983 murder in Beirut of 241 American and 58 French peacekeepers; the 1986 wave of bombings against Jewish communal targets in Paris, in which 13 people died; the 1992 attack on the Israeli embassy in Buenos Aires, in which 29 people died; the 1994 bombing of the Argentine-Jewish mutual association, which led to the deaths of 85 people; the 1996 Khobar Towers bombing in which 19 US servicemen lost their lives and nearly 500 people were injured; and the 2012 attack on a bus of Israeli tourists in the Bulgarian resort of Burgas, in which six people were murdered and for which two people finally went on trial last week.

[Joan Ryan]

Such terrorist acts are promoted, glorified and encouraged by the Hezbollah leadership. Hezbollah's secretary-general, Hassan Nasrallah, has, for instance, praised suicide bombings—or “martyrdom operations”, as he prefers to describe them—as

“legitimate, honourable, legal, humanitarian and ethical actions” saying that “those who love death” will triumph over those who fear it.

Zac Goldsmith (Richmond Park) (Con): The right hon. Lady is making a powerful speech. Does she agree that the 1,000 or so people who marched in London under the Hezbollah flag subscribe to the very agenda that she has described? There is no difference between the military and political wings of Hezbollah, as it continually acknowledges. The only recognition of a difference is in UK policy; it does not exist in reality. It is time for that policy to change.

Joan Ryan: I agree with the hon. Gentleman and thank him for that intervention. He is completely right to say that there is no distinction and we need to be clear about that.

Hezbollah's actions are driven by a deep-seated, intractable and vicious hatred of Jews. The House does not need to take my word for it; Hezbollah's leaders have proudly boasted of their anti-Semitism:

“If they all gather in Israel,”

declared Nasrallah,

“it will save us the trouble of going after them worldwide.”

Nor is Nasrallah a lone voice. Naim Qassem, Hezbollah's deputy leader, has said that

“the history of Jews has proven that, regardless of the Zionist proposal, they are people who are evil in their ideas”.

Graham Stringer (Blackley and Broughton) (Lab): My right hon. Friend is making a powerful case. Does she agree that, as well as being anti-Semitic, Hezbollah has assassinated and murdered Christians? As the hon. Member for Richmond Park (Zac Goldsmith) has said, any distinction between a military part and a political part of Hezbollah is entirely without meaning.

Joan Ryan: I have no difficulty agreeing with my hon. Friend on that point. Hezbollah has killed probably more Muslims than anybody else, as well as Christians, Jews and others.

Hezbollah's leaders and its media peddle classic anti-Semitic tropes and lies. They refer to Jews in the basest of terms, labelling them “apes and pigs”, and suggesting that

“you will find no one more miserly or greedy than they are”.

Hezbollah's leaders and media make spurious claims about Jewish conspiracies and world domination, and they deny the Holocaust, suggesting that

“the Jews invented the legend of the Nazi atrocities”.

Hezbollah's hatred of Jews is a noxious mix, which, in the words of one writer, fuses

“Arab nationalist-based anti-Zionism, anti-Jewish rhetoric from the Koran, and, most disturbingly, the antique anti-Semitic beliefs and conspiracy theories of European fascism”.

Jack Lopresti (Filton and Bradley Stoke) (Con): I just want to highlight the backers of Hezbollah, the Iranians, who provide training and weapons, including rockets. While the Iranians' malevolent influence continues throughout the middle east, they are jeopardising the prospects for peace between the Palestinians and Israelis and posing a strategic threat to the very state of Israel.

Joan Ryan: The hon. Gentleman makes a powerful point with which I absolutely agree. I will come to it a little later.

Hezbollah is a menace throughout the middle east, but Israel is its principal target. That is no secret. In its founding manifesto in 1985, in which it also pledged its loyalty to Ayatollah Khomeini and urged the establishment of an Islamic regime, Hezbollah says of Israel:

“Our struggle will end only when this entity is obliterated... We recognise no treaty with it, no cease-fire, and no peace agreements, whether separate or consolidated.”

This is no mere rhetorical sabre-rattling; Hezbollah vehemently opposed the Oslo peace process and has fought any normalisation of relations between Israel and Arab countries. On numerous occasions—most notably in 1993, 1996 and 2006—it has sought to provoke conflict with Israel, and the consequences have been disastrous and devastating for the peoples of both Israel and Lebanon.

In 2006, Hezbollah kidnapped and murdered Israeli soldiers on the country's northern border and proceeded to launch Katyusha rockets to indiscriminately pound the Jewish state. The resulting conflict led to large numbers of civilian casualties and the evacuation of several hundred thousand people. In defiance of UN resolution 1701, which brought the conflict to an end, Hezbollah has spent the last decade restocking its arsenal and rebuilding its forces in Lebanon. It has trebled the size of its fighting force from 17,000 to 45,000 men. It has launched an arms procurement programme, amassing short, medium and long-range missiles and rockets, drones, precision-guided projectiles, anti-tank weaponry and ballistic missiles. It now has an estimated 120,000 to 140,000 rockets and missiles—an arsenal larger than that of many states.

That Hezbollah has been allowed to replenish and then expand its armoury in this manner represents a terrible failure on the part of the international community, a breaking of the assurances provided to Israel and a betrayal of the people of Lebanon and Israel. The implications are truly horrifying. Andrew Exum, an expert on the region and President Obama's former deputy assistant secretary of defence for middle east policy, wrote recently:

“I shudder to think what the next conflict will look like.”

Hezbollah has no qualms about such a war. It does not care about the loss of thousands of civilian lives—of Israelis, Lebanese, Jews, Muslims and Christians—that its aggression will lead to.

Quite deliberately, Hezbollah has embedded its forces and weaponry in towns and villages, turning the people of southern Lebanon into human shields. Quite deliberately, it will, as it has done in the past, target civilian population centres in Israel, even vowing, in the words of Nasrallah, that there will be “no red lines” in any future conflict—he underlined the pledge with threats to attack the Dimona nuclear reactor and the ammonia storage facility in Haifa.

Quite deliberately, it will seek to draw in other regional actors. Its capacity may be many times greater than those of other terrorist groups, but its aim—to instil terror by inflicting mass civilian casualties—is the same as that of those who wage attacks on targets big and small throughout the world, and of those who attacked London Bridge, the Manchester arena and this House only last year.

Hezbollah has not simply exported terror globally and wreaked havoc in Israel and Lebanon; its bloody fingerprints are all over the Syrian civil war, the most brutal conflict of this century. In 2016, it was estimated that more than a quarter of Hezbollah's forces were engaged in fighting on behalf of the murderous Assad regime. It has not only contributed to the killing fields of Aleppo and Homs; it has helped to eliminate the non-extremist opposition to Assad, thus contributing to the ranks of Sunni jihadists and stirring sectarian hatred.

Hezbollah has indeed become Iran's indispensable partner—the Blackwater of Iran, as some have labelled it—helping to promote and further Tehran's expansionist agenda throughout the middle east, in Syria, Iraq and Yemen. Such a vast enterprise cannot be run on the cheap, so in addition to the vast sums of weaponry and cash lavished on it by Iran, the party of God is now engaged in money laundering, arms sales and drugs smuggling. It works through informal networks and centrally run enterprises. The latter, one leading middle east expert told the US Congress last summer, were operating like “international organised criminal entities”.

John Spellar (Warley) (Lab): Do not the various elements that my right hon. Friend is describing show the indivisible nature of Hezbollah? It does not have separate wings but is one criminal terrorist entity.

Joan Ryan: My right hon. Friend is absolutely right. It is a distinction that Hezbollah not only does not recognise but denies.

As the House will be aware, the British Government have long held the view that Hezbollah's military wing is involved in conducting and supporting terrorism. In 2001, the Hezbollah External Security Organisation was added to the list of proscribed organisations. In 2008, this proscription was extended by a reference to the

“military wing of Hezbollah, including the Jihad Council and all units reporting to it (including the Hezbollah External Security Organisation)”.

Hezbollah's political wing, however, is not proscribed, even though this distinction is not one that Hezbollah itself has ever recognised.

John Woodcock (Barrow and Furness) (Lab/Co-op): My right hon. Friend is making a powerful case and we are grateful to her for bringing this to the House. Does she not agree that it should make both the Government Front-Bench team and our Opposition Front-Bench team deeply uneasy that they are effectively in an alliance in refusing to recognise the bogus distinction between the so-called military wing and the rest?

Joan Ryan: I agree with my hon. Friend. I am hoping that both Front-Bench teams will take note of my speech and come forward with policy decisions that support proscribing Hezbollah in its entirety.

Dr Matthew Offord (Hendon) (Con): Is the right hon. Lady aware of the ComRes poll showing that 81% of the public want Hezbollah proscribed in its entirety, and does she agree—I see that there are some very honourable Members on the Opposition Benches—that the Labour Front-Bench team has got this wrong and should agree with the motion, not oppose it?

Joan Ryan: Obviously—unless the Labour Front-Bench team is agreeing with my position—we have a difference of opinion, but I am calling on the Government to change their position. I agree with the hon. Gentleman, but his point would have far more weight and power if he addressed it to his own Front-Bench team, as they are in a position to lead on this but are not doing so.

Nick Boles (Grantham and Stamford) (Con): It is so great to see you back in your seat, Mr Deputy Speaker. I high-tailed it from my office in Norman Shaw South when I saw the right hon. Lady on the television screen and was absolutely inspired by the passion with which she is speaking. She is a friend of Israel, and I am a friend of Israel, but does she agree that you do not have to be a friend of Israel to believe that Hezbollah, in its entirety, is a terrorist organisation? You can be a friend of Syria, a friend of Lebanon or a friend of the entire middle east, but you should want Hezbollah, in its entirety, to be banned.

Joan Ryan: Well said—I absolutely agree with the hon. Gentleman. Hezbollah is a terrorist organisation and it should be banned in its entirety—whatever you are a friend of—if you are not a friend of the terrorists. I would add one other thing: it is not just for Jews to fight anti-Semitism, and this is an anti-Semitic organisation; it is for all of us to stand up on that issue.

The distinction is not one that Hezbollah has ever recognised; in fact, it has consistently and explicitly refuted it. In 1985, its founding document stated clearly:

“As to our military power, nobody can imagine its dimensions because we do not have a military agency separate from the other parts of our body. Each of us is a combat soldier when the call of jihad demands it.”

It could not be clearer.

In 2009, Naim Qassem, Hezbollah's deputy general secretary, made it clear that

“the same leadership that directs the parliamentary and government work also leads jihad actions in the struggle against Israel”.

It could not be clearer. He repeated this message three years later, declaring:

“We don't have a military wing and a political one; we don't have Hezbollah on one hand and the resistance party on the other...Every element of Hezbollah, from commanders to members as well as our various capabilities, are in the service of the resistance, and we have nothing but the resistance as a priority.”

Those are Hezbollah's own words.

Also in 2013, Nasrallah himself ruled out any notion that the military and political wings were somehow different:

“However, jokingly I will say—though I disagree on such separation or division—that I suggest that our ministers in the upcoming Lebanese government be from the military wing of Hezbollah.”

He also mocked our Government's division between the two, saying

“the story of military wing and political wing is the work of the British”.

[Joan Ryan]

That is what he said. It is a distinction that, with good reason, many other countries throughout the world do not recognise. Those that do not include the Netherlands, Canada, the US, the Arab League and the Gulf Co-operation Council.

Tom Tugendhat (Tonbridge and Malling) (Con): The right hon. Lady's passion and clarity on this issue are absolutely right. I agree that it is incumbent on the Government in principle—I hope those in the Opposition Front-Bench team would follow—to change the policy. Is it not absolutely possible to work with the Government of Lebanon—a Government with whom we are extremely friendly and whom we are assisting to defend herself against the predations of ISIS, initially, and now of other factions in Syria? Is it not absolutely possible to assist our legitimate and welcome allies in Lebanon against those things, yet still call out this terrorist group for what it is, for the violence it is committing in Syria and for the destruction it is carrying out in northern Israel and all around the region?

Joan Ryan: Absolutely. The hon. Gentleman is right. Those Governments that do proscribe Hezbollah in its entirety do talk to the Lebanese Government. If Hezbollah wishes to change its views on Israel—to not obliterate it—and to signal that it will give up its arms, I am sure that, whether it is proscribed or not, that would be the right road to take if it wished to take part in any peace negotiations, which it clearly does not.

Many Members of this House do not recognise the false distinction between the military and the political wing, as is evident today. Last summer, marchers at the al-Quds day parade in London displayed Hezbollah flags, causing great offence to many, especially in the Jewish community. Once again, they were exploiting the utterly bogus separation that the Government choose to make.

I pay tribute to Jewish communal organisations, such as the Community Security Trust, the Board of Deputies and the Jewish Leadership Council, which have tirelessly campaigned on the issue of Hezbollah proscription. I thank my hon. Friend the Member for Liverpool, Riverside (Mrs Ellman), as well as the hon. Member for Hendon (Dr Offord) and the Mayor of London, for their efforts to persuade the Government to proscribe Hezbollah in its entirety.

I note not only the Government's unwillingness to do so but their inability to explain or justify why they will not act. I understand that, in conflict situations, it is sometimes necessary to keep open channels of communication to facilitate dialogue and to encourage those who are engaged in violence to abandon the bomb and the bullet for the ballot box. However, there is not a shred of evidence to suggest that this is Hezbollah's intention. In both its rhetoric and its actions, this leopard shows no sign of changing its spots.

Nor do I accept the notion, which Ministers have previously advanced, that banning Hezbollah's political wing might somehow—the Chair of the Select Committee touched on this—impede our ties with Lebanon, where Hezbollah exercises not just military but political power. Proscribing Hezbollah in its entirety does not appear to have hampered relations between Lebanon and any of the countries we have already referred to. I am deeply

concerned that this Government are simply not taking the threat posed by Hezbollah seriously. Only last week, I was informed by the Home Office that it does not collect data on the numbers of Hezbollah members or supporters in the UK, a practice that is followed by other European countries, such as Germany.

The Terrorism Act 2000 allows the Home Secretary to proscribe an organisation which

- “(a) commits or participates in acts of terrorism,
- (b) prepares for terrorism,
- (c) promotes or encourages terrorism,”

including the unlawful glorification of terrorism, or

- “(d) is otherwise concerned in terrorism.”

As I have demonstrated, Hezbollah, the leaders of which assert that it is unified and indivisible, more than fulfils those criteria. Even if a distinction between the political and military wings could be drawn, the words of the former in promoting, encouraging and glorifying terrorism surely meet the Government's criteria for proscription.

After last June's terrorist attack at London Bridge, the Prime Minister said

“there is, to be frank, far too much tolerance of extremism in our country.”

I agree. Hezbollah is an organisation that is driven by a hatred of Jews, that promotes and encourages terrorism and that calls for the destruction of the middle east's only democracy—a key British ally in the region. However, as long as the Government do not proscribe Hezbollah's so-called political wing, the tolerance will continue.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I suggest an informal time limit of around 10 minutes to 12 minutes.

2.55 pm

Theresa Villiers (Chipping Barnet) (Con): It is an honour to follow the right hon. Member for Enfield North (Joan Ryan), because she made an exceptionally powerful speech on an issue that matters to so many of us. I refer the House to an entry in the Register of Members' Financial Interests regarding a visit to Israel that I undertook in February. I thank the many constituents who have contacted me about this important debate today to make their views clear: they want to see Hezbollah banned in its entirety. Mr Deputy Speaker, it is wonderful to see you back in the Chair, even for a debate on a matter as sad and as serious as this.

As the right hon. Lady stated in her speech and as many others stated in their interventions, the distinction currently made in our law between Hezbollah's political and military wings is artificial. Hezbollah is a single operation, and that has been stated by its leadership on numerous occasions. For example, its deputy leader, Naim Qassem, has said that Hezbollah has

“one leadership and one administration”.

Hezbollah's political leaders have a long history of personal involvement in the group's terrorist and criminal activities. For example, its secretary-general, Hassan Nasrallah, is believed to have taken part in hostage taking, plane hijacking and violent attacks on rivals.

Hezbollah presents a clear danger to the security of our country. The decision to proscribe parts of the organisation was prompted by the 2012 attack on a bus of Israeli tourists in Bulgaria but, as we have heard this afternoon, the list of its crimes and atrocities is long and includes the notorious truck bomb in Buenos Aires in 1994 that killed 85 people and injured many others. It was the deadliest terrorist outrage in Argentina's history. Just a few years ago, when a Hezbollah operative in Cyprus was found guilty of planning to attack Israelis, he said he was

“collecting information about the Jews”

and that that was what his organisation was doing everywhere in the world. We should be under no illusion: Hezbollah poses a serious threat to the citizens of this country and to our neighbours across Europe, and we should proscribe it in all its forms.

In taking that step, the Government would have considerable support both from this House and from the public. Yesterday, the *Jewish News* published details of a wide-ranging ComRes representative poll that it commissioned. Of some 2,000 people questioned, 44% would support the political wing being designated a terrorist group, compared with just 10% who were opposed. With 46% answering “don't know”, that means that 81% of those expressing a view backed the designation of the whole of Hezbollah as a terrorist organisation.

We should be in no doubt about whether the question we are debating today matters in a real, practical way. By limiting proscription to the so-called military wing, we are undermining the ability of the police to protect us from the danger posed by this group. The fact that some parts of Hezbollah are not proscribed limits the ability of law enforcement agencies to seize funds using asset freezing and forfeiture powers. Classifying the whole organisation as a terrorist group would significantly constrain its ability to raise funds and would stop it using UK banks to transfer money around the world.

I emphasise that terrorism is not the only type of unlawful activity in which Hezbollah is involved. Just a few weeks ago, the French authorities referred a 15-member Hezbollah cell to a criminal court on money laundering charges. In October 2015, the US and French authorities arrested two individuals from Hezbollah, one in Atlanta and one in Paris, who were caught laundering drugs proceeds and seeking to purchase weapons and cocaine. According to court documents, they used “Hezbollah-connected associates” to provide security for narcotics shipments. One of those associates was located in the UK and apparently laundered £30,000 for a US Drug Enforcement Administration undercover agent who was posing as a narcotics trafficker.

The partial proscription of Hezbollah has not deterred the group from engaging in criminal conduct on British soil. Moreover, the Community Security Trust reports that Hezbollah has been heavily involved in the drugs trade in South America. In February 2016, the DEA uncovered a massive Hezbollah money laundering and drug trafficking scheme. In the view of the DEA, Hezbollah enjoys established business relationships with the South American drug cartels and is responsible for trafficking large quantities of cocaine into Europe and the US.

Proscribing an organisation is a serious step. It is right that the law sets out clear criteria that must be satisfied before a Minister can take such a decision.

There can be no doubt that the parts of Hezbollah that are overtly terrorist and military fall squarely within the definition in section 3(5) of the Terrorism Act 2000, the relevant legislation. In my view, there is a very strong case to say that the criteria of subsection (5) are also satisfied in relation to the political wing of Hezbollah. The political leaders of the organisation have promoted and encouraged the group's terrorist activities, as the right hon. Member for Enfield North so powerfully explained. Hezbollah defines itself as one single organisation, which is how it should be treated by our legal system.

Quite frankly, the annual al-Quds Day march is a scandal. It is not acceptable that people can fly the Hezbollah flag on the streets of London and get away with it simply by adding a post-it note claiming the support shown is for the political wing, not the military aspect of the organisation. This has to stop. As the campaign emails that arrived in our inboxes point out, this is an embarrassment. They are laughing at us.

In considering whether to proscribe an organisation, Home Office guidance states that the Home Secretary should take into account factors including

“the need to support other members of the international community in the global fight against terrorism”.

It is time we followed the lead set by countries such as the USA, Canada and the Netherlands, which have implemented full proscription.

Hezbollah has been carrying out murderous attacks in countries across the world for more than 30 years. The organisation is heavily implicated in crime and money laundering, as well as being a deeply malevolent presence in the Syrian war. It is a violent, anti-Semitic organisation, and its main ambition is the complete destruction of the state of Israel. We should ban it, all of it, now.

3.3 pm

Ian Austin (Dudley North) (Lab): It is absolutely fantastic to see you back in the Chair, Mr Deputy Speaker.

I congratulate the right hon. Member for Chipping Barnet (Theresa Villiers) on her speech, and I agree with every word. The speech by my right hon. Friend the Member for Enfield North (Joan Ryan) was superb, absolutely brilliant, and she should be commended for it.

I thank all the people of Dudley who have written to tell me that they think Hezbollah is a terrorist organisation, that they think it should be banned in its entirety and that waving its flag is an incitement to terrorism and violence. As we have heard, the organisation has carried out terrorist attacks and racist murders in the middle east, in Europe and across the world. Its stated aim is the destruction of Israel, but it does not limit its attacks to people in Israel; it targets Jewish people anywhere and everywhere.

It is not true to claim that there is a political wing and a military wing. As has been said, Hezbollah itself does not make this distinction, and the supposed distinction undermines the fight against terrorism. That is why the United States, France, the Gulf Co-operation Council, Canada, the Netherlands and Israel have all proscribed Hezbollah in full, and why I cannot understand why our Government have not been prepared to do the same. I very much hope that that stance will change as a result of the debate this afternoon.

Zac Goldsmith: We have heard in the past that proscribing Hezbollah might somehow destabilise Lebanon and the wider region, but does the hon. Gentleman agree that by engaging in this pretence and indulging a terrorist organisation we are destabilising the many moderates in Lebanon who are determined to marginalise the terrorists, marginalise the extremists and marginalise Hezbollah?

Ian Austin: The hon. Gentleman is right about that. It is a point that my right hon. Friend the Member for Enfield North made when she opened the debate and that was made eloquently by the Chair of the Foreign Affairs Committee.

It is unacceptable to see Hezbollah's flag waved on the streets of Britain, and it is disgusting to hear the virulently racist abuse and racist chants that accompany it. So I agree with many of the comments that have been made today, but I want to focus on three particular issues.

First I want to talk about Hezbollah's role in the middle east and its impact on the peace process between Israel and the Palestinians. We have debated that many times in this House, but we should be under absolutely no illusion about the difficult issues that will need to be confronted in the negotiations—borders, land swaps, the status of Jerusalem, settlements and so on. Let us be really honest about this; none of those issues remotely interest Hezbollah. It is not interested in the compromises that all sides will need to make to bring about a two-state solution. Its sole interest is the destruction of Israel. Hezbollah has made that absolutely clear. It declared in 1992 that the war is on

“until Israel ceases to exist and the last Jew in the world has been eliminated. Israel is completely evil and must be erased from the face of the Earth.”

That is why, when Israel unilaterally withdrew from southern Lebanon in 2000, Hezbollah's response was not peace but the murder and kidnapping of Israeli soldiers and an avalanche of rocket attacks just six years later. It is why, today, Hezbollah, thanks to its Iranian paymasters, threatens Israel by pointing 120,000 to 140,000 rockets at the country.

In October, Hassan Nasrallah, in just one of the Hezbollah leader's many threats, urged Jews to flee Israel before it is devastated by war. Last February, he warned that there would be “no red lines” in any future conflict between the terror group and Israel. In April, he boasted of his organisation's preparedness for war, and in June he spoke of the “hundreds of thousands” of Shi'a fighters from across the middle east who would rush to Hezbollah's side when it next takes the fight to the Jewish state.

John Woodcock: My hon. Friend is making an excellent case, as he always does. Does he agree that it is also important to keep reminding people of the role that Hezbollah has played in training the Houthi rebels, who are causing such terrible carnage, destruction and death in Yemen?

Ian Austin: In Lebanon and Israel, in Syria and Yemen, Hezbollah is causing carnage. That is its stated aim.

Jack Lopresti: Does the hon. Gentleman agree that, as others have said, one of the best ways of defeating Hezbollah is to encourage and assist a stable, functioning Lebanese state?

Ian Austin: That is correct, and the point was made eloquently by the Chair of the Foreign Affairs Committee earlier. The hon. Member for Filton and Bradley Stoke (Jack Lopresti) goes to the middle east a lot; he knows a lot of people there. He is an expert on the region and what he says is worth listening to. I hope that Ministers will be listening to the advice that they have just been given.

Analysts warn that the next conflict between Israel and Hezbollah

“will likely be the most destructive Arab-Israel war yet.”

Israel's military believes that, in a future conflict, Hezbollah will be able to launch 1,500 rockets and missiles a day. Israel has increased its defensive capabilities, but Hezbollah is likely to target military facilities, important infrastructure and civilian population centres.

In the past, Nasrallah has threatened that Hezbollah will attack an ammonia storage facility in Haifa and a nuclear reactor at Dimona. The week before last, I was in Haifa, which is just over 20 miles from the border with Lebanon and is the site of Israel's oil refinery, making it one of Hezbollah's main targets. Imagine the carnage, devastation and civilians deaths that could result in a future conflict when Hezbollah start to rain down missiles on Haifa from just a few miles away, as it has done in the past.

Sadly, Israel's experience in southern Lebanon was repeated in Gaza. Israel signed an agreement with the Palestinian Authority on movement and access to Gaza, which gave the Palestinians control over their borders for the first time in history, allowed imports and exports, and approved the construction of a seaport and discussions on an airport. Israel pulled out of Gaza but, just as in Lebanon, an Islamist movement, a terrorist organisation, a powerful armed militia—this time Hamas, also equipped by Iran and just as committed to Israel's destruction as Hezbollah—launched a coup, banned elections, drove out Fatah, threw fellow Palestinians from the rooftops, summarily executed people outside mosques after Friday prayers and declared themselves the new rulers of Gaza, saying that they would use the strip as a base to destroy Israel. The unilateral withdrawal of 8,500 Israelis from Gaza was met not by peace but, after Hamas's brutal takeover, by rockets and attack tunnels. When we look at the experience in Lebanon and in Gaza, we can understand why, whether or not people in this Chamber like it, the Israelis are very reticent about pulling out of the west bank.

As we have just heard from my hon. Friend the Member for Barrow and Furness (John Woodcock), the Iranian proxy Hezbollah poses a significant threat to security and stability in the middle east—explicitly the whole middle east, not just Israel. My second point is that Hezbollah has played a particularly pernicious and powerful role in the internal affairs of Lebanon. Its armed forces have been described as more effective than Lebanon's army and its military power is occasionally used to pressurise the Lebanese Government, allowing Iran to exercise influence in the country. Once seen as a state within a state, Hezbollah's growing influence in Lebanon threatens to draw Israel's northern neighbour, and its army, into any future conflict.

My third point is that, as we have heard, Hezbollah's so-called resistance against Israel is influenced by its deeply anti-Semitic ideology. The group's leader Hassan Nasrallah has said that if Jews “all gather in Israel, it will save us the trouble of going after them worldwide.”

He has also suggested:

“God imprinted blasphemy on the Jews’ hearts.”

Hezbollah’s deputy leader, Naim Qassem, has said that “the history of Jews has proven that, regardless of the Zionist proposal, they are a people who are evil in their ideas.”

The late Grand Ayatollah Mohammed Hussein Fadlallah, one of Hezbollah’s most influential figures, peddled anti-Semitic conspiracy theories about Jews. He declared:

“The Jews want to be a world superpower...the Jews will work on the basis that Jewish interests are above all world interests.”

I have criticised the Government for not proscribing Hezbollah, but I also wish to address some remarks to my party. In 2009, at a meeting of the so-called Stop the War Coalition, which must be the worst or most inappropriately named organisation in British politics, the leader of the Labour party said that he had invited “friends” from Hamas and Hezbollah to an event in Parliament. Later, when asked why he had called them friends, he said:

“I use it in a collective way, saying our friends are prepared to talk.”

He also said:

“There is not going to be a peace process unless there is talks involving Israel, Hezbollah and Hamas”.

First, who would describe a racist, fascist and terrorist organisation like Hezbollah as friends? Social democrats—indeed, all democrats—should always be crystal clear about how they describe totalitarian movements and Governments, whether that is Hezbollah or, for instance, the Iranian dictatorship that backs Hezbollah.

Secondly, the statements by the leaders of Hezbollah make it very clear that they have absolutely no interest in the negotiations and compromises that could lead to peace. The idea that Hezbollah is a partner for peace is utterly misguided. Its contribution to the Oslo peace process was to threaten to murder Jewish tourists and businessmen visiting Arab countries that normalised their relations with Israel. Even if we were to set all that to one side, I do not think that the leadership of our party has shown the same interest in speaking to the Israelis. Invitations to meet the leaders of Labour’s own sister party, who have repeatedly invited our leader to visit Israel and talk to them about their plans to bring the conflict to an end, have not been accepted.

The conflict between Israelis and Palestinians is enormously difficult and complex. There are no easy answers. If there were, they would have been found by now. However, some elements are clearer than others, and the case of Hezbollah is one of them. This is an anti-Semitic, racist terror group—acting at the behest of Iran—which wishes to drive Jews from the middle east and murder Jews around the world. Hezbollah is part of the problem; it will never be part of the solution. That is why this House and our Government should agree today to proscribe it in its entirety.

3.16 pm

Mr David Jones (Clwyd West) (Con): May I say, too, how very pleased I am, Mr Deputy Speaker, to see you in the Chair today? I congratulate the right hon. Member for Enfield North (Joan Ryan) on her opening speech and on securing this important debate, and thank the Backbench Business Committee for facilitating it. I should declare an interest as chair of the Council for Arab-British Understanding.

There is no doubt that Hezbollah is a terrorist organisation. Indeed, it is one of the largest, most powerful, most vicious and most dangerous terrorist organisations in the world. Although it is, ostensibly, a political party, and one of the key political players in Lebanon, it also overtly and rigidly adheres to the Shi’ite revolutionary agenda of Iran. Its emergence in 1982 in the wake of the Israeli invasion of south Lebanon was directly attributable to the intervention of Iran. The influence of Iran was made clear in Hezbollah’s manifesto, dated 1985, which stated:

“We are the sons of the umma—the party of God, the vanguard of which was made victorious by God in Iran.”

Hezbollah, in truth, is an Iranian proxy, closely associated with Iran’s Islamic Revolutionary Guard Corps and, like Iran, it considers the United States and Israel its principal enemies. Early in its existence, Hezbollah pledged allegiance to Ayatollah Khomeini, and since Khomeini’s death in 1989 it has continued allegiance to his successor, Ali Khamenei.

Central to the ideology of Hezbollah is the concept of resistance, chiefly to the United States and Israel, and resistance is Hezbollah code for terrorist activity. Indeed, the history of Hezbollah has been one of one terrorist act after another. In April 1983, very shortly after its formation, it carried out a suicide attack on the United States embassy in Beirut, killing 63 people. Six months later, there was another suicide bombing—of the US Marines barracks in Beirut—which killed 241. US nationals have been repeatedly targeted by Hezbollah, and, indeed, Hezbollah was responsible for killing more Americans than any other terrorist organisation until the 9/11 attacks on New York city.

Israel and Israeli interests have also been the repeated targets of Hezbollah terrorism. After Israel withdrew from south Lebanon in 2000, Hezbollah carried out numerous cross-border incursions, culminating in an attack in July 2006 that killed eight Israeli soldiers. In the conflict that followed, Hezbollah fired thousands of Iranian-supplied rockets into Israeli territory, killing 39 civilians and 120 soldiers.

Hezbollah has also planned and executed many other terrorist attacks outside the region, including on the European continent. Two Hezbollah operatives are being tried in their absence for the 2012 bombing of a bus carrying Israeli citizens at Burgas airport in Bulgaria. Such actions are seen as part of the “resistance” to Israel that is one of Hezbollah’s avowed objectives. Many of the attacks have been on non-Israeli Jewish people and Jewish interests—the right hon. Member for Enfield North catalogued those attacks extensively.

Quite understandably and properly, Hezbollah’s activities have led to it being designated a terrorist organisation in many parts of the world. In 1996, Israel listed Hezbollah as a terrorist organisation, followed by the United States in 1997. It has also been proscribed by Canada, the Netherlands, New Zealand, France and Bahrain. In March 2016, the Gulf Co-operation Council designated it a terrorist organisation, stressing its status as a proxy for Iran in regional conflicts, including with the Houthis rebellion in Yemen. The secretary general of the GCC, Abdul Latif bin Rashid Al Zayani, commented:

“The GCC states consider Hezbollah militias’ practices in the Council’s states and their terrorist and subversive acts being carried out in Syria, Yemen and Iraq contradict moral and humanitarian values and principles and international law and pose a threat to Arab national security.”

[Mr David Jones]

Very recently, in November last year, most of the Arab League's 22 members condemned Hezbollah as a terrorist organisation, stating that it was supporting terrorist groups across the middle east by supplying them with weapons, including ballistic missiles.

The United Kingdom's position on Hezbollah has been somewhat more nuanced. In 2001, the UK proscribed Hezbollah's External Security Organisation under the Terrorism Act 2000. That proscription was extended to the military wing, including the Jihad Council, in 2008 as a consequence of Hezbollah's targeting of British soldiers in Iraq. The UK was also instrumental in persuading the European Union to designate the military wing a terrorist entity in 2013.

However, the British Government have consistently been reluctant to extend the proscription to the entirety of Hezbollah. In an explanatory memorandum to the European Scrutiny Committee in August 2013, the then Minister for Europe, my right hon. Friend the Member for Aylesbury (Mr Lidington), stated that although the UK does not engage with Hezbollah's political wing, some EU member states do engage with it as a political party in Lebanon and therefore had concerns over the effect of EU designation on that engagement. He explained that by distinguishing between Hezbollah's political and military wings, the designation would not prevent those member states that have contacts with Hezbollah's political representatives from maintaining such contact.

The Minister stated in the same memorandum that the military wing of Hezbollah was separate from the political wing, which included Ministers, Members of Parliament and other representatives, and was overseen by a political council. I suggest that such a distinction is completely illusory. The fact is that Hezbollah itself denies that there is any distinction to be drawn between its military and political wings.

Nick Boles: My right hon. Friend is making a persuasive speech. Does he agree that it would be as absurd to suggest that one could distinguish between the British Government and the British armed forces, and that somehow one could declare the British armed forces to be an enemy without declaring the British Government to be one? The armed forces of Hezbollah are under the control and direction of the political arm of Hezbollah, and therefore they must be treated as one.

Mr Jones: I agree with my hon. Friend, who is entirely right. More to the point, Hezbollah itself agrees with him, because in 2000 its deputy secretary general, Naim Qassem, declared:

"Hezbollah's Secretary-General is the head of the Shura Council and also the head of the Jihad Council, and this means that we have one leadership with one administration."

In 2012, Qassem said:

"We don't have a military wing and a political one; we don't have Hezbollah on one hand and the resistance party on the other. Every element of Hezbollah, from commanders to members as well as our various capabilities, is in the service of the resistance and we have nothing but the resistance as a priority."

So Hezbollah is, in reality, a single entity, and it is ludicrous to suggest that it is not.

As a single entity, Hezbollah is a threat to the entire world. British interests, not least, are affected by it. My right hon. Friend the Member for Chipping Barnet

(Theresa Villiers) gave a catalogue of the extent to which Hezbollah carries out activities that are directly threatening British interests, and is also carrying out crimes on the streets of Britain. At an unarguably less dangerous but nevertheless highly offensive level, Hezbollah protesters routinely display Hezbollah flags on the streets of London at events such as al-Quds day, disingenuously labelling them flags of the political wing of Hezbollah, rather than its military wing.

It is very clear that the partial ban is not having the desired effect, or much effect at all. The Government have contended that banning the organisation in its totality might destabilise the political order in Lebanon. I would suggest, however, that the greatest destabilising influence in Lebanon is Hezbollah itself. Even as we debate today, four Hezbollah members are being tried before the Special Tribunal for Lebanon in connection with the murder of the late Lebanese Prime Minister, Rafik Hariri. Hezbollah forces have supported the regime of Bashar al-Assad in Syria. The organisation continues to conduct terrorist attacks against Israeli interests.

While I understand the Government's concerns and anxieties, I suggest that partial proscription has not had the effect either of curbing Hezbollah's terrorist activities or of clearing Hezbollah from the United Kingdom. Hezbollah is on our streets, defiantly waving its flags and thumbing its nose at the British Government. I consequently urge the Government to reconsider their stance and to conclude that Hezbollah—a dangerous, aggressive terrorist organisation that is a threat to regional stability and to the security of this country—should be proscribed in its entirety.

3.27 pm

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): It is a great privilege to follow so many excellent contributions from all parts of the House. I thank my right hon. Friend the Member for Enfield North (Joan Ryan) for securing this extremely important debate and for her very powerful opening speech.

Hezbollah is a radical Shi'a Islamist terrorist organisation founded in Iran soon after the 1979 revolution. It is an anti-Semitic organisation that carries out acts of international terrorism. It should be proscribed in its entirety. Instead, the UK accepts the spurious distinction between Hezbollah's political and military wings, banning the military wing but permitting the so-called political wing to operate. As hon. Members have pointed out, Hezbollah itself does not accept this distinction. In 2012, its deputy secretary General, Naim Qassem, said very explicitly:

"We don't have a military wing and a political one; we don't have Hezbollah on one hand and the resistance party on the other."

The evidence that Hezbollah engages in terrorism and engenders hate is overwhelming. Hezbollah was behind the bombing of the Jewish community centre in Buenos Aires in 1994, killing 85 people. It has murdered people—Jews, Christians, Muslims and others—in places such as Nigeria, Thailand, Bulgaria and Cyprus. It is complicit with the murderous Assad regime in Syria. Operating with Assad and Iran, it is part of the "axis of resistance" that seeks to confront Sunni power, western influence and Israel. It is a malign influence.

Hezbollah specifically promotes anti-Semitism. Al-Manar, Hezbollah TV, was the first media outlet to make the false claim that 4,000 Jews or Israelis did not go to work in the World Trade Centre on 9/11, allegedly on the basis of advice from Mossad. This lie has now become a widespread anti-Semitic libel. Hezbollah's message incites violence. Esther Webman, who has studied Hezbollah's anti-Semitic motifs, has concluded that Hezbollah's brand of anti-Semitism is typical of contemporary violent Islamist groups. She describes it as

"combining traditional Islamic perceptions with Western anti-Semitic terminology and motifs to express its opposition to Zionism. Zionism, in turn, is equated not only with the State of Israel but also with imperialism and with Western arrogance."

This issue has very serious implications for us in the UK. At the annual al-Quds march in London last June, Hezbollah's green and yellow flag—the same flag displayed in military operations—was put on show. The purpose of the march and of al-Quds day itself is to agitate for violent resistance and the destruction of the state of Israel. At the centre of the flag, the largest Arabic word in green reads "Hezbollah", out of which emerges a globe with an upraised arm grasping an assault rifle. The letter A of Allah is linked to the upraised arm grasping the assault rifle, signifying the ideological legitimisation of Hezbollah's armed resistance as being divinely sanctioned. That message is clear, menacing and extremely powerful. The menacing chants at the march on the streets of London this year included the heinous cry:

"Zionists/ISIS are the same.
Only difference is the name."

Zac Goldsmith: The hon. Lady is making a very powerful speech. It is also worth pointing out that the march was led by the director of the Islamic Human Rights Commission, who, during his speech, blamed the Grenfell Tower tragedy on the Zionists. As we all know, the word "Zionists" is a euphemism for Jews. The whole enterprise was just entirely bonkers, as well as being anti-Semitic.

Mrs Ellman: The hon. Gentleman makes a very important point. I will refer to the Grenfell Tower disaster in a moment.

All this is inciting violence, hatred and division on the streets of the UK. This is happening as anti-Semitic offences in this country reach record levels, as shown in the recent Community Security Trust report. There are many other disturbing recent examples of incitement to hatred, and I will now mention the important point raised by the hon. Gentleman. Tahra Ahmed, a volunteer running a network helping the survivors of the Grenfell fire tragedy has claimed that the 71 people who perished were

"burnt...in a Jewish sacrifice".

That is horrendous—horrendous incitement to hatred.

On the march at that al-Quds event, some marchers held flags with small stickers attached to them stating:

"I support the political wing of Hezbollah".

This was designed to give the marchers protection against any legal challenge—pretending that the political wing of Hezbollah is somehow a separate entity. This is a farce. The flags indicate military might, and their display incites hatred on our streets and division in our communities.

I recently went to see the Metropolitan police to express my great concern about expressions of hatred on our streets, specifically in relation to the al-Quds march, but also in relation to other recent events. I asked the police why they were not taking any action against this incitement to hatred. It was clear from the discussions that ensued that a key factor in the police's failure to act was that Hezbollah's political wing is not illegal, and neither is displaying the flag.

Dr Offord: I, too, have met the Metropolitan police, including Pat Gallan, who informed me that the Met had a Queen's counsel opinion stating that they are not able to take any action, for the reason the hon. Lady outlined. Pat Gallan did not feel that it was appropriate for me to read the opinion, but a legal opinion is simply that—just an opinion.

Mrs Ellman: The hon. Gentleman makes a good point that should be pursued. My discussions with the Metropolitan police made it clear that its decisions on how to deal with individual incidents are to do with the legal situation at the time, the need for freedom of expression and the police's interpretation of how those two aspects interact. Opinions are important, but so is incitement on our streets.

It is time for change. The fallacy that Hezbollah has two separate sections should be exposed. Under UK law, only the so-called military wing of Hezbollah is listed as a proscribed terrorist organisation. Evidence from abroad and on our streets in the UK is clear that Hezbollah is a single, terrorist, anti-Semitic entity. It is guilty of mass murder abroad, it promotes terrorism and discord across the middle east, and now it is importing anti-Semitism and anti-western hatred on to the streets of London, sowing discord and division in our communities.

I call for Hezbollah to be banned in its entirety. I hope that those on the Opposition Front Bench are listening hard to the contributions from Labour Members, but the Government are responsible for what happens and I ask the Minister to take action.

3.36 pm

Dr Matthew Offord (Hendon) (Con): I apologise for ducking out of the debate earlier. I wanted to sign the book commemorating Holocaust Memorial Day, and I recommend that other Members take the opportunity to do so before it closes in about half an hour.

I congratulate the right hon. Member for Enfield North (Joan Ryan) on securing this debate. Hezbollah claims to be the party of God, but it is simply a genocidal, anti-Semitic terror group based in Lebanon that seeks the destruction of Israel and the extermination of all Jews worldwide. The organisation is well known, and my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) reminded us of the terror attack that took place in 1994, with the bombing of a Jewish community centre in Buenos Aires that killed 85 people. The hon. Member for Dudley North (Ian Austin) reminded us of the comment by the leader of the Labour party who infamously described Hezbollah as his "friends". Well, they are no friends of mine.

Hezbollah is a creation of Iran. It is one of Iran's most important and powerful international terrorist proxies, and it gives it extensive access to the Arab world. Iran has provided hundreds of millions of pounds for Hezbollah's weapons and technology, and salaries

[*Dr Matthew Offord*]

for tens of thousands of fighters. In June 2006, Hezbollah secretary general, Hassan Nasrallah, confirmed that he was

“open about the fact that Hezbollah’s budget, its income, its expenses, everything it eats and drinks, its weapons and rockets, are from the Islamic Republic of Iran”.

Before leaving office in December 2016, former UN Secretary General, Ban Ki-moon, reportedly had concerns about Nasrallah’s remarks and stated that Iran’s supply of weapons to Hezbollah violates a long-standing arms embargo against the country.

With Iran’s support, Hezbollah fighters have been deeply engaged in supporting the regime of Iranian ally, President Bashar al-Assad in Syria, and gaining battle experience, probably in preparation for their next attempt at conflict with Israel. Hassan Nasrallah has repeatedly threatened Israel with war, warning that Hezbollah is ready to strike anywhere in Israel with “no limits”. Iran has established rocket factories in Lebanon under Hezbollah’s full control, which together with military provisions and other weaponry are located throughout civilian villages in southern Lebanon. As the hon. Member for Dudley North reminded us, the terror group now has up to 150,000 rockets capable of striking the whole of Israel.

Last week, I presented a petition to the House on behalf of 896 people in my constituency who are calling on the Government to proscribe the political, as well as the military, arm of the Hezbollah organisation under the Terrorism Act 2000. The Government currently distinguish between Hezbollah’s so-called political wing, and its military wing, even though the group itself does not.

I have attended the al-Quds march on many occasions, and most recently I went last year with former MP Michael McCann, who spoke at the event. We witnessed the yellow flags of Hezbollah, which feature a large green assault rifle, being waved with impunity on our streets. Despite the countless representations made by the hon. Member for Liverpool, Riverside (Mrs Ellman), the Metropolitan police and Ministers have failed to take any action.

The Islamic Human Rights Commission, which organises the march, has provided guidance on its website for participants, advising that although flags of illegal organisations could not be waved at the event, demonstrators could bring a Hezbollah flag to show support for its political wing. I take some credit for that being on the website because two years ago I called on the Met to ban the march. I received abuse, but also correspondence from the so-called Islamic Human Rights Commission, which told me that it had never had any illegal flags—it was, of course, referring to those of Daesh, not Hezbollah. Subsequently, it has advised people that they should put a post-it note on their flags to say that they are supporting Hezbollah’s political wing, not its military wing.

The Home Secretary has recently explained the position on offences in respect of displaying flags:

“For an offence to be committed, the context and manner in which the flag is displayed must demonstrate that it is specifically in support of the proscribed military wing of the group.”

Taking that into account, flags flown at the march featured the disclaimers that I have mentioned, even though we have been reminded that the organisation itself does not recognise any difference between the two wings.

Bob Stewart (Beckenham) (Con): Hezbollah is appalling and I would very much like to see it banned. Only one argument might say that it should not be: the security services might be—we will never know this—advising the Minister that it is better to keep it where we can see it rather than send it underground. That might be the only argument against a ban.

Dr Offord: I am not in favour of banning things, I have to say. But the hurt, resentment, agitation and general disruption that this annual march causes—not only to the Metropolitan police, but to the people of London—should in itself lead to its being banned. This year, I called again on the Metropolitan police not to allow the march to go ahead. Infuriatingly, days after the Grenfell Tower fire, with the police massively stretched by the tragedy, the organisers insisted on going ahead with the march even though the Met did not have the resources to police it. That was reprehensible on the part of the IHRC.

This year, the march was led by a director of the IHRC, Nazim Ali, who in a speech, as my hon. Friend the Member for Richmond Park (Zac Goldsmith) mentioned, blamed the Grenfell fire tragedy on

“the Zionist supporters of the Tory Party”.

He also accused the Israel Defence Forces of being a “terrorist organisation that murdered Palestinians, Jews and British soldiers.”

Participants in the rally called for the destruction of Israel and waved slogans, including one stating “We are all Hezbollah”. Shockingly, but perhaps unsurprisingly, the Leader of the Opposition has spoken at the annual event in the past. I take this opportunity to call on him not to do so again in future.

As we have heard, senior Hezbollah officials have repeatedly said that Hezbollah is a single entity, proudly stating that “resistance” is their “priority”, and even publicly mocking the UK and other European countries for distinguishing between the two wings.

Joan Ryan: The hon. Gentleman is making a powerful speech, which I agree with. I should just say that in response to the al-Quds march and the resulting complaints and offence, the Mayor of London, Sadiq Khan, has asked for Hezbollah to be proscribed.

Dr Offord: The right hon. Lady has made a really good point, and I want to respond; I am grateful that she took my intervention earlier. She is absolutely right—there is an issue with not only Labour Front Benchers but Government Front Benchers. I certainly hope that they hear what I am saying today. This is not about one party or another. I do not seek to make this a party political issue, but when I see the shadow Home Secretary rolling her eyes at some of the comments made by Labour Back Benchers, that makes me think that her heart is not really in this issue and that she is not as concerned as many Government Members—or, indeed, many Opposition Members.

According to Home Office guidance,

“Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if she believes it is concerned in terrorism, and it is proportionate to do. For the purposes of the Act, this means that the organisation: commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism (including the unlawful glorification of terrorism); or is otherwise concerned in terrorism”.

It is worth reiterating that senior Hezbollah officials have openly and repeatedly stated that no substantive separation exists between so-called “political” and “military” wings. Given that fact, I believe that Hezbollah meets the criteria for full proscription under the Terrorism Act.

It is not just the Jewish community in this country who are distressed by Hezbollah’s overt presence in the UK; it also distresses those of us who deplore terrorism and hate all kinds of bigotry and those of us who want this country to be a welcoming and safe place for our many diverse communities.

A number of Members are unable to be here today because they have returned to their constituencies. No doubt they will be attending this weekend’s Holocaust Memorial Day commemorations. However, we must not underestimate the strength of feeling among the British public in favour of rooting out anti-Semitism and hatred wherever it occurs. Anti-Semitism is rising throughout Europe, and as we commemorate Holocaust Memorial Day on Saturday, we must be the ones to say, “Enough is enough.” It is in the best interests of us all to proscribe Hezbollah in full.

Let us demonstrate our commitment to tackling extremism by finally putting aside the mistaken belief that Hezbollah has a political wing. It quite simply does not exist. My constituents think we should not wait any longer before admitting that, and so do I.

3.46 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I thank my right hon. Friend the Member for Enfield North (Joan Ryan) for securing this important debate. It has been excellent.

I think that it is incredibly important for the Home Secretary to take a clear look at Hezbollah, its activities and the positions that it takes. As we know, it is involved in a number of terrorist activities and has made clear its desire to wipe Israel off the face of the earth, but the main concern that I wish to raise today concerns its anti-Semitic language. Let me take a moment to read out some of the comments made by leaders of Hezbollah to emphasise how shocking they are.

Hassan Nasrallah, Hezbollah’s leader, has been quoted as saying—I read this out with deep discomfort—

“the Jews...are a cancer which is liable to spread...at any moment.” He has also said:

“If they all gather in Israel, it will save us the trouble of going after them worldwide.”

Such views are expressed not just by Nasrallah, but by his deputy. Naim Qassem has been quoted as saying:

“The history of Jews has proven that, regardless of the Zionist proposal, they are a people who are evil in their ideas.”

I am sure that Members on both sides of the House agree that those comments are utterly deplorable and should be challenged at every opportunity. Such language should not be allowed to continue, because it feeds into a terrorist ideology that calls for the destruction of Israel, but also of the wider Jewish people. We have heard it in the past, and we stood up against it then. We should stand up against it now as well, because the use of such language in our society should not be tolerated, whether it is used here or elsewhere in the world. There is absolutely no place for it.

What is especially pertinent when we recommit ourselves to standing up to this hate-filled language is that, as we speak, many people are gathering near Parliament Square to remember the holocaust at the Holocaust Memorial Day service. I was torn today: I wanted to take part in both events, but I chose to come to the House and make my speech. Only a week ago, colleagues stood here in the Chamber and movingly marked that auspicious day.

The theme of this year’s Holocaust Memorial Day is the power of words. The aim is to explore how language was used in the past and is used in the present. It reminds us never to be complacent. Right now, an organisation that calls for the annihilation of one of our allies and a whole ethnic population is lawfully allowed to be supported in this country, and last year, as we have heard, its flags were flown on the streets of our capital. Hatred should not go unchallenged, wherever it may raise its ugly head.

The British Government must stand strong with resolve and say, “Enough is enough, and we will not stand for their hatred and terrorist activity.” We can all agree that Hezbollah is a dangerous organisation that commits terrorist crimes across the world in the name of its warped view of Islam and that repeatedly vocalises hate-filled language towards a group that it wishes to exterminate. There is no room for its deep-seated hatred—none at all. Therefore, in response to this debate, I hope the Home Secretary—although not present—will ensure that she listens in full to the concerns raised from across the House today.

3.50 pm

Jim Shannon (Strangford) (DUP): It is always a pleasure to speak in this House, but especially on this issue. It is a pleasure to follow the hon. Member for Washington and Sunderland West (Mrs Hodgson) and all other Members who have spoken. If I may pick out one Member, the right hon. Member for Enfield North (Joan Ryan) set the scene very well for us all. When she asked me to accompany her to the Backbench Business Committee to request this debate, I was happy to do so, as I wanted to take part in the debate. As someone who has lived through a terrorist conflict and who bears the emotional and political scars that other—some very gallant—Members have, this topic is of great interest to me.

The first question we must ask ourselves is, what is the first duty of Government? As clearly outlined by every Member who has spoken, the first duty of any Government is to protect the public. Are we protecting the public? Can we do better? Yes, we can. Protection cannot, of course, be guaranteed; there will always be those determined to break through or get around whatever security measures our Government have put in place. But it is the Government’s job to do what they can to ensure that in a free society people can go about their lives facing the smallest possible risk of crime or terrorist attack. The debate is taking place because there has been a failure to provide that protection.

On 4 June 2017, the day after the London bridge terror attack in which eight people were killed and 48 injured, the Prime Minister—my Prime Minister, everyone’s Prime Minister—stood in Downing Street and said:

“While we have made significant progress in recent years, there is—to be frank—far too much tolerance of extremism in our country.

[*Jim Shannon*]

So we need to become far more robust in identifying it and stamping it out—across the public sector and across society. That will require some difficult and often embarrassing conversations, but the whole of our country needs to come together to take on this extremism”.

On 22 June, the hon. Member for Newark (Robert Jenrick), following a statement on terrorism, called on the Home Secretary to ban Hezbollah. To support his request he gave a first-hand account of what he cited as a celebration of the terror group Hezbollah that he witnessed on 18 June at an Al-Quds rally in central London. He explained in some detail how people were walking down the streets of this city waving the flag of the genocidal terror group Hezbollah—that is what it is—while simultaneously mocking the British laws that allowed them to do so. He described how frustrating that was. There can surely be no greater and more blatant illustration of the Prime Minister’s view that we are far too tolerant of extremists. That shows why this debate is important.

It is also important to remember the context. In 2017, a year marred by terror attacks in Manchester and London, our Government allowed that march to take place. I question why that was allowed.

In response to the hon. Member for Newark, the Home Secretary agreed to come back and discuss the matter with him and if necessary to come back to this House. I understand that there has been a chasm of silence since then, which concerns me. As with many issues, there may be a belief that, if we let matters sit and cool, sometimes people do not demand firm action to be taken. This is not one of those times and the Home Secretary’s commitment must be actioned.

I thank the right hon. Member for Enfield North and the colleagues who backed the call for this debate. We can have a full discussion today and we will hopefully have action. We look to the Minister. The call for action is coming from Members in all parts of the House.

Let me make it clear that this is not a campaign to satisfy a handful of MPs; it goes much wider than that. In a campaign organised by the Israel Britain Alliance and its numerous partners, more than 10,000 people have written to their MPs to register their concerns about the Government’s delusion that Hezbollah is two separate organisations and to highlight the Government’s dereliction of their first duty to protect the public. For the record, the publicly available evidence that Hezbollah is a single organisation with a single command structure has been proven beyond all reasonable doubt. In addition, the Government’s own assessment of Hezbollah’s capability renders their stance untenable and demands the protection that the evidence points to.

I am concerned that we are not being given the full story about the need that is said to be there; it has been said that there may be some evidential base out there. We want to see that in the open. The Government are also aware of the Hezbollah sleepers and they are watching them as well. Let us make it clear to those who think they are not being watched that they are indeed being watched and we know who they are. As I said, I am concerned that we are not being given the full story. Only three days ago, in answer to a question from the hon. Member for Warrington North (Helen Jones), the Minister said:

“The military and political activities of Hizballah are distinct, though links exist between the senior leaders of the political and

military wings. The UK proscribed Hizballah’s External Security Organisation in March 2001 and in 2008 the proscription was extended to Hizballah’s military apparatus.”

My concern is that, by dragging our feet over taking the necessary action, we are placing the British people in grave danger. It is our responsibility to look after them.

Bob Stewart: Please do not think that I support Hezbollah. All I say is that there might be some reason that we cannot know about—that even I, who have been in military intelligence, cannot know about—for not banning the political wing of Hezbollah in this country. It might be something very important, and it might be that the decision has been made to protect us from a much more difficult situation. I do not know.

Jim Shannon: I thank the hon. and gallant Gentleman for his intervention, but let us make the position clear today: we want the proscription of Hezbollah. That is the thrust of this debate. That is what we are about. There are not two wings in Hezbollah.

Joan Ryan: I should like to clarify this point. Most members of the armed forces cannot comment on these issues, but very senior members of our armed forces who are no longer actively serving have made it clear that they think that this is a false division, and that Hezbollah should be proscribed in its entirety. I agree with them, although I understand that the hon. Member for Beckenham (Bob Stewart) is not saying that he supports Hezbollah.

Jim Shannon: I thank the right hon. Lady for her intervention. In a moment, I will give the House an example of an ex-soldier who has knowledge of the situation and whose position will become clear. Perhaps then, everyone in the Chamber will understand why we need and want this proscription.

Hezbollah leaders have openly stated that there is no separation between its component parts. The group in its entirety meets the criteria for full proscription under the Terrorism Act 2000. Its leaders have repeatedly encouraged terrorism and supported jihad and martyrdom. Hezbollah has been responsible for attacks on Jewish people across the globe, yet last year, as the hon. Member for Newark witnessed, people with Hezbollah flags marched down Oxford Street celebrating al-Quds day with complete disregard and with the AK-47 on their flags. If that is not provocative and illegal, I would like to know what is. Along with the flags and banners that day, we had all the associated inflammatory rhetoric because the purpose of the demonstration was to agitate for violent resistance and the destruction of the state of Israel under the euphemism of “liberating al-Quds”—Jerusalem. The context was militaristic, not political.

The domestic consequence of the current Government policy that the Minister will repeat in due course is a fabricated division that allows public support for a terrorist organisation and anti-Semitism to flourish freely on our streets. These actions are detrimental to social cohesion and damaging to community relations, and that is why Hezbollah must be banned. Many Members across the Chamber have made it clear that we have taken a stance against anti-Semitism. The Government have taken a stance against it, but there are others who need to be stronger when it comes to taking that stance, and we encourage them to do so.

Colonel Richard Kemp, to whom I referred a moment ago, is the former head of the international terrorism team at the Cabinet Office. I hope that we can all respect the fact that his credentials are impeccable as he explains his view of the Foreign and Commonwealth Office's position. He says:

"The Foreign Office deludes itself that by appeasing Hezbollah it can influence the organisation. And that it will do its killing elsewhere. Instead this gives legitimacy to Hezbollah. Piling appeasement on appeasement, Britain and the rest of the EU hope to mollify Iran, the biggest state supporter of terrorism. They know designating Hezbollah would enrage the ayatollahs."

Ian Austin: The hon. Gentleman is right to quote Richard Kemp. I refer him to Lord Dannatt, the former Chief of the General Staff, who has made exactly the same point. I am not calling into question the motives of the hon. Member for Beckenham (Bob Stewart) or asking why he said what he did; I am just saying that Richard Kemp and Lord Dannatt both make the opposite point. I think that, if such intelligence existed, they would be aware of it.

Jim Shannon: I thank the hon. Gentleman for that intervention and for putting on record that extra evidential basis. The Foreign Office position appears to be creating two delusions: first, that Hezbollah is not a single organisation and, secondly, that it will do its killing elsewhere. Colonel Richard Kemp's column in *The Times* devastates another Foreign Office fable, namely, that we are not in danger. He says:

"During the campaigns in Iraq and Afghanistan, Hezbollah was involved in Iranian-directed bombings that killed well over 1,000 British and US servicemen. Despite this, in Britain and elsewhere in Europe Hezbollah can freely raise funds for terrorism. Its supporters flaunt their assault rifle-emblazoned flags on our streets. They maintain sleeper cells in this country: planning, preparing and lying in wait for orders to attack."

I commend our security forces for their good work, which everyone in this House endorses and supports. Our intelligence services are the best in the world and we are very happy to have them.

When we hear such things, we say to ourselves, "What damning testimony there is." I see you looking at me, Madam Deputy Speaker, and I am coming to the end of my speech. Those in the Foreign Office who seek to appease, and who are fearful of offending the ayatollahs, are allowing people on our streets to celebrate an organisation that has been complicit in the killing of British soldiers. We have a responsibility to look after, nurture and care for our soldiers and their families, and the situation cannot be allowed to continue. It is past time that the Government did the right thing and banned Hezbollah. Members may ask what that will achieve. Let me quote Hezbollah's Secretary General, Hassan Nasrallah, on that question:

"The sources of our funding would dry up, and the sources of moral, political, and material support would be destroyed."

If we are looking for a good reason to proscribe Hezbollah, that has to be one.

Dr Offord: Does the hon. Gentleman agree that a consequence of the Iranian nuclear deal is that money is going from Iran directly to Hezbollah and other terrorist proxies in the middle east?

Jim Shannon: I agree absolutely with the hon. Gentleman. I commend him for his contributions in this House, and he has been a stalwart supporter on this matter.

During debates on the Iran nuclear deal, he and I said the same thing on opposite sides of the House, and it was good to have that consensus. Many others joined us.

We need to proscribe Hezbollah for the very reason that I have outlined: its sources of funding will dry up, and its moral, political and material support will be destroyed.

Theresa Villiers: Does the hon. Gentleman agree that extending proscription in the way that pretty much every Member has called for is important if we are to ensure that Hezbollah cannot use the banking system in this country to further its evil ends?

Jim Shannon: If we starve Hezbollah of its funds, we will take away the blood that it needs to exist. It is important that we do that. Proscribing Hezbollah and removing all its resources—the bones in its system—is one way to achieve what we want. I believe that the British people will happily accept the proscription of Hezbollah.

Mr David Jones: Does the hon. Gentleman agree, however, that although we require the complete proscription of Hezbollah as an organisation, we should never lose sight of the fact that it is a proxy for the Iranian Islamic Revolutionary Guard corps, which is causing so much havoc and distress throughout the middle east and beyond?

Jim Shannon: I fully endorse the right hon. Gentleman's sentiments. It is clear to me and, I think, everyone in the House that the Iranian national guard has such control that its influence and encouragement extend to Hezbollah. Where do we find it in the world? It is everywhere where there is contention, murder and conflict. That is the frustration we have.

Putting the public at risk and changing the odds in favour of terror suspects and against those who protect us is, at best, grossly complacent and, at worst, disastrous for public security. In memory of the British victims of Hezbollah, this terror group, this scum of the earth, should be banned from this day forth.

4.5 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): This has been a passionate but thoughtful debate, and I congratulate the right hon. Member for Enfield North (Joan Ryan) and her colleagues on bringing it to the House.

Members have repeatedly made it clear that Hezbollah in its broadest sense has engaged in atrocious terrorist activity. They have highlighted attacks in the middle east and beyond. In 2012 in Bulgaria, a bus of Israeli tourists was blown up. In Buenos Aires in the 1994, the bombing of the Israeli embassy was followed by the detonation of explosives outside the Argentinian-Israeli Mutual Association. Plots and activities have extended to Thailand, Nigeria, Cyprus and many other countries. Those arguing in favour of the motion have made a powerful case for full proscription. The right hon. Member for Chipping Barnet (Theresa Villiers) and others have highlighted the knock-on consequences of sticking only with partial proscription for law enforcement here, including the seizing of financial assets.

[Stuart C. McDonald]

Is there any possible counter-argument? In supporting partial proscription, the Home Office under the previous Labour Government pointed to the

“legitimate political, social and humanitarian role Hizballah plays in Lebanon”,

while in a debate just before Christmas, when this issue was raised, the Security Minister pointed out that Hezbollah formed part of the Government of Lebanon. That has meant that much of this debate has focused on whether Hezbollah is just one organisation and whether it is realistic to divide it into political, military and terrorist parts, as some countries do, including the UK—but not just the UK—for the purposes of proscription. In the December debate, the Minister himself said:

“If...the non-military wing is viewed as not separate...we will review the situation, use the law and take the required steps.”—[*Official Report*, 19 December 2017; Vol. 633, c. 1018.]

Members have argued today that these are false and unreal distinctions, pointing even to the rhetoric of Hezbollah itself and arguing that there is a unified decision-making power in the Consultative Council.

The next question is: does it matter that there is a degree of unity at the top, if there are clearly distinct branches that can be separated? It is only fair to record that different countries have taken different approaches to that question. For the Netherlands, as we have heard, it did matter and was conclusive. In its annual report in 2004, its general intelligence and security services stated:

“It can also be concluded that Hezbollah’s political and terrorist wings are controlled by one co-ordinating council. This means that there is indeed a link between these parts of the organisation. The Netherlands has changed its policy and no longer makes a distinction between the political and terrorist Hezbollah branches”.

In fairness, not all countries take that approach. It is not, for example, the approach taken in Australia, where what it refers to as the External Security Organisation of Hezbollah is listed as a terrorist organisation but not Hezbollah as a whole. In the statement explaining their decision, the Australian Government do not seek to argue that they are very distinct organisations. They describe on one hand a

“pragmatic political organisation with deep roots in Lebanese society”

that

“maintain a social welfare network that encompasses education and health services”,

but at the same time include what they describe as “a branch”—the ESO—responsible for

“the planning, coordination and execution of terrorist attacks against Hizballah’s enemies outside of Lebanon”.

Despite the fact that the Australian Government take the view that the ESO is a branch of a bigger organisation, they simply chose to proscribe the branch rather than the whole organisation. So different Governments can come to different views.

As some hon. Members have pointed out, it is relevant to note that under the 2000 Act, the Home Secretary has powers but not a duty to proscribe organisations—it is a “may”, not a “must”. As some have alluded to, one wonders whether there are other considerations at play here, including a desire to keep certain diplomatic channels open and concerns about maintaining stability in Lebanon. In the past, the President of Lebanon has asked the EU and its member countries not to proscribe Hezbollah,

describing it as an essential component of Lebanese society. However, in response, the right hon. Member for Enfield North fairly points out that countries that do proscribe the whole group continue to play a diplomatic role in the country—things do not have to end there. So I do not envy the Minister the task he has or the decisions he has to make.

One problem I have raised before in debates on the proscription of terrorist organisations is that the information hon. Members have at their disposal is, I suspect, but a drop in the ocean compared with what is available to the Minister making the decision, and I think that was essentially the point the hon. and gallant Member for Beckenham (Bob Stewart) alluded to in his intervention. I wonder whether there may be a role for the Intelligence and Security Committee in scrutinising such decisions and in advising Members more generally.

In conclusion, I congratulate hon. Members on bringing about this debate and on posing serious and difficult questions to the Government. I am sympathetic to the case they make, and I await the Minister’s response with interest, because it is fair to say that, so far, there has not been a coherent counter-argument.

4.10 pm

Nick Thomas-Symonds (Torfaen) (Lab): First, I am grateful to the Backbench Business Committee for agreeing to the application led by my right hon. Friend the Member for Enfield North (Joan Ryan) and for allowing these important issues to be brought forward. While nobody in the House would deny the right to peaceful protest, we should of course debate in the House when offence and distress are caused by public displays, and we should also debate these important issues of proscription. I also thank my hon. Friends the Members for Dudley North (Ian Austin), for Liverpool, Riverside (Mrs Ellman) and for Washington and Sunderland West (Mrs Hodgson) for their contributions to the debate.

I want to deal with the issue of the displaying of Hezbollah flags, which, at least in the short term, is what led to this debate. Let me say at the outset that Labour Members unequivocally condemn support for violence and acts of terrorism, the likes of which have been described in the Chamber today. We are grateful to the police and to our security services for the work they do daily in keeping us all safe.

Many Members have spoken about the current position regarding proscription. It is of course correct that, in March 2001, the Hezbollah External Security Organisation—part of the military wing—was proscribed. In July 2008, that was extended to the whole military wing, including the Jihad Council. The then Home Office Minister, Tony McNulty—a former Member of this House—said in the House on 15 July 2008 that the proscription of Hezbollah’s military wing would not affect the role it played in Lebanon, but it would send out

“a clear message that we condemn Hezbollah’s violence and support for terrorism.”—[*Official Report*, 15 July 2008; Vol. 479, c. 195.]

It is, of course, the case today that Hezbollah forms part of the Parliament and the Government of Lebanon.

More recently, in December of last year, the Security Minister said: “Those organisations”—this includes Hezbollah—

“are not proscribed in their entirety. Their military wings are proscribed, but as Hezbollah forms part of the Government in Lebanon...the proscription applies only to the military wing.”—[*Official Report*, 19 December 2017; Vol. 633, c. 1008.]

It is for the Government to keep under review the organisations they proscribe. These are always careful decisions, and clearly, in difficult and volatile situations, there has to be a balance between making absolutely clear our abhorrence at the use of violence to achieve political ends and, at the same time, seeking to facilitate and encourage solutions to conflict through participation in the democratic process.

It is for the Government, on the information they have before them—not all of which, as the hon. Member for Beckenham (Bob Stewart) pointed out, may be in the public domain—to be vigilant in keeping the list of proscribed organisations under review. The statutory test is under the Terrorism Act 2000, and of course, as the Opposition, we will hold the Government to account on their application of the test, as we did just before Christmas in relation to a number of other organisations. I ask the Minister today for the assurance he has previously given that the situation is always kept under review.

I want to turn to the current position on proscription, but I want first to make an aside, if I may, because it is important. An internal document containing the position of those on the Labour Front Bench got into the public domain today. While colleagues may or may not disagree with it, there is an issue, in that the front of the document contains the work email address of a member of my staff. Before I came into the Chamber today, he had already received an email, as if he personally was responsible for the position of the entire Labour Front Bench, which clearly is not the case. I ask the organisations that are displaying that document on the internet and elsewhere to remove the work email address of my member of staff, so that he does not receive any more emails. It is for us in this House, not our staff, to take responsibility for our positions, and our staff do an excellent job for us.

For the displaying of a Hezbollah flag to be an offence under section 13 of the Terrorism Act 2000—I was interested in the remarks made by the hon. Member for Hendon (Dr Offord) about that—it is correct that it has to be in support of the proscribed elements of the group. However, that does not mean that nothing can be done. I have not read the QC's advice to which the hon. Gentleman referred, but I would be interested in a dialogue with either the Metropolitan police or other police forces from around the country on this matter. Law enforcement agencies on the ground judge the context and circumstances in which the flag is flown, but that of course relates to the 2000 Act. There are other, wider criminal offences in respect of public order, displays that cause harassment, alarm and distress, and incitement, all of which can be enforced on the streets of our country.

Ian Austin: My hon. Friend is completely right to say that his member of staff's email address should not be displayed on the internet. I imagine that he is referring to the brief.

Nick Thomas-Symonds *indicated assent.*

Ian Austin: My hon. Friend is completely right about that, but I am concerned about some of its contents. Given that he has mentioned the document, why does it not mention Hezbollah's anti-Semitism? Why does it suggest that Hezbollah could be a partner for peace when it is absolutely clear that it has no interest at all in the peace process between the Israelis and the Palestinians?

Nick Thomas-Symonds: I will make two points to my hon. Friend. First, when briefings are prepared, they tend to focus on the narrow issue of the debate, but let me be clear that we condemn anti-Semitism in all its forms. Secondly, with regard to peace going forward, we have to be careful about closing off diplomatic channels. For example, I was interested to read the comments made by former Prime Minister Tony Blair about Hamas only a few months ago. He was talking about the boycott of Hamas after the Palestinian elections of 2006 and said:

“In retrospect I think we should have, right at the very beginning, tried to pull”

Hamas

“into a dialogue and shifted their positions. I think that's where I would be in retrospect.”

While I do not for a moment underplay the terrible violent acts, we should be careful about our maintenance of engagement in these difficult conflicts around the world.

Zac Goldsmith: Can the hon. Gentleman give an example of when not proscribing the whole of Hezbollah has in any way facilitated a move towards peace—just one example?

Nick Thomas-Symonds: To ask about what would have happened had the whole organisation been proscribed is clearly counterfactual. I am sure that the hon. Gentleman will appreciate that that is entirely hypothetical.

Theresa Villiers: Hezbollah is a violent, genocidal terrorist organisation dedicated to the destruction of the state of Israel, and I challenge the Opposition Front-Bench spokesman to support the calls that have come from both sides of the House today to proscribe Hezbollah in its entirety.

Nick Thomas-Symonds: Nobody supports terrible, violent, barbaric acts; we simply look at the situation as it is and try to strike a balance. I have already set out—*[Interruption.]* I will deal with the hon. Member for Croydon South (Chris Philp) in a moment. I have already set out that I would be happy to speak to police forces around the country about using the powers that they have at the moment.

The Opposition absolutely condemn the violence, and we continue to support the proscription of the military wing of Hezbollah, which has been the Government's position. We believe that engagement with the Government and Parliament of Lebanon is important for the wider middle east peace process, and we should be careful about damaging that engagement, but it is of course a question of balance.

Mr David Jones: It was, of course, a Labour Government in 2008 who drew the distinction between the military and political wings of Hezbollah. Everyone who has spoken in this debate today regards that as nonsense and fiction. What is the position of the Labour Front-Bench team?

Nick Thomas-Symonds: I have heard a number of speakers make the point about the links. I simply observe that their activities are distinct—the activities of violence, which we absolutely condemn, on the one hand; and, on the other hand, engagement with the democratic process.

[Nick Thomas-Symonds]

Labour Members have supported the balance that the Government are striking, which is not to say that I am not sensitive to the views I have heard from both sides of the Chamber. I respect those views.

When analysing the difficult and important matters of proscription, the balance as it stands, which we support, is proscription of the military wing. That should not at this stage be extended to the political wing, for the reasons I have set out.

4.20 pm

The Minister for Security and Economic Crime (Mr Ben Wallace): I congratulate hon. and right hon. Members, including the right hon. Member for Enfield North (Joan Ryan), on securing this debate and raising this important issue.

The Government are proud to be a friend of Israel, and we are proud to support working with Israel. No Conservative Member, and no one in this House, supports the use of terrorism or violence. My hon. Friend the Member for Beckenham (Bob Stewart) and I have often been on the wrong side of terrorist attacks. I have first-hand experience of violence, intimidation and terrorism, and no one more than me wants to see people who use violence to progress their beliefs being stopped, prosecuted and put away, or driven out of this country at the bare minimum.

Perhaps I should start by reassuring hon. Members that the Government are determined to do all we can to minimise the terrorist threat to the United Kingdom and to our interests and friends abroad, and to disrupt those who engage in terrorism. Proscription is an important, but not the only, part of the Government's strategy to disrupt the activities of terrorist groups and those who provide support to them.

As many Members have said today, Hezbollah was established during the Lebanese civil war and in the aftermath of the Israeli incursion into Lebanon in 1982. From the outset, resistance to Israel has been an important part of Hezbollah's agenda. However, Hezbollah also represents Lebanon's Shi'a community and, over time, has gained significant support from that community. Hezbollah provides social and political functions in Lebanon. As a major political group and the largest non-state military force in the country, Hezbollah clearly plays an important role in Lebanon.

The UK Government have long held the view that elements of Hezbollah have been involved in conducting and supporting terrorism and, as a result, proscribed Hezbollah's External Security Organisation in 2001. Not only did I listen but I heeded many of the comments made today about Hezbollah's statements and beliefs, which are outrageous, disgusting and should be condemned at every opportunity. Hezbollah is anti-Semitic and wishes the destruction of our ally and friend, the state of Israel. We support none of that.

In 2008, in recognition of more such activity, proscription was extended to include the whole of Hezbollah's military apparatus, namely the Jihad Council and all the units reporting to it. Hezbollah's military wing is also designated in the UK under the Terrorist Asset-Freezing etc. Act 2010. Funds or economic resources owned, held or controlled by Hezbollah's military wing in the UK therefore can be,

and will be, frozen. In July 2012, the EU designated Hezbollah's military wing a terrorist organisation under the EU asset freezing regime.

Although the proscription of Hezbollah in its entirety is kept under review, our current position maintains a balance. I have heard from many Members today that Hezbollah's military and political wings are indivisible, joined at the hip and centrally led. That is not, as the hon. Member for Cumberland, Kilsyth and Kirkintilloch East (Stuart C. McDonald) pointed out, the view of every country. Australia, New Zealand and the EU take a different view. I pledge to the House that we constantly monitor these groups and individuals involved in them. We constantly review the use of proscription as a means to take action where we see fit.

I wish to reassure hon. Members. It has sort of been implied that Ministers pick who to proscribe off the top of their head and that we ignore our security services, the police and the military. Colonel Richard Kemp is often quoted. Ministers do not make up proscription decisions over a cup of coffee. We make them on the recommendations submitted to us by our law enforcement agencies, security services here and intelligence services overseas, and we make a judgment.

Mr David Jones: My right hon. Friend says that it is not the view of every country and every security service that Hezbollah is indivisible. Is not his difficulty that it is Hezbollah's own view that it is indivisible, and considers itself a single organisation?

Mr Wallace: My right hon. Friend makes a valid point, but he must recognise that it is difficult to separate Hezbollah from the state of Lebanon. Hezbollah is in the Parliament and the Government, and that represents a different challenge from that which we find with many other terrorist groups.

Ian Austin: The Chairman of the Foreign Affairs Committee, the hon. Member for Tonbridge and Malling (Tom Tugendhat), dealt eloquently with the point about Hezbollah being a single organisation. As the right hon. Member for Clwyd West (Mr Jones) has said, Hezbollah's political affairs official, Ammar Moussawi, stated:

"Everyone is aware of the fact that Hezbollah is one body and one entity. Its military and political wings are unified."

That is what they are saying; it is not what we are saying. That is the point that the Government should consider.

Mr Wallace: With all due respect, I disagree with my hon. Friend the Chair of the Select Committee. I visited Lebanon in June last year to meet the Government, the Lebanese armed forces and other agencies, including the United Nations, to discuss the future of Lebanon and the United Kingdom assistance to it. I disagree with that view about engaging with the Lebanese Government and what barriers could or could not be removed to that.

Zac Goldsmith: I have a simple question: does the Minister believe that the United States has any difficulty engaging in dialogue with Lebanon, given that it has taken the view, as the House has clearly done today, that both parts of Hezbollah are one and the same—that there is no division?

Mr Wallace: The United States finds it harder to engage with Lebanon than does the United Kingdom. I visited the United States embassy when I was in Beirut

and spent time at the memorial to the US Marines killed there. The United States does not take these things lightly. It does what it can in Lebanon to secure it as a strong state. It has proscribed Hezbollah in its entirety for some time. As we heard from Opposition Members, that has not prevented Hezbollah from growing exponentially—it has not been a silver bullet and it has not stopped Hezbollah behaving as it has. That is why I made the point earlier that proscription is only one tool in dealing with terrorism, hatred and incitement.

Jim Shannon: Will the Minister give way?

Mr Wallace: No. I should press on before giving way.

The Government do not condone any terrorist activity and we continue to press Hezbollah to end its status as an armed group and to participate in the Lebanese democratic process on the same terms as other political parties. As hon. Members will be aware, groups that are not included on lists of proscribed organisations are not free to spread hate, fund terrorist activity or incite violence as they please. Not being proscribed does not mean that groups can do lots of things that we would view as illegal.

Dr Offord: Let me cut through the rhetoric and ask a simple question: what does the Minister think is the motivation of British nationals flying the flag of a foreign political organisation whose stated aims are to kill every Jew and to annihilate the state of Israel?

Mr Wallace: I am not going to speak on behalf of protestors walking down Oxford Street whom I have never met. I listened to the points my hon. Friend made earlier about frustrations with the police taking action, and what I will say is that the police already have comprehensive powers to take action against individuals under criminal law, regardless of whether an organisation is proscribed. The hon. Member for Torfaen (Nick Thomas-Symonds) also made that point from the Opposition Front Bench.

Whether it is part 3A of the Public Order Act 1986, or part 3 itself, which is about racial hatred, that Act gives police the powers to prosecute people. It is perfectly possible for someone to stand up with a national flag and incite hatred or religious hatred, and to then find themselves prosecuted for and convicted of a criminal offence. Not proscribing Hezbollah in no way prevents the police or the Crown Prosecution Service from taking action against that type of incitement. I certainly hope that the CPS and the police listen to the concerns expressed by Members today—I shall certainly raise those concerns when I next see them.

I heard the point made by my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) that not proscribing Hezbollah somehow hinders our police; it absolutely does not. Those people might be involved in drug dealing or money laundering. I was previously Minister for Security; I am now Minister for Security and Economic Crime. There is a plethora of offences on the statute book and powers that we can use to weaken Hezbollah and prevent it from doing things that are illegal either in the criminal space or in ways that go against our national security. This does not hinder the police in the way being alluded to, which is that without the proscription of the other half, this country will somehow be unable to protect its citizens and its interests from Hezbollah's actions.

Jim Shannon: I am reminded of the analogy of the Siamese twins. The two twins are the Hezbollah of politics and the Hezbollah of armed insurrection and guerrilla warfare. The blood that flows through one flows through the other. We are suggesting to the Minister, very gently—perhaps very forcefully—that we need Hezbollah to be proscribed because by doing so we will take away their money and resources and their moral and political livelihood. If we do that, we can stop the killing. That has to be the way forward.

Mr Wallace: With due respect to the hon. Gentleman, we take action against Hezbollah and non-Hezbollah actors where they are involved in criminality and when the intelligence or evidence is provided for us to be able to take action, and we do so across a whole range of issues. It is not the case that because the political wing is not proscribed, we sit back and do nothing about it. We do everything we can when evidence is presented. The worrying thing about the point made by my hon. Friend the Member for Hendon (Dr Offord) is that people have presented evidence to the police, or sat down with them and told them about some of those statements about Grenfell Tower, but no action has been taken. I think that everyone in the House would urge the CPS and the police to use the range of powers at their disposal to take action and not tolerate such horrendous statements and incitements.

Mrs Ellman: I gave examples of hate speech on our streets, but it appears that the police are reluctant or unable to take any action against it. Does the Minister not agree that that is appalling? Also, does he not agree that had Hezbollah been proscribed, the people on that march waving flags would simply not have been allowed to go ahead with their hate speech and incitement?

Mr Wallace: On the hon. Lady's first point, it is not acceptable if the police or CPS do not take action when there are offences that would allow them to do so. It is not always that they are not able; it may be a choice that they have made, either because of resources—we can debate that—or perhaps because they have found that, for the public good, they could do something about it later. I stood on the Falls Road for many months of my life watching paramilitary flags go past. When I was a soldier on those streets, we had the power to do something, but, perhaps for the good of the public order, the view was that we should not do anything about it. I do not know about the individual motives of the people on the march the hon. Lady mentions or of the police on that day, but it is not the case that they do not have the power to do something. This House has given them the powers, year on year, over many decades, to take action.

I think that we all feel, especially in this social media age, in which we are often inundated by hate and intimidation, whether on Twitter or in emails, that there is a broader debate about how we can deal with and prosecute hate and extremism in this country. Unfortunately, from my point of view it seems to be on an upward rather than downward curve among some groups of people in society.

Political parties of all colours need to send very strong messages to supporters, allies or over-excited individuals who seek to take our parties' names and use them alongside hatred, anti-Semitism, racism and Islamophobic comment. All that is unacceptable. We should not forget

[Mr Wallace]

though that we need to encourage our police and CPS to take action and to set an example with regard to some of these plans. As I have said, the Government continue to exercise proscription power in a proportionate manner in accordance with the law, and we will continue to monitor groups and people of concern.

Section 3 of the Terrorism Act 2000 provides a power to the Home Secretary to proscribe the organisation if she believes that it is concerned in terrorism. The Act specifies that

“an organisation is concerned in terrorism if it commits or participates in an act of terrorism, prepares for terrorism, promotes or encourages terrorism, or is otherwise concerned in terrorism.”

If the test is met, the Secretary of State must then exercise her discretion to proscribe the organisation. In considering whether to exercise this discretion, she is also guided by the nature and scale of the organisation’s activities, the specific threat that it poses to the United Kingdom, the specific threat that it poses to British nationals overseas, the organisation’s presence in the United Kingdom and the need to support other members of the international community in tackling terrorism.

Given the wide-ranging impact of proscription, the Home Secretary exercises her powers to proscribe only after a thorough review of the available relevant information and evidence on the organisation. For an individual to be proscribed, the police and Crown Prosecution Service must have evidence to the criminal standard of beyond reasonable doubt that the context and manner for which the flag is displayed, for example, aroused reasonable suspicion that the individual is specifically a member, or a supporter, of that proscribed group and elements of a wider group.

Peaceful protest is a vital part of our democratic society. It is a long-standing tradition in this country that people are free to gather together and to demonstrate their views, however uncomfortable or repugnant those can be to the majority of us, but they must do so within the law. There is of course a balance to be struck. Protesters’ rights need to be balanced with the rights of others to go about their business without fear of intimidation or serious disruption to the community. Rights to peaceful protest do not extend to violent or threatening behaviour, and the police have powers to deal with as many such acts, as I have said.

The management of protest is of course a matter left to the police. As I said earlier, the investigation and prosecution of all criminal offences is a matter for the CPS and the police. I will happily push to the organisations—the police and the CPS—the messages that I have heard from the House today to make sure that they step up their efforts in this area.

Zac Goldsmith: I thank the Minister for giving way again. The Government have their reasons—I cannot understand them, but they have their reasons—for not wanting to proscribe Hezbollah in its entirety. Will he not accept that maintaining this pretence that there is a division between the two branches of Hezbollah reflects very badly on this place and very badly on the Government? It looks like weakness and it is embarrassing.

Mr Wallace: I hear what my hon. Friend is saying. There are lots of reasons, but perhaps I can offer the House one reason. Members may not agree with it,

but it is one that I felt at first hand when I was in Lebanon on behalf of the Government. We believe that the best way to weaken Hezbollah in the region and further afield is to have a strong state of Lebanon. The stronger the state of Lebanon, which represents multi-faith groups, has a democracy and Speakers of Parliament and recognises the individual religious minorities in the country, the weaker Hezbollah will be. It is not in our interests to have a weak, fractured Lebanon.

We should not forget that Hezbollah’s birth and strengths started in the civil war of Lebanon, when Lebanese were killing Lebanese, Druze were killing Muslims, and Muslims were killing Christians. We think that the way to ensure that Hezbollah is contained and persuaded to follow the course of peace—I listened to the hon. Member for Dudley North (Ian Austin) who may or may not believe this and many of us may agree with him—is to have a strong state of Lebanon. That is in our interests.

The British Government assist with aid, help to train the Lebanese army, so that it can defend the state, and encourage Ministers of all faiths in that Government who believe in Lebanon, rather than in a non-military actor or an overburdened group of one minority or another. That is one logical reason why I believe we have to take some of these difficult decisions and find a balance.

When one visits Lebanon and meets the Ministers struggling to survive in a rough neighbourhood, trying to build a nation state and living with a shadow over their shoulder, as we have discussed, one realises that their best defence is a strong and capable state of Lebanon, with all its safeguards and its constitution. They would be worse off, the region would be worse off and we would be worse off if that state was weakened by a fractious civil war.

Dr Offord: That is all very well about Lebanon, but my concern is the constituents of Hendon, when they cannot go into central London and the police are overstretched, when they are spat at and called Nazis and when people are vile and anti-Semitic towards them. My concern is the people of Hendon—the people of this country.

Mr Wallace: I have listened to my hon. Friend. First, the people of this country will not be better off with an even more fractious, divided and murderous middle east. Secondly, he will know that many of the things he has just mentioned are already criminal offences and can be prosecuted.

Dr Offord: Then why aren’t they?

Mr Wallace: Well, as I said earlier, that is a matter for the police, if people are spitting and inciting hatred. In this country, we have operational independence between Ministers and the police. We can talk about whether we are giving them the right resources—we regularly do across the Dispatch Boxes—but fundamentally what will protect my hon. Friend’s constituents, whether they are Christian, Jewish or Muslim, is for Parliament to give our law enforcement and security organisations powers and to fund them, so that they can use those powers to keep us safe by dealing with the threat based on intelligence, as we receive it, and ensuring that we deradicalise people who might be attracted to hate.

If my hon. Friend's constituents are being abused, that is not a failure of the Government; it is a question to ask the police. We will help him ensure that the police deal with that, but I have to say that it is not because of the partial proscription or de-proscription of Hezbollah. He must understand—I am sure that he does—that a stable middle east is the best way to provide long-term peace for Europe and the United Kingdom. We do not want an unstable middle east at all.

I have listened to the debate and heed the very valid points that have been made by Members on both sides of the House. My commitment as Security Minister is to continue to keep groups such as Hezbollah under review. We will continue to talk to our friends and allies in the region and around the world, but we will fundamentally focus on what we need to do to keep the United Kingdom safe, for the short and long term. I will certainly do my best to encourage the police, other political parties and all our supporters and friends to ensure that hate is not tolerated, no matter who it is aimed at.

4.43 pm

Joan Ryan: I thank the Backbench Business Committee for allowing this debate, and my hon. Friend the Member for Liverpool, Riverside (Mrs Ellman) and the hon. Member for Strangford (Jim Shannon) for accompanying me to the Committee to apply for it. For contributing today, I thank the right hon. Member for Chipping Barnet (Theresa Villiers), my hon. Friend the Member for Dudley North (Ian Austin), the right hon. Member for Clwyd West (Mr Jones), my hon. Friend the Member for Liverpool, Riverside, the hon. Member for Hendon (Dr Offord), my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) and the hon. Member for Strangford. Their powerful contributions have been much appreciated.

I draw attention to the fact that not a single Back-Bench Member who has spoken or intervened today has opposed the motion, which I think speaks volumes about where the House is on the matter. The public agree with us.

As the hon. Member for Hendon said, a ComRes poll reported today shows that 81% of the public also believe that Hezbollah should be proscribed in its entirety.

The SNP spokesperson, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), said that he is sympathetic to the motion. We welcome that sympathy and hope that it will turn into something a little more forceful policy-wise.

I very much hope to persuade my hon. Friend the Member for Torfaen (Nick Thomas-Symonds), who speaks from the Labour Front Bench, that proscribing Hezbollah in its entirety is the right thing to do. I hope to have further discussions with him on this. However, I appreciate the tone that he took in the debate.

The havoc, death and destruction that Hezbollah has caused in Yemen, Syria, Lebanon and Israel—indeed, across the middle east—as well as in Nigeria, Bulgaria, Cyprus, Argentina, Thailand and other places have been outlined today, to our horror. What about the streets of London? The CST has made it clear that the domestic consequences of the artificial division with regard to Hezbollah has consequences here: a policy is pursued that allows public support for a terrorist and anti-Semitic organisation.

The argument the Minister made is a little tortuous. The US, Canada and others proscribe Hezbollah and still manage to talk to it. No peace has been forthcoming from Hezbollah, despite not proscribing it. We are giving moral, political and social authority to Hezbollah by not proscribing it in its entirety. Hezbollah itself does not agree with the Government. The Government should look again at their position. Keeping this under review is not adequate. They are wrong.

Question put and agreed to.

Resolved,

That this House believes that Hezbollah is a terrorist organisation driven by an antisemitic ideology that seeks the destruction of Israel; notes that Hezbollah declares itself to be one organisation without distinguishable political or military wings; is concerned that the military wing of that organisation is proscribed, but its political wing is not; and calls on the Government to include Hezbollah in its entirety on the list of proscribed organisations.

Sandwell Metropolitan Borough Council

Motion made, and Question proposed, That this House do now adjourn.—(Amanda Milling.)

4.47 pm

James Morris (Halesowen and Rowley Regis) (Con): The borough of Sandwell is a place that can be very proud of its identity. It is full of rich industrial heritage, with a network of historic towns, and full of many decent, hard-working people from very many diverse backgrounds. Unfortunately, however, in recent times, Sandwell Metropolitan Borough Council has become synonymous with local government incompetence, corruption, and cronyism. Frankly, it has become a stain on the reputation of the area. As a local Member of Parliament with a proportion of my constituency within Sandwell, I am only too familiar, when out on the doorstep in Rowley Regis, with local residents' concerns, anger and disillusionment regarding Sandwell Council.

Too often, politicians of different parties can make cheap political points out of their opponents, but the issues facing Sandwell Council go way beyond that. This calls into question the abuse of power by individual councillors and officers, a manipulation of processes, and a culture of fear and bullying among those who work for and sit on the authority.

John Spellar (Warley) (Lab): Will the hon. Gentleman give way?

James Morris: I will give way once.

John Spellar: Oh—we have quite a bit of time. If the constituents whom the hon. Gentleman encounters in Rowley Regis, part of the borough that I live in, are so disillusioned with Labour, why is every one of their council representatives Labour, and with substantial majorities? That is the real test of public opinion, is it not?

James Morris: I thank the right hon. Gentleman for his intervention. No, I do not think that that is the test of public opinion. In the borough of Sandwell, different groups and even members of his own party are becoming increasingly aware of the depth of corruption, lack of accountability and failed leadership within Sandwell council, which I will come on to speak about in more detail.

I thought long and hard about calling this debate mainly because, as a democrat, I had hoped that our institutions would now have stepped in and something would have been done to ensure that the people of Sandwell could have faith once again in their local authority. However, despite the years of police referrals, public speculation, leaks and serious allegations, nothing has changed and, unfortunately, I have lost faith in anything being done soon.

While all this has dominated the minds and actions of so many in Sandwell, its political leadership have ignored the very important work they should be doing, which is running public services. For example, the children's services department has been failing for years, letting down some of the most vulnerable citizens in the borough, and it has received damning Ofsted inspection reports.

While councillors have been fighting each other, children have been left in a broken system, and they often do not receive the help they need.

In this debate, I want it placed on the public record that the people of Sandwell have had enough: they want change and they want it now. They want an end to the ever flowing supply of newspaper cuttings and headlines about local councillors and officers embroiled in scandal. When I was first elected as the Member of Parliament for Halesowen and Rowley Regis in 2010, I had fairly good and constructive relations with the local authority. Despite the fact that the authority was dominated then, as it is now, by the Labour party, the authority seemed to have been run properly. It did not take long for this to start to unravel.

The late Darren Cooper was elected leader of the council following the arrest of the former leader for theft. I feel uneasy when speaking ill of the dead, but following the death of Darren Cooper, a vacuum was created within Sandwell Council that seemed to lift the lid on much of what had been going on, and I find it very difficult to believe that he did not know and was not involved.

Following serious allegations against a number of councillors, a report was commissioned by Wragge and Co., which is now known as Gowling WLG. The report was never meant to see the light of day. It primarily looked at the allegations surrounding Councillor Mahboob Hussain, then the deputy leader, including selling council land cheaply, cancelling parking tickets for family members and bullying. The public and private squabbling to ensure that these reports were kept private was damaging to the reputation of the authority, councillors and officials. It was embarrassing, and further emphasised the feeling of a cover-up.

Despite the fact that these allegations have been in the public domain for several years and that the Wragge report was published in May 2016, it has taken until this month for the council's standards committee to hold a hearing into them.

The Sandwell Council misconduct hearing found Mahboob Hussain had broken rules—

John Spellar: Will the hon. Gentleman give way?

James Morris: I will not give way again. I made it clear at the start that I would take one intervention from the right hon. Gentleman in the debate.

John Spellar: Well, you're misleading the House—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I appreciate that the right hon. Gentleman was speaking from a sedentary position and perhaps he thought he would not be heard, but if he is alleging that another hon. Member is misleading the House, I cannot allow that. Even if he said it from a sedentary position, I would be grateful if he now, from a non-sedentary position, withdrew what he said.

John Spellar: I said I am sure the hon. Gentleman is inadvertently misleading the House.

Madam Deputy Speaker: I thank the right hon. Gentleman for his clarification.

James Morris: The Sandwell Council misconduct hearing found that Mahboob Hussain had broken the rules in a sale of public toilets. It said that the councillor “ignored” a £130,000 valuation, and instead sold them for £35,000 to a family friend. Councillor Mahboob Hussain has denied any misconduct, and of course he has the right to defend himself. West Midlands police have said that there is “insufficient detail” to launch a criminal investigation into the breach. However, James Goudie QC, who chaired the hearing, found that the councillor had breached the code of conduct a total of 12 times. He summarised that by saying that Mr Hussain “compromised the integrity of other council officers by exercising complete control over the action of the sale of the toilet block... The councillor’s actions brought the council into disrepute.”

I am aware that the Wragge report was a contested document, and there are serious questions about its cost and how it was commissioned. As I have said, it was intended never to be made public, and it has reportedly cost the authority about £185,000—a substantial sum of money. Since the publication of the report in 2016, further historical allegations about a number of individuals have come to light. In January last year, an audit report brought to the public’s attention further and more widespread allegations, all of which are in the public arena and have been published on Sandwell Council’s website. Some of them have not been investigated properly, and where wrongdoing has been proved, that has not resulted in any action being taken. I do not take a view about the nature of the allegations; I merely describe them to give the House a perspective on the level of allegations that have been made about the conduct of some councillors in Sandwell Council.

Mike Wood (Dudley South) (Con): Given the serious questions that have been raised about the disposal of council land in Sandwell, does my hon. Friend agree that the council should also investigate the case of my constituent, Patricia Barlow? Her late mother repeatedly tried to buy a piece of land next to her house, only to find out—after years of asking—that the council had disposed of that land to another business without even notifying her. Should the council look at the price at which that land was sold, and at whether it was all above board?

James Morris: I agree. My hon. Friend is right, and I will come on to describe other allegations that have been made about land sales in Sandwell metropolitan borough. Those allegations include land sales to Councillor Bawa and Councillor Hussain, for which an investigation found potential collusion and fraudulent practice in public office. Only Councillors Bawa and Hussain, and their immediate family members, submitted bids for those plots in September 1999, and those bids gave the impression of potential cover pricing and bid suppression. For one plot, four bids were received, all from Councillor Hussain and members of his family, without any declaration to the council that that was the case. Two plots that were sold in March and April 2000 were sold at a value below the guide price, and contrary to the agreement at the time the scheme was approved.

Councillor Bawa failed to declare his role as a councillor when a planning application was submitted on his behalf in October 2007, and there are concerns about the disposal of a plot of land that was removed from public auction in order to sell it to Councillor Rouf. Potential breaches of the financial regulations and the members’ code of conduct have also been found. Furthermore, a

council house was allocated to Councillor Rouf, even though he had just sold a house for £125,000. Even more astonishingly, Sandwell Council spent £200,000 on the demolition of eight terraced houses and the clearing of the site, only for that to be purchased by Councillor Rouf’s son for £65,000. He was then granted planning permission for a seven-bedroom house, where Councillor Rouf now reportedly lives.

Former Councillor Derek Rowley was allegedly involved in the disposal of a number of council-owned containers to a member of the public. The council’s investigators could not look into that because the man in question is no longer a councillor, but it beggars belief that nothing can be done about such serious allegations of misconduct in public office. Another allegation was about former Councillor Rowley’s involvement in the hire of marquees that allegedly involve the ownership of a company that was not declared and had done business directly with Sandwell Council. Again, the council has not been able to do anything about the issue. It has decided to strengthen members’ and officers’ protocols, but—

5 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—(Amanda Milling.)

James Morris: All these allegations have exposed a number of incidents in which Sandwell councillors have apparently crossed the line and exposed flaws in how councillors and officers have behaved.

I come now to the next stage of this saga: the election of Councillor Steve Eling as leader of the Council. When Councillor Eling was elected leader, he said that he wanted to “drain the swamp”. To his credit, he made sure that the Wragge report was published. However, having watched his leadership over time, I am not convinced that anything he has done so far has brought about a new era of transparency or fairness—if anything, he has behaved in a way in which he has used his political power against individuals in the authority.

I am very concerned that the standards and audit committee, for example, has been used in a way that preserves the leader’s position and has deliberately targeted certain individuals. There are currently two standards investigations live within Sandwell Council, but there are serious questions to be asked about the conduct of the standards committee, its composition and the modus operandi being used to investigate two individuals. It is incredible that the council has spent over £7,000 on two QCs to chair a standards hearing against one councillor, while others have been let off scot-free. Far from draining the swamp, Councillor Eling has allowed the swamp to fester.

John Spellar: Will the hon. Gentleman give way?

James Morris: As I made clear to the right hon. Gentleman, I was going to give way to him only once.

The smell of corruption and cover-up is as strong as ever, and I have come to the conclusion that Councillor Eling must resign immediately as leader of Sandwell Council. Someone has to take responsibility for the rotteness at the heart of Sandwell Council. I do not say that lightly.

Probably none of this information would be available today if it were not for the dogged persistence of a few individuals. Although I do not necessarily always approve

[James Morris]

of the techniques or the language used on the Sandwell Skidder blog, it would be remiss of me not to accept that it has contributed an awful lot to exposing what is going on in Sandwell. Because of the blog's work, Councillor Eling and his colleague Councillor Marshall tried to enlist the support of the blog's author, Julian Saunders.

I have drawn the conclusions I have about Councillor Eling's leadership because of the publication of a series of WhatsApp messages placed on the blog. The contents are absolutely astonishing. The messages are primarily from Councillor Richard Marshall, but came following a meeting with Councillor Eling, who wanted to open a line of communication to the blog. They include Councillors Eling and Marshall asking the blog to give the assistant chief executive a "kicking" and supplying information relating to her personal life. Messages were also sent in respect of the senior officer's employment, including that she had been sent home to "consider her position". In another case, information was shared about a senior officer leaving the authority before a public announcement was made. There were also leaks of information concerning a Travellers' site, messages including sexual remarks relating to other councillors, and transphobic remarks. Those are just a few examples taken from the many reams of messages and communications.

The behaviour of Councillor Richard Marshall, who appears to have been under the direct instruction of Councillor Eling, is below that which is expected of those in public or any other office. Councillor Marshall has also been subject to a bankruptcy order, but continued for a substantial time as a cabinet member. That is an issue in itself, and I should be thankful if the Minister would look into it. I cannot see how an elected official can stay in office after being declared bankrupt.

Almost all these allegations have been reported to the Labour party for it to investigate, but I am told that after nearly four months there has been hardly any movement towards a conclusion. It is incumbent on us all—Members of Parliament, councillors, and members of the public—to ensure that when allegations of wrongdoing are raised with us they are passed on to the correct authorities, and that we do all we can to ensure that those allegations are investigated properly and quickly.

One of my fellow Sandwell MPs, the hon. Member for West Bromwich East (Tom Watson)—who is not in the Chamber—is, of course, the deputy leader of the Labour party. Right on his very doorstep, there are allegations of fraud, misconduct in public office, sexism and bullying, and he has hardly breathed a word. Of all the people who would be able to step in, call a halt to the reign of some of these councillors and ensure that allegations are investigated properly, he would be the one.

I think that the hon. Member for West Bromwich East has some questions to answer about why he has remained so quiet.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I must ascertain from the hon. Gentleman whether he gave the hon. Member for West Bromwich East notice that he intended to refer to him during the debate.

James Morris: I did, Madam Deputy Speaker.

Madam Deputy Speaker: I thank the hon. Gentleman for clarifying that.

James Morris: Over the last few years I have written to the Secretary of State several times about these matters. He has looked into them, and I am grateful for his time. Let me now end my speech by asking the Minister to investigate whether the following actions can be taken.

I should like the Ministry of Housing, Communities and Local Government to make the strongest intervention possible in respect of the capabilities and governance of Sandwell Council. I should like it to make a series of recommendations which would restore public trust and confidence, and which would be overseen by an independent commissioner. I should like it to look into the behaviour and conduct of both elected and non-elected members of the authority, and I should like those who are found to have behaved inappropriately to be removed from their posts. I should like the Minister to look into the rules relating to councillors and bankruptcy to ensure that those who have been declared bankrupt cannot hold public office, and to strengthen the independence of standards committees by keeping them free from political influence by ensuring that independent members are externally appointed.

There are also many questions to be answered by the local authority, including questions about monitoring officers. Perhaps the Minister could look into that as well, because Sandwell has been through a number of them in the last four years. I should like to know how much the redundancies cost, and whether the use of compromise agreements has been used to gag those people. I understand that such agreements have been used. I should like to understand why, and also why it is so difficult for the authority to keep monitoring officers in post.

What I have said today has, in many respects, probably just scratched the surface. No one will ever know the complete story, and I may well have missed out many things that others will feel needed to be said. I initiated the debate primarily because I felt that it was in the public interest to do so: the public need to know answers, and I will continue to press for the truth to come out. I did so also because I have met and spoken to so many people in Rowley Regis, in Sandwell, and further afield who are gravely concerned. I have spoken to residents, faith leaders, businesses, and others who have given decades of service, including members of the Labour party who were in tears as they spoke to me about the state of political authority and control in the party in Sandwell. They now feel that there is nowhere left for them to turn.

I hope that the Minister has been as disturbed by what he has heard today as many residents of Sandwell are, and I hope that he will be able to intervene in a way that will restore public trust and bring an end to this rotten regime.

John Spellar *rose*—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The right hon. Gentleman cannot speak in this debate. In order to do so, he would need the permission, sought previously, of the hon. Member whose debate it is and of the Minister, and the Chair would also expect to

know, and that is not the situation in which we find ourselves, so I am afraid that it is not in order for the right hon. Gentleman to speak.

5.10 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): I congratulate my hon. Friend the Member for Halesowen and Rowley Regis (James Morris) on securing this debate on the governance and capabilities of Sandwell Metropolitan Borough Council, and I am grateful to him for raising awareness of these issues of public concern.

I know Sandwell Council has been on a number of people's radar for some time, especially since the hon. Member for West Bromwich West (Mr Bailey) raised concerns during business questions to the Leader of the House on 30 October last year; Madam Deputy Speaker, I can tell you that I have informed the hon. Gentleman that he was to be mentioned in this debate. His concerns focused on alleged inappropriate behaviour of a councillor and cabinet member at Sandwell Council.

I am pleased to have this early opportunity in my new role to discuss local government, standards and councillor conduct. It is vital that local government operates effectively because, as we all know, it is in the frontline, delivering essential services to some of society's most vulnerable. The conduct of local councils and their councillors has a direct impact on the reputation of an area and of their fellow members. Their ability to lead a community and impact the lives of all those they serve is significant, and it is only right that they are held to a high standard.

I want to emphasise up front that the vast majority of local government functions well. There are many examples of innovative and excellent practice to be found across all types of councils, being led by forward-thinking and dedicated public servants from across the political spectrum. But, as in all walks of life, sometimes things go wrong and help is needed, and when councils do require help or advice, it is the sector that is best placed to assist in the first instance. That support is available from the Local Government Association, for which my Department provides funding.

John Spellar: Would the Minister therefore be interested to know that the LGA did an assessment of Sandwell, as it does of boroughs around the country, which said that Sandwell had strong and stable financial management and a clear intention and track record of protecting frontline services? That is what the Conservative-dominated LGA said.

Rishi Sunak: I am about to come on to the most recent local government peer inspection.

The £21 million of funding that the Department has provided has supported training and guidance for members and officers, policy briefings and a programme of external peer challenges.

I will now address each of the points my hon. Friend the Member for Halesowen and Rowley Regis has asked me to respond to. First, on the question of intervention at Sandwell Council, it is important that I take this opportunity to stress that the decision to intervene in a local authority and remove control from those who have been democratically elected is very serious. Only as

a last resort would the Secretary of State for Housing, Communities and Local Government use his powers of intervention, and only where there is comprehensive evidence of extremely serious and widespread systemic failings in a council. Statutory interventions are rare: the powers have been used only twice in the last five years and only six times in the last 15 years.

I am aware of the allegations that my hon. Friend has outlined today, and of the fact that Sandwell Council has been the subject of extremely negative press coverage that has no doubt undermined public confidence locally and raised serious questions about conduct. I am also aware that, in response, Sandwell Council has recently invited a Local Government Association external peer challenge, which was conducted last week with a team led by the chief executive of Sefton Council. The peer challenge team is due to report back to the council formally within the next week or so. I have every confidence that it will have looked forensically at the council's strengths and weaknesses and that it will provide clear feedback and robust recommendations. I will be particularly keen to review the team's conclusions and recommendations, and I am urging Sandwell Council to share them with me at the earliest possible opportunity. I would expect the council to take the results of the external challenge very seriously and to take all action required as a result.

I want specifically to address the points raised about councillor conduct, standards and governance. The Localism Act 2011 provides a broad framework for local authority standards, allowing local authorities to tailor their arrangements to meet local circumstances. The Act requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct that is consistent with the Nolan principles of standards in public life and that covers the registration of pecuniary interests.

Authorities must make arrangements to investigate allegations of failure to comply with their code of conduct, and in many cases councils have standards committees to undertake that role. If a councillor breaches the code, they can be censured and any portfolio responsibilities or memberships of outside bodies can be removed. The council must consult an independent person before making a decision on a breach of its code of conduct. It is vital that that independence is genuine, so that it can provide proper oversight and good governance. The independent person must therefore be among the electorate; have no political affiliation; have no current or previous association with the council; and have no friends or family members associated with the council. Last week, Sandwell Council recruited and appointed an additional independent person for its ethical standards and member development committee, which is now at its full complement with three independent members and eight councillors. I would of course expect those councillors to take seriously their responsibility to hold their peers to account and provide democratic accountability.

It is also a statutory requirement for all councils to have a monitoring officer to ensure that the council operates within the law. The monitoring officer's duty is to investigate concerns about conduct, and they are ultimately responsible for ensuring the genuine independence of members of standards committees. I expect monitoring officers to live up to those responsibilities with the utmost seriousness. A new monitoring officer has been

[*Rishi Sunak*]

in post at Sandwell since September, and I hope that we will continue to see a change in the council's ability to get to grips with the long-standing standards issues that have been generating negative attention. I understand that some progress is now being made, albeit somewhat belatedly, on two of the long-standing allegations involving the disposal of council property. As we are aware, there are further allegations that are the subject of a police investigation, so my hon. Friend will obviously understand that I cannot comment further on them. I would encourage the monitoring officer to continue his work in transparently dealing with complaints and allegations and acting without fear or favour.

My hon. Friend asked about the rules on councillors and bankruptcy. I can tell him that the existing legislation is clear that any individual who is subject to bankruptcy orders is disqualified from standing as, or holding office as, a member of a local authority. As part of local openness and accountability, it is right that the disqualification ceases only when the individual has paid his debt in full. I wholeheartedly agree with the principle that it is important that elected members are held to high standards of conduct in public office. If there are allegations that this law has not been complied with, as has been suggested, I would urge the monitoring officer to investigate.

The LGA peer challenge and the sharper focus that the council is giving to standards and conduct are important steps in addressing the issues that the council faces. As my hon. Friend has highlighted, however, it is undeniable that Sandwell has had other significant challenges to address in recent years. Since 2010, the council has received attention in relation to its children's services, with four "inadequate" Ofsted ratings. An independent report concluded that the council did not, on its own, have the capability or capacity to improve children's services. That led the Department for Education to issue a statutory direction in January 2016, requiring the council to work with an appointed commissioner for children's services and develop a children's trust. I hope that the council will work closely with the children's commissioner, Malcolm Newsam, and the Department for Education to agree detailed proposals about how the trust will work. The Government are committed to working together

to make sure that children and families in Sandwell receive the best possible care and support through the new trust.

In conclusion, as my hon. Friend will be aware, local government is independent of central Government—a principle enshrined in the Localism Act 2011. Through elected councillors—and, where applicable, Mayors—councils are accountable to the communities that they serve, through the ultimate sanction of the ballot box.

John Spellar: As the Minister has 10 minutes, will he give way?

Rishi Sunak: No; I am getting to the end of my remarks. It is clear that Sandwell has had sharp challenges, and the issues that have been highlighted today raise serious concerns, but I am pleased to see that the council has invited external challenge. It is important that the council develops its corporate governance and capabilities, and that the drive for improvement is sustained. I hope that those responsible have taken note of our words.

John Spellar: Give way!

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The Minister is not giving way. The right hon. Member for Warley (John Spellar) is normally an extremely well-behaved Member of this House, and I hope that he will revert to that within the next few seconds.

Rishi Sunak: I can tell my hon. Friend the Member for Halesowen and Rowley Regis that I will continue to take a very close interest in the situation, including the outcome of the Local Government Association peer challenge and the steps that Sandwell Council takes to respond to it. I commend my hon. Friend for raising awareness of these concerns on behalf of his constituents. It is absolutely right for him and his constituents to expect and demand high standards of conduct from their local representatives. For our system of local accountability to work, it is important that issues are dealt with swiftly, transparently and rigorously. In the first instance, it is vital that we shine a light on areas of concern. That is exactly what he has done today, and I commend him for that.

Question put and agreed to.

5.22 pm

House adjourned.

Westminster Hall

Thursday 25 January 2018

[SIR DAVID AMESS *in the Chair*]

Fatalities in Northern Ireland and British Military Personnel

1.30 pm

Dr Julian Lewis (New Forest East) (Con): I beg to move,

That this House has considered the Seventh Report of the Defence Committee, Investigations into fatalities in Northern Ireland involving British military personnel, Session 2016-17, HC 1064, and the Government response, HC 549.

It is a pleasure to introduce today's important debate under your chairmanship, Sir David. My interest in the topic was first sparked by contributions made at an end-of-term debate by my hon. and gallant Friends the Members for Beckenham (Bob Stewart) and for Filton and Bradley Stoke (Jack Lopresti), both of whom are here today, although sadly one of them, as a Parliamentary Private Secretary, cannot contribute personally to the debate.

When the Defence Committee agreed to look into this question, we delved into it very much from the point of view of what was technically possible, and what was impossible for reasons of international law. From the beginning of the troubles in 1969 to the signing of the Good Friday agreement, there were 3,260 troubles-related deaths. Of those, 238 were the result of engagements by military personnel.

The Committee was particularly exercised by recent events. As a result of the much more recent campaign in Iraq, soldiers were being brought to court, and it appeared that thousands of cases would have to be investigated, despite the fact that at the end of long, tortuous and expensive processes, the vast majority were found to be without much, or indeed any, substance. The Committee was worried that a similar sort of process would now begin retrospectively in relation to the 238 military-related deaths that occurred during the troubles.

In the course of our inquiry, we took the advice of a panel of four distinguished lawyers who gave evidence. I drew a number of lessons from what they had to say. They told us that it would be possible to draw a line under the events of such a long period so long ago, if that was what was decided, but they assured us that it would not be possible under international law to do so in a selective fashion. They were quite clear that two conditions would have to be met if we wished to bring in, as the Committee felt that we should, a statute of limitations concerning troubles-related deaths up to the date of the Belfast agreement. I have already alluded to the first condition, which is that the statute of limitations should apply to everybody. The second condition, which is a requirement under international law, is that there must be a proper investigative process for deaths that have occurred, even though that may not lead—indeed, if there were a statute of limitations, definitely would not lead—to a prosecution.

I started to discuss the matter with various interested parties. The Democratic Unionists with whom I discussed it certainly want a statute of limitations applying to the military forces, the police and the security agencies, but they have grave difficulty with applying such a statute to former republican paramilitaries. Only yesterday, for the first time, I was given the opportunity to have a discussion, which I welcomed, with three of the Sinn Féin elected MPs. I think it is true to say that they were interested in something that already seems to apply to republican paramilitaries, but they were not interested in something that would apply to the military, the police or the security agencies. There is also a certain lack of clarity, to put it mildly, about the present policy. As we discovered in our discussions yesterday, there is even failure to agree on whether existing limitations on the sentences that can be given to convicted paramilitaries apply to service personnel as well.

What are the existing restrictions? I think we know what they are. As part of the agreements that have been reached after so many years, so many negotiations, so much death, so much tragedy and so much trouble, it was agreed that no matter how great the offence or how numerous the victims, if paramilitaries were convicted under the terms of the agreement, whether they had killed dozens, scores or even just a few individuals, they could not be sentenced to more than two years in prison. The likelihood, therefore, is that they would not serve more than one year in prison.

There seemed, however, to be no agreement on whether that restriction applies to the military. I do not know if the Minister will be able to enlighten us today; if not, I hope that he will write to us with a definitive answer. The Sinn Féin MPs definitely thought that it did, yet previously I had it explicitly put to me by a lawyer for one of the service personnel currently facing trial that the two-year maximum, no matter how heinous the offence for which a republican or presumably any other paramilitary is sentenced, did not apply to the military. If it does not apply to the military, the imbalance between the unlimited sentences that can be imposed on soldiers and the two-year sentences—one year actually served in jail—that can be imposed on paramilitaries is so egregious that it is hard to imagine that the Government would not seek to impose at the very least a cap for all who may be affected by any proceedings. However, I want to try to take a wider view, and I appeal to all who were involved, one way or another, in the tragedy that was the troubles of Northern Ireland to try to take the broader view, too.

It has been put to me in very stark terms that people who suffered losses during that period, even if it was only 40 years ago, cannot rest until those matters are resolved. I share their understanding of the matter, and can perceive something of what they feel, because my family was caught up in the holocaust, and the part of my family who were still in Poland in the second world war was annihilated, with the exception of one very small family unit that was saved by courageous non-Jewish Poles. Even though it happened a few years before I was born, I felt for years after the war that the people who killed them should be hounded forever, yet that is not the situation that we face today, because we have already decided that—in the interests of an overall settlement—there should be a limit of two years on the maximum sentence that paramilitaries can face, so by no stretch of the imagination can the punishment be said to fit the crime.

[*Dr Julian Lewis*]

I come to the second element of what the distinguished professors told the Committee in their advice to us on what would and would not be possible under international law. Any statute of limitations would not only have to apply for everybody—because if it were applied only to the forces of the state, that would legislate for state impunity, which is illegal under international law—but would also have to be coupled with a truth recovery process.

We all know where we first began to hear about truth recovery processes: in South Africa, after Nelson Mandela came out of prison and changes occurred. The decision was taken in South Africa to draw a final line under all the horrors on whichever side, or by whatever part, whether we are talking about state authorities, revolutionaries or innocent civilians caught up in someone else's crossfire. There, it was decided that in the interests of peace and coherence and the possibility of building some sort of united community, a line must be drawn, but that families must have closure and the best possible opportunity to find out what had happened to their loved ones. That led to people who had been involved in terrible activities coming forward and giving testimony, secure in the knowledge that, even if they were incriminating themselves, they would not be prosecuted. That is how there was some form of resolution for those people who had been bereaved, in the sense of public accountability and the discovery of the truth. It was not only a brilliant and magnanimous concept, but a legal requirement. There is a legal requirement to investigate; there is not a legal requirement to prosecute.

The trouble in the situation in Northern Ireland—I hope I will not strike the wrong note by seeming to be flippant at this point—goes back to the origins of the troubles in 1969. I went to university the following year, 1970, and while I was at university in Oxford, I made a friend called Martin Sieff. Members might deduce from his surname that he has the same sort of background as I do. I remember him trying to explain to me the depth of division between the communities in Northern Ireland. He said, “For example, there was one occasion when I found myself cornered by a gang on the street. They asked me that age-old question: are you a Protestant or a Catholic?” Martin thought he had the perfect, truthful answer; he said, “I am a Jew.” They said, “Yes, but are you a Protestant Jew or a Catholic Jew?” I am not trying to be flippant; I am trying to indicate that there are irreconcilable and deep-seated beliefs at work here.

The role of the Defence Committee means that our concern has to be for the welfare of the service personnel. We do not wish to see hundreds of old cases reopened, in the absence of any new evidence, which would mean that they were highly unlikely to be successfully brought to a conclusion—if a conviction is regarded as successful. People would nevertheless be put through a tremendous ordeal at a late stage of their life. At the end of it all, in the vast majority of cases, it would almost certainly be found that they did nothing more than their duty and did not commit any offence at all. The Committee's concern in the report had to be to make a recommendation about what should happen to those personnel. We were unanimous in our belief that a statute of limitations should be enacted for any troubles-related offences, or alleged offences, up to the date of the Good Friday agreement.

We felt that it is for the Government of the day to go wider and decide what other groups beside service personnel and associated police and agencies ought to be included, but we did not shy away from pointing out that the unanimous expert legal advice we received from the four professors made it quite clear that if a statute of limitations were introduced for anyone, it had to be introduced for everyone. That will be very difficult to accept for the different parties across that terrible divide in Northern Ireland that we are seeking to repair. The Unionists take the view that some people should benefit from a statute of limitations, but not others. The republicans take the view that others should benefit from a statute of limitations, but not the people whom the Unionists wish to see benefit.

I will go as far as I can without breaking any personal confidences, and it may be that I am misinterpreting the signals, but from my conversations with people on either side of the argument, I sometimes get the impression that they are held captive by the response they feel they have to make to the people who elected them and brought them to this House. I sometimes detect—perhaps I am wrong; perhaps I am misreading the signals—that, in their heart of hearts, they know that there is either going to be a solution that applies to everyone, or no real solution that applies to anyone, but they will never be able to articulate or promote that.

It is a step forward that the Government have said that they will hold a consultation in which a statute of limitations will be one of the options aired. I believe that sometimes people must seize the opportunity to take a lead. There is nothing of a legal nature to prevent this Parliament from enacting a statute of limitations. If it applies to everyone and is coupled with a truth recovery process, it will maximise the chance of people finding out what happened to their loved ones and of avoiding the poisoning of the settlement so far reached by a constant succession of cases being brought before the criminal courts.

I wish to end on another factor, which I hope the Minister will take back to his colleagues in the Northern Ireland Office. I was particularly impressed by it in the meeting I had yesterday with two Labour colleagues, in which I met the Sinn Féin MPs. From their point of view, it seemed to me—I hope I am not misrepresenting what they said—that one particular ongoing issue was the failure to hold inquests into the deaths of many of the people who died during the troubles.

If we could set to one side, as a route of trying to get to the truth, dragging a succession of old men through the courts when there is insufficient evidence against them, and if as part of an overall settlement we could all decide to go ahead with a statute of limitations that applied to everybody, that might open up the possibility of inquests being held. A combination of inquests being held into deaths that have so far not had inquests, and a truth recovery process in which people know they can come forward to say what happened without any danger of incriminating themselves, might be the basis of a step forward.

Today's debate is only one piece in an enormous jigsaw that people have been trying to put together to come to a conclusion that enables the communities in Northern Ireland to live at peace with each other, and that—as far as we are concerned—ensures that soldiers who did their duty are not hauled through the courts

many years after the event, when no new evidence is available. I hope that people do not have too great an expectation that the production of an individual report or the holding of an individual debate will do anything other than add to the momentum.

One thing that the Defence Committee can claim, however, is that we have focused attention on one specific remedy that offers a way forward. If it was a way forward with no disadvantages, of course people would have signed up to it or something similar long ago. There are disadvantages to every policy possible, and people will have to make sacrifices. People do make sacrifices, and have made them. The question is: is it better to go down the route of endless court hearings, deepening divisions and the poisoning of the more positive links that have slowly and gradually built up, or is it better to take a leaf out of the South African book?

I conclude with this thought: if it was good enough for Nelson Mandela, after all he went through and all that the people he represented went through, should it not be good enough for us and the Northern Ireland communities?

1.52 pm

Ruth Smeeth (Stoke-on-Trent North) (Lab): It is a pleasure to serve under your chairmanship, Sir David.

As ever, it is a privilege to follow my Chair on the Defence Committee, the right hon. Member for New Forest East (Dr Lewis), and to be rejoined by some of our former colleagues who served on the Committee in the previous Parliament, because we discussed this issue. I do not intend to speak for long, but I want to talk about the people and why we need to handle the situation so delicately.

Many colleagues will want to be aware that families touched by this issue are sitting in the Public Gallery. Every time we look at the issue of Northern Ireland, we need to remember that this is about people—people on all sides of all communities—as well as service personnel, including those who are serving now, those who may want to serve in future and those who served during the troubles. This impacts on every part of our military. I am speaking today as chair of the all-party parliamentary group on the armed forces covenant, and our responsibility to the covenant is mentioned in the report's conclusions and recommendations.

Given the political situation in Northern Ireland, not for a decade has there been a more difficult time to raise the issue we are discussing. I do not envy the new Secretary of State for Northern Ireland, my neighbouring MP, the right hon. Member for Staffordshire Moorlands (Karen Bradley), who has to deal with some of the challenges. None of us wants to make her job more difficult as, in the months ahead, we work towards a political settlement in Northern Ireland.

The issue, however, has an impact on people throughout the country, including those of our constituents who are ex-serving personnel. There is not a veterans' brunch or breakfast that I visit at which people, including members of my own political party who served during the troubles, do not regularly—by which I mean monthly—express their concerns to me about what it might mean for them as they approach their 70s and 80s. They are concerned that legal action may be hanging over their shoulders. As hard as it is for the families who are still

suffering the legacy of the troubles, it is also hard for those people who served during that time. We have a responsibility to them, as well as to the families, to give them reassurance going forward.

There is also a knock-on effect for those who may be looking to serve in future. We saw such an effect from Iraq, with the Iraq Historic Allegations Team. If we are continually looking to judicial responses and the law, people will simply stop signing up because of fears about what will happen to them even 30 or 40 years after their service.

The issue is not straightforward by any stretch of the imagination, but it was right for the Defence Committee to explore it and I am proud of our report. That report raises the issue and adds to the burden on the Minister, for which I apologise, but the issue is one we can ignore no longer. We need a settlement that is agreed by all parties, whichever side of the conflict and the troubles they were on.

Our brave service personnel were acting under orders. We asked them to do many things for us; we need to have their backs when they need us. As delicate as the subject is, I hope that everyone will approach it in the same way as the right hon. Member for New Forest East, who led the debate. We need to move forward and we look to the Minister for guidance. I hope that the report's recommendations will be followed.

1.56 pm

Johnny Mercer (Plymouth, Moor View) (Con): It is a pleasure to speak under your chairmanship, Sir David. I will keep my remarks short, because I have been struck down by the lethal man flu—a very dangerous thing of the sort that would have kept the Minister in bed for a week.

On the issue of historical allegations, I have a recent history in the military and with the Iraq Historic Allegations Team and so on, but at times I feel that we cannot make it clear enough that individuals such as me and those I served with absolutely want to see the rule of law upheld in every nature of engagement that we are involved in. It is completely wrong to assert that we are looking for some sort of cover-up, or even enabling, of illegal activities. That could not be more wrong. We join the military and become part of it because we believe in it and in its mission—that what we are doing is making the world a better place.

It is fantastic to hear the thoughts of my right hon. Friend the Member for New Forest East (Dr Lewis), the Chair of the Select Committee, on the situation. We are indeed going to have to have uncomfortable conversations. We are going to have to get together intellectually to work this out. Why are we going to have to do that? Because it does not work for anyone at the moment. The only people who benefit from the existing situation are lawyers, who I know for a fact are being encouraged to practise in Northern Ireland because they see the issue going on and on. I am afraid that that is not acceptable for the victims, their families or, of course, our armed forces.

We know all that, so what are we going to do about it? A couple of options are clear and straightforward on the face of it, but they also represent deep challenges. I echo what my right hon. Friend said, which is that nobody will get a 100% solution. I gently say to those

[Johnny Mercer]

who continue this fight—I will always continue it because I think it is the right thing to do, but there are those who have been in it for far longer than me—that there will come a time when my generation will want to move on, whether they served in Northern Ireland or were affected by crime or other events there. The sympathy that is absolutely with those who have suffered wrong, whichever side of the divide they are on, will not last forever.

We have a unique opportunity to work this out and to make a solution work. A statute of limitations is important, but we have to be so careful about how it is applied. Under the Good Friday agreement, paramilitaries faced a maximum sentence of two years, but that does not apply to the security forces. That is such a binary issue and it is not acceptable. We should have moved on from that.

I have huge sympathy with those who feel that they have been wronged in this process. My experience of dealing with cases of people killed in operations, or with those who have lost sons, daughters, husbands or wives, is that ultimately what they really want to know is what happened. Of course, they want recompense—people talk about compensation crime and time in prison—but what they really want to know is what actually happened. We are not doing those affected by the troubles a service if we carry on in this manner, which in no way will uncover what actually happened.

Doing those people a service requires bold leadership. It requires someone who will sensitively bring everyone together. It will require compromises, because the current situation is not reconcilable. Above all, it will require courage. People talk about courage in the military, but there is another element, which is moral courage—the courage to do things that are difficult because the bigger picture is worth it. Northern Ireland is clearly a wonderful place and it has a bright future. The young people of Northern Ireland want to leave this in the past. Let us help them do that by really coming together in a mature, forward-looking way, with the victims and their families absolutely at the centre. Let us do that in a magnanimous way that can really achieve something for the families, but also halt the totally unacceptable practice of pensioners who have served in this country being relentlessly under scrutiny, when in some cases nobody else is alive to recount the incident.

Let us seize the initiative of this report. I strongly welcome it and I am very pleased that the Government are going to do a consultation on it. We have to have the awkward conversations, because not having them does not work for anyone. It is incumbent on us as political leaders not to rest until we have solved the issue of historical allegations in Northern Ireland.

2.2 pm

Gavin Robinson (Belfast East) (DUP): As always, it is a pleasure to serve under your chairmanship, Sir David. I follow three Members whose contributions were different in many respects. They are all engaged in this issue and have considered it thoughtfully throughout the Select Committee inquiries. It is a privilege for me to serve on the Defence Committee and to be a part of the inquiry.

While I was listening to our esteemed Chair, the right hon. Member for New Forest East (Dr Lewis)—I mean that respectfully—I was thinking of Otto von Bismarck's quote about legislation being a bit like sausages: no one

needs to see how they are made. The right hon. Gentleman and I have had many private conversations about this report. He knows very clearly that my party colleagues and I are not supportive of an amnesty and that many victims in Northern Ireland—whether they are victims of republicanism, nationalism, Unionists, loyalist paramilitaries or of state forces—collectively do not believe in an amnesty, nor are they interested in having the hope or the pursuit of justice snuffed out. That is the environment in which it is important to consider this report.

This morning I was listening to BBC Radio Ulster, which had a contribution from Northern Ireland victims about Holocaust Memorial Day. One victim, Alan McBride, lost his wife on the Shankill Road when she went to her local fish and chip shop to get an evening meal and was blown up by the IRA. He spoke about a day of reflection in Northern Ireland, which is 21 June. I did not know this, but he shared the reason that 21 June was selected: victims across the Province had sought to find one single day in the calendar on which there has not been a troubles-related death, but they could not. They could not find a single day when someone had not died as a consequence of the troubles. They focused on 21 June because of the solstice representing a change in culture and weather, and the hope and aspiration of warmth and sunshine.

Our history is harrowing. Anyone who has been personally or directly affected by it is left with the scars and the emotion of the troubles of Northern Ireland. The report is about who “guards the guardians”, to use the phrase from a previous Defence Committee report. It is about how we look after those who protected society in Northern Ireland, not those who persecuted and were prosecuted for the most heinous crimes in Northern Ireland.

A total of 300,000 service personnel served in Northern Ireland—there were 27,000 of them at the height of the troubles—and 1,441 human beings who we, as a nation, asked to serve and protect our interests, perished. They died. Three hundred individuals died as a direct consequence of engagement with security forces, but that does not mean 300 murders. It is important to make that point. It does not mean that 300 people were murdered at the hands of the state: 300 people died engaging against the state. They were legitimate deaths—deaths that arose out of conflict and out of those individuals who we asked to defend us standing on the frontline and defending us as best they could.

Emma Little Pengelly (Belfast South) (DUP): I thank my hon. Friend and his colleagues on the Select Committee for the huge amount of work they have put into the report and its conclusions. Does he agree that there is a stark difference between someone who went out with murder on their mind to hurt and to kill in the pursuit of terrorism, and the brave men and women of our security forces and armed forces? They went out night after night and day after day to serve and to protect, and some were involved in difficult operational decisions with very tragic outcomes. We should be protecting them, as opposed to a terrorist on the loyalist side, a terrorist on the republican side, or somebody in the armed forces who went out with the intention to murder. That is not what this is about. It is about protecting those who are honourable and who went out to serve and protect.

Gavin Robinson: I agree most fundamentally with my hon. Friend. She has been engaged for almost a decade in the policy matters and implications of legacy issues in Northern Ireland. I pay tribute to her for the work that she has done. These are not easy issues at all.

I am not saying that those 300 deaths were murders or unlawful, but that should not mean that they are immune from investigation. I say that most clearly: they should not be immune from investigation. I will quote from the “Who guards the guardians?” report led by the hon. and gallant Member for Plymouth, Moor View (Johnny Mercer) on the inquiry into the Iraq Historic Allegations Team:

“With the prospect of investigations into British deployments in Afghanistan and Northern Ireland, the Government must prove both in private, but especially in public that in adhering to the pursuit of justice and the rule of law, it does not lose sight of its moral responsibility and its commitment to the Armed Forces Covenant with those who have served.”

I was disappointed that the Government dismissed those lines.

Given what we have attempted to do in Northern Ireland thus far in dealing with the legacy, this report barely surmises that the overall process of investigations into fatalities in Northern Ireland has been deeply unsatisfactory. The instability of investigatory bodies, the limited resources and manpower provided to them and the continuing question marks over their independence have delivered a vicious cycle of investigation and reinvestigation that fails service personnel, their families and the families of those who died.

I respectfully suggest to the Minister—the Chair of the Select Committee should know my views on this as well—that dealing with this issue through the prism of Northern Ireland does not work. As parliamentarians who stand up in this national Parliament and ask individuals to put their lives on the line for our protection and our security, we should not look at this issue through the prism of Northern Ireland alone. A consultation is fine, and I have nothing against people submitting their views, but the principles with which we are engaged go far beyond the Northern Ireland context. I am not asking for anything that would be injurious to investigation or to upholding the rule of law.

When I say that, I am acutely aware that there are relatives of victims of the Ballymurphy massacre sitting in the Public Gallery—relatives who have sought for years to achieve truth and justice for their loved ones for that incident, which took place over a number of days in August 1971. I say very gently—this applies to their case and to many others in Northern Ireland—that the pursuit of truth and the pursuit of justice are two noble pursuits, but one does not always lead to the other. Someone can have truth but not get the justice they seek; someone can have justice but not get the truth they think they know. That is the mix that we deal with in Northern Ireland, but a statute of limitations would not, in our view, change the ability to get an investigation or to get closure, or remove the state’s responsibility or what it has to do to be article 2 compliant.

I disagree with the Chair of the Select Committee about this. The year 1973 was a watershed. That was when the investigatory process in Northern Ireland was fundamentally changed because the impartiality or the suitability of investigations had been questioned. The state can have confidence that where there was an investigation

post-1973, that process was robust and article 2 compliant. I acknowledge that the Ballymurphy massacre predates that, and I do not stand in the way of any victim who seeks to pursue justice for their loved ones.

It is wrong to say that a statute of limitations would have to be extended to both state and non-state actors. We propose a statute of limitations on the basis that the state has discharged its duty. This is not immunity. This is not state immunity. This is not protection for a class of people. This is the state saying, “Where there has been an investigation and nothing came of it, we will move on after a defined period of time.” That is why looking through the prism of Northern Ireland is wrong in this context. This will apply in four years’ time to Afghanistan, and in five or six years’ time to Iraq. A 20-year statute of limitations could apply to armed conflicts throughout the world, provided we do not deviate from international standards. I do not accept that this has to be all-encompassing.

I draw a distinction: the Government in London created conditions that were preferential for the perpetrators but seemingly did nothing for the protectors. If we are looking for equivalence in the system, we need to look further than the two-year early-release scheme, although that is a key part. There is a distinction. Two serving members of the security forces were in prison at the time of the Good Friday agreement and did not benefit from the two-year release scheme. The perpetrators of heinous paramilitary acts in Northern Ireland kept no records, have no files and provide no honesty or truth in a process that could lead to justice for the loved ones of their victims, be they members of the security forces or not. That is another clear disparity.

If you had asked the Northern Ireland parties to agree to an on-the-runs scheme, they would have asked you to run on, but the Labour Government did produce an on-the-runs scheme. They went out of their way to give comfort to those who had committed heinous paramilitary acts that they would not be pursued for prosecution. Our state—this country and its Government—has given no protection to the people it asked to engage on our behalf. It has given no protection to security forces personnel who served in Northern Ireland or in other conflicts, but it was prepared to give odious on-the-run letters to paramilitaries in Northern Ireland.

John Downey is a famous example. He killed 11 members of our security forces in Hyde Park and seven horses associated with their work. When he was brought to the Old Bailey, he produced an on-the-runs letter and said, “I have an assurance from this state that I will not be prosecuted for my actions.” John Downey walked. There is no parallel between the way our state protects the people we ask to protect us and its casual, laissez-faire protection of paramilitaries.

The legal evidence that the Committee received was interesting and compelling, but most importantly—albeit there are different views, ambitions and perspectives on the Northern Ireland issue—our expert witnesses agreed that it is entirely in the UK Parliament’s power to enact a statute of limitations. We call on the Government to do so as a matter of urgency in the next Parliament. That is the nature of our report. That is what we ask for from our Government. Although there will always be different ambitions, different tactics and different approaches in Northern Ireland, Northern Ireland is but one part

[Gavin Robinson]

of this process. The Government must decide whether they are prepared to redress their approach to legacy issues and to our service personnel and start protecting those who protected us.

2.16 pm

Bob Stewart (Beckenham) (Con): That speech by the hon. Member for Belfast East (Gavin Robinson) was astonishing and deeply moving. Thank you.

This is personal to me. I am one of the 300,000 soldiers who served in Northern Ireland. I completed seven tours there as an infantry officer. I spent three years there. I first went in the early months of 1970 as a 20-year-old second lieutenant. To be honest, I was utterly shocked that on my first tour I was operating on the streets of my country with weapons. That was not the sort of soldiering I had expected. After all, I had been at Sandhurst since 1967. We withdrew from Aden in 1967, we had a year of peace in 1968, and then the British Army was sent into Northern Ireland in 1970. I was very uncomfortable about it.

When I went to Northern Ireland just after the start of 1970, we were deployed to Londonderry, principally to protect the Catholics. I even had a Catholic girlfriend for a time. I was unmarried. [Laughter.]

Jim Shannon (Strangford) (DUP): We're a confessional.

Bob Stewart: I thank the hon. Gentleman; he always gets me.

In my seven tours, I certainly witnessed bombings and fatality shootings involving military personnel. I want to centre on how we felt and how we approached it. Our approach started with our instructions, which were called, "Instructions for Opening Fire in Northern Ireland"—the so-called yellow card. I have mine here. This is the 1980 version. It is meant to fit into a pocket, so that soldiers have it with them the whole time. The problem is, when a soldier is in contact, they cannot get the card and think, "Oh, what can I do?" It has to be remembered. It has to be built into a soldier what he or she should do in a case where they might use firearms. It has to be instinctive.

So that people understood the rules, there were huge instructions on pre-operational tour training. The rules were clear and pretty precise as to what a soldier could and could not do. Let me read them, because they are on one piece of paper. This had to be in a soldier's mind: we were to use minimum force in all situations, and open fire only as a last resort. No live rounds were to be carried in the breach, unless we were ordered otherwise or were about to fire. Challenges were always to be given before firing, unless to do so would increase the risk of death or grave injury to us or anyone we considered was being engaged by terrorists. Challenges were to be clear: "Army. Stop or I fire!" We were ordered to open fire only if someone was committing an act likely to endanger life and there was no other way to stop them.

There are examples on the yellow card of when a soldier can open fire:

"Someone firing or about to fire a weapon; someone planting, detonating or throwing an explosive device, including a petrol bomb". In the early 1970s, petrol bombs on William Street in Londonderry put a third of my platoon in hospital with

burns before any firing took place. We did not fire; we did not even consider it. We did not even draw our batons.

The next example is

"Someone driving a car at a person, and there is no other way to stop him."

Some hon. Members may be old enough to remember the case of Corporal Lee Clegg, who was convicted of murder in 1993. He fired at a car as it approached him, and as it passed by he turned around and shot through the window. The yellow card is precise: he was not in danger any more, so he should not have fired. I will return to that.

The examples continue:

"Only aimed shots were to be fired; no more rounds than necessary were to be fired; and be careful not to hit anyone who is innocent."

Those rules were put into all of us. We practised them. We spent ages in a classroom learning them. We also practised scenarios in exercises, and were judged on whether we had done the right thing.

To decide whether to open fire was an enormous decision, and often—I saw it several times—indecision and worry about whether to open fire resulted in it not happening until it was too late. Fire could have been returned. We all knew that shooting incidents would be investigated, and we had to justify what we had done.

Stephen Kerr (Stirling) (Con): My hon. and gallant Friend is giving moving first-hand testimony on soldiering in Northern Ireland and the issues surrounding that. He is describing a situation where something has happened. What impact does that have on the soldier concerned?

Bob Stewart: Soldiers were frightened sick of going to court. They would much prefer to be in the field than to face some sort of judicial procedure. In 1986 I was the lead Army witness in Belfast Crown Court for the Ballykelly bombing. I had a string of my men going into court behind me, and although they had not opened fire and they had not done anything wrong, they were absolutely petrified about going to court. Luckily, in the end, I gave evidence, we had lunch and the plea was changed. My men did not have to give evidence, but in answer to my hon. Friend's question, they were petrified and loathed it, simply because it is so far out of their ken.

The trouble is, decisions to open fire had to be made in seconds. That is against the background of a poor soldier, sometimes only 18 years old, having to think all the time, "Am I making the right decision? Is this right? I don't want to kill someone." We are human beings. Soldiers are not brutes. If they are, they should be out of the Army.

Those questioning soldiers' decisions to open fire always have the luxury of ample time to examine what has happened, normally from a warm, comfortable room rather than an operational situation. So often, soldiers who open fire are frightened sick and having to make a decision very quickly. Of course, they are often in real danger of losing their own life.

In all fatality shootings that I was involved in, the soldiers had to prove that they acted within the law—often in court. The Army, and the special investigation branch in particular, were not nice to them. There was no cosying up. The interrogations—that is what they were—

were not cosy. In 1978, I remember telling two soldiers that they were to be investigated and possibly charged with manslaughter. They had just saved their own lives by using their pistols to extricate themselves from a deadly situation, and they were shaking from the experience. They accused me, their officer, of abandoning them, and they used pretty ripe language about me. I felt rotten, as I totally understood how they felt. I explained that they had to be investigated to prove that they had acted legally and that the matter would then be over forever.

I believed then that that was right, but in recent years I have become increasingly worried in case I was wrong. In that case, I let my men down badly by what I said at the time. As politicians, we have a duty to ensure that soldiers such as my two men in 1978 are protected from retrospective investigation, especially into events that we believe were fully investigated at the time and are long in the past.

2.29 pm

Jim Shannon (Strangford) (DUP): Thank you very much for the opportunity to speak on this matter, Sir David. I thank hon. Members who have spoken, and in particular my hon. and gallant Friend the Member for Beckenham (Bob Stewart). He is a friend, and we share a bit of banter on many occasions, but we have also had the opportunity to serve in uniform, and that is something we both recognise. I also thank my hon. Friend the Member for Belfast East (Gavin Robinson), who made one of the best speeches I have heard in a long time—one that resonated with all of us, because it was straight from his heart. Well done to him.

I also thank those who produced the report. Its high quality and the hard work that has gone into it are evident, and on behalf of the right-thinking people of Northern Ireland, and those who served Queen and country there, I thank the Committee for investigating with an impartial eye, for not being swayed by propaganda, and for seeking to do right by those who laid their physical and mental health on the line for the safety of every corner of this United Kingdom of Great Britain and Northern Ireland.

I declare an interest, having served in the Ulster Defence Regiment for three years and in the Territorial Army for 11 and a half years as a part-time soldier. I was pleased to serve in uniform; it was something I wanted to do since I was a young boy, and when the opportunity came when I was 18, I did it. The report is clear that between August 1969 and July 2007, over 300,000 soldiers served in Northern Ireland as part of Operation Banner, the longest continuous campaign in the history of the British Army. Those soldiers were deployed to support the Royal Ulster Constabulary and other security forces, and at the height of the campaign more than 27,000 military personnel were operating out of bases in more than 100 locations across the whole Province. I am proud to have been one of those men in part-time uniform. Operation Banner resulted in the death of 1,441 serving personnel, 722 of whom were killed in paramilitary attacks. Over the same period, British soldiers were responsible for the deaths of around 300 people, some of whom were civilians. That fact sets the scene very well.

Imagine that all around you, your brothers in arms are being blown up, trapped or beaten to death. You are under command and order, and you know that the only

way of surviving is to keep your head down and follow orders. You do that. You see the unbelievable and touch the untouchable, and 30 years later, you have flashbacks of the unforgettable face of death and destruction. You rebuild your life, raise your children and grandchildren, and try to return to civilian life and forget what you have seen. You get to your state pension and settle into retirement. Then, one day, you get a knock on the door: someone is preparing a case to prosecute you for following those orders.

If they asked for a description of your colleague's last seconds as he gasped for breath in your arms, having been blown up, you could easily describe that; it is irrevocably, indelibly imprinted on your mind. However, asking for details of individual outings and cases will be very different. You followed orders; that was the only detail you really needed to know. The hon. Member for Beckenham outlined exactly what a soldier does, in case we needed real, live evidence of that. He put it succinctly: soldiers followed orders. They did not question an order or ask for a brief on it; they followed it. That was the job they did.

By interviewing these men, we are not seeking justice but allowing a minority of people to seek vengeance, not against specific perpetrators, but against anyone who dared to wear a uniform. That was the only crime: being British and serving the Queen. To this day, that is enough for some people to want to destroy someone. The question is why some people are facilitating that, and how we can stop it. Figures show that investigations into former Army personnel account for a minority of legacy investigation branch cases, but that is still a disproportionately high number—some 30%—given that the total level of Army involvement in killings stands at 10%.

I have asked before in this Chamber why the life of someone killed in a skirmish with the Army is worth more time, effort and money than the life of someone killed by a unrepentant republican terrorist, who is walking around with a mayoral chain around his neck. We all know cases where that has happened; I named a very clear one in the House of Commons in the last term. That life is not worth more; it should not be. We must cut off the ability of those with a litigious republican agenda, who are determined to rewrite history, to weave a web of conspiracy theory and collusion, and make it seem like it was ever okay to bring workmen out of a van, let one of a certain religion run, and murder the rest in cold blood. The Kingsmill massacre has been very real in many people's minds over the last period of time.

Those are the people whom some seek to appease through this continued attack on service personnel. It has to end. For the sake of real justice it has to stop. By all means, if soldiers lured civilians into an area by means of a honey trap and murdered them, let us investigate that, regardless of the uniform. But that is not the way it was; it was the other way around for those three Scottish soldiers. I tabled an early-day motion for them just a short time ago. I ask: where is their justice? There is not a level playing field, and it needs to be levelled.

Lexie Cummings's family, from Strabane in West Tyrone, need the closure that has been given to those who sought the investigation into Bloody Sunday. My cousin Kenneth Smyth's family mourn still. Do they not

[*Jim Shannon*]

deserve the time that has been wasted on dragging old men out of their beds on the mainland and asking them questions that were above their pay grade, when they simply followed orders in a country where possibly half the people despised them for their uniform, and perhaps half of those people were willing to do something about it?

Bob Stewart: I want to pick up on one point that the hon. Gentleman—my very good friend—said. He said that soldiers followed orders. The decision to open fire was an individual matter; in the vast majority of cases, soldiers did not open fire because someone ordered them to. I cannot think of any cases where people opened fire on an order. They opened fire because they made the decision, based on the yellow card.

Jim Shannon: I thank the hon. Gentleman for his intervention. Clearly, the yellow card was given by the British Army for guidance on what to do, and soldiers followed that, so the soldiers on the ground followed the rules. There was not a man over their shoulder saying, “Right, fire now.” They made the decision based on the rules, which were clearly laid down for them. I had a yellow card myself, and I still keep it—as a bit of a keepsake, if for no other reason.

I will say it again: if soldiers stepped beyond their role and knowingly and willingly committed offences, then that is very different from what is happening here. I ask everyone to please see the difference.

I support the Committee’s recommendations, and appeal to anyone with any sense of decency and natural justice to do the same—except for a few minor parts that my hon. Friend the Member for Belfast East and others have mentioned; for that reason, we would not endorse everything that the Chair of the Committee, the right hon. Member for New Forest East (Dr Lewis), said.

The Government need to act. I appeal to them to respond to those who wore a uniform. As one who still lives under threat—not of prosecution, but because of my British service life, as other gallant and very gallant hon. Members have said—I ask the Government to please make best use of their resources. That means not persecuting—I use that word deliberately—men who did no more than wear their uniform and follow orders while under guerrilla and open warfare. Minister, decent people have had enough. People who were in the RUC, Prison Service, UDR or British Army and their families have been traumatised enough. I ask him to please stop appeasing the minority of people who cannot be appeased until they get what they wish for and we are wiped from their sight, and to do what is right and honourable for those who so honourably served Queen and country.

I apologise, Sir David, for the fact that I shall shortly have to retire; I have already asked permission of you, the Minister and the Shadow Minister.

2.38 pm

Mrs Sheryll Murray (South East Cornwall) (Con): It is a pleasure to serve under your chairmanship, Sir David, and to follow my hon. Friend the Member for Strangford (Jim Shannon). I would like to pay tribute initially to my dear friend and late constituent, Surgeon Captain Rick Jolly. Many people will know of his work in the Falklands and the heroic work he carried out there, but

some may not know that he served as the medical officer of 42 Commando and was deployed in Belfast early in his career.

I welcome the Defence Committee report. I want to tell a story—it is a true story about another of my constituents. I first met this gentleman many years ago when I worked in a local village as a doctor’s receptionist in the NHS. One day we had a power cut, and this kindly man from across the road came over bearing a kettle of water so that we could make a cup of tea. Over the years I worked at that location, I got to know my kindly neighbour. His name is Dennis Hutchings. He is now in his late seventies and is not a fit and healthy man: he has incurable chronic kidney disease.

More than 40 years ago, Dennis was a gallant soldier doing his job in the very difficult sphere that was Northern Ireland. In his own words, “It was a war zone.” He served for 26 years in the Life Guards with distinction. During his time in Northern Ireland, he and another soldier were involved in a shooting. I understand that the situation was investigated at the time by the Royal Ulster Constabulary and the soldiers were told that they would face no further action.

I now come to the present day—more than 40 years down the road. One newspaper reported that a couple of years ago Dennis was

“arrested and interrogated 25 times by police investigating”.

It went on to say that he

“was held for almost 85 hours before he was charged with attempted murder and on one day he was quizzed ten times over 11 hours.”

This gentleman was told that there would be no further action at the time of the original investigation. A different newspaper outlined the information available, saying that

“there is no forensic evidence, no weapons from the time and all the witnesses are dead”.

Many have described what is happening as a witch hunt. This is the real face of these investigations—a kindly, elderly gentleman being hounded by the authorities for years just because he did his job more than 40 years ago to the best of his ability and as he was ordered to do by his country, and served in Northern Ireland.

The Government say in their response to the Defence Committee report:

“The Armed Forces Covenant is a promise from the nation that those who serve and have served in the Armed Forces, and their families, will be treated fairly”.

I welcome that, as the mother of somebody who serves in the armed forces. However, I do not think that Dennis Hutchings is being treated fairly. Over the years, he has become my friend, and he is my constituent. What is happening to him is wrong. I do sympathise with the families of the victims. I know what it is like to lose a loved one—to have them snatched from you prematurely—so I can speak with authority. Dennis Hutchings is my friend and my constituent, and what is happening to him is wrong. If the armed forces covenant is to mean anything, this attack on Dennis Hutchings must stop now.

2.43 pm

Martyn Day (Linlithgow and East Falkirk) (SNP): It is, as always, a pleasure to serve under your chairmanship, Sir David. This has been a very interesting and thoughtful debate on the fatalities in Northern Ireland involving

British military personnel. I am grateful to the chair of the Defence Committee, the right hon. Member for New Forest East (Dr Lewis), for his detailed explanation of the Committee's deliberations. It would need the wisdom of Solomon to come up with a true solution to this problem, and I do not envy the Minister, who has to sum up the debate.

We have heard many examples of how stressful the process has been for the individuals and families involved. Many have been left in limbo while investigations drag on. As we know, the legacy investigation branch of the Police Service of Northern Ireland is currently reviewing all deaths attributable to the security situation that occurred in Northern Ireland between 1968 and the Good Friday/Belfast agreement in 1998. Any decision by the legacy investigation branch to prosecute is of course referred to the Director of Public Prosecutions for Northern Ireland. That is an independent process, without UK Government involvement.

We must have confidence in the institutions of the police and the judiciary in Northern Ireland to serve the people. It is for Stormont to reform them if they are not serving them well, and I certainly hope that we can see Stormont functioning again fully in the future. That said, none of us wants former or, for that matter, current members of the armed forces to be treated unfairly when accusations of wrongdoing are made. We all know that the huge backlog of cases with the Iraq Historic Allegations Team meant that serving and former service personnel faced extended periods of uncertainty over the accusations that had been made. We must have adequate resources for investigating allegations so that that does not happen again, or in this case. We all support the idea of justice being done, but that includes fairness to our armed forces personnel, who are entitled to due process in answering allegations made within a reasonable timeframe.

The Select Committee has very helpfully suggested to the Government four possible options and has itself made a recommendation in favour of option one, namely enacting a statute of limitations. I note that the Committee did not recommend the fourth option, which is to cease investigations into former service personnel and stop complying with the European Court of Human Rights interpretation of our obligations under the European convention on human rights. It is important for me to state the Scottish National party position on this question. We fully support the Human Rights Act 1998 and will oppose any attempts to abolish it. Any derogation from article 2 of the European convention on human rights as a response to the situation would blur rather than define the high standards that we rightly expect and overwhelmingly see delivered by our armed forces, so I am grateful that the Committee does not recommend that course of action. It would send entirely the wrong message to the rest of the world about our commitment to human rights.

In conclusion, our service personnel should rightly be held to the high standards of behaviour that we expect, but they should also be fully supported by the Ministry of Defence when allegations are made.

2.46 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): It is indeed a pleasure to serve under your chairmanship, Sir David. I start by paying tribute to the Chair of the

Defence Committee, the right hon. Member for New Forest East (Dr Lewis), and to the members of the Committee for their work in producing the report. This is an extremely important and profoundly serious issue and wholly deserving of the Committee's attention. The Chair of the Committee made a very considered and thoughtful opening contribution to the debate. He outlined the Committee's approach and, obviously, the need to consider all views.

My hon. Friend the Member for Stoke-on-Trent North (Ruth Smeeth) talked about the delicate nature of the issues that we are discussing—delicate for families and for armed forces personnel. The hon. Member for Plymouth, Moor View (Johnny Mercer) made his contribution with the added knowledge from his military service. From the hon. Member for Belfast East (Gavin Robinson), we heard a very moving reflection on the troubles. He reminded us of the complex and delicate nature of the issues that we are discussing. From the hon. Member for Strangford (Jim Shannon), we heard a personal reflection on his time in uniform, as we did from the hon. Member for Beckenham (Bob Stewart), who as a young infantry soldier served in Northern Ireland. The hon. Member for South East Cornwall (Mrs Murray) gave an account on behalf of one of her constituents and talked about the links to the armed forces covenant.

The past presents many difficult and unanswered questions to families and individuals in Northern Ireland, as well as to those across Britain, including our armed forces veterans who served in Operation Banner. In all communities, there is a desire for truth and clarity about what happened to loved ones, and the quest for answers has not diminished with the passage of time. Like many hon. Members across the Chamber, I am of a generation that vividly remembers the troubles, as well as the anguish and conflict that that period represented. It is always worth reminding ourselves of the good work that led up to the landmark achievement of the Good Friday agreement. We are all committed to a future for Northern Ireland that guarantees peace and security for all citizens.

The report deals specifically with the issue of fatalities involving British personnel who served in Northern Ireland. We rightly expect the highest standards of conduct from our service personnel, and we know that members of our armed forces are keenly aware of that. Where there are allegations about improper or unlawful behaviour, they must be investigated fairly and thoroughly. Of course, there have been cases where investigations have, regrettably, not been fair. The Opposition welcomed the closure of the Iraq Historic Allegations Team, because that forum relied too heavily on referrals from one discredited law firm and was simply not working.

[Ms KAREN BUCK *in the Chair*]

On the separate issue of fatalities in Northern Ireland, we are clear that the best means of dealing with this is through the full implementation of the Stormont House agreement and the institutions that that agreement provides for. The Stormont House agreement addressed many important issues relating to legacy, including providing for an independent historical investigations unit to take forward outstanding investigations into deaths relating to the troubles.

[Gerald Jones]

I know that there is deep frustration on all sides about the lack of progress towards fully implementing the agreement. One of the many groups eager to see progress is the Ballymurphy families, who earlier today met the shadow Secretary of State for Northern Ireland, my hon. Friend the Member for Pontypridd (Owen Smith). I know that their desire for progress is shared by all parties. The frustration at the lack of progress is also a point that the Committee's report makes only too clearly. I fully recognise the Committee's view that the status quo is simply not sustainable.

We all want to see progress made in resuming power sharing in Northern Ireland as soon as possible. As my hon. Friend the shadow Secretary of State for Northern Ireland said recently, we need the Government to come forward with a clear path to rebuild trust between the parties and restore power sharing. That should involve the enlisting of an independent chair to manage the talks. Only then, and with the implementation of the Stormont House institutions, can we make the progress that we all so badly want to see, and ensure that those affected by the violence of the troubles get the answers and the truth that they deserve.

2.52 pm

The Minister for the Armed Forces (Mark Lancaster):

It is a pleasure to serve under your chairmanship, Ms Buck. I remind the House of my interest as a member of the Army Reserve, although Northern Ireland is one of the few places where I have not seen operational service. I am grateful to my right hon. Friend the Member for New Forest East (Dr Lewis) for his Committee's thoughtful report on a sensitive and complex issue, and for securing this debate. I am also grateful for the incredibly powerful contributions made this afternoon. The hon. Member for Stoke-on-Trent North (Ruth Smeeth) focused on people. My hon. Friend the Member for Plymouth, Moor View (Johnny Mercer) has been such a champion in this area. I am particularly grateful to him for his concern about my health. I have not been laid low with man flu, but I tell him gently that if I were, as a fine Royal Engineer I probably would not seek the sympathy of the House; I would just man up and get on with it.

The hon. Member for Belfast East (Gavin Robinson) gave a really passionate speech. The attention he got from the Chamber was well-deserved. He highlighted many of the challenges that we all face. My hon. Friend the Member for Beckenham (Bob Stewart) gave such a passionate speech about his experiences and the pressures placed on our security forces. I am grateful to the hon. Member for Strangford (Jim Shannon), who had to go and speak in another debate. My hon. Friend the Member for South East Cornwall (Mrs Murray) gave a passionate plea on behalf of her constituent Dennis Hutchings. If she would like a meeting with me, we can discuss the matter in more detail. That is the best way that we can move that forward.

Around 250,000 service personnel served in Northern Ireland as part of Operation Banner between 1969 and 2007. Our armed forces played a vital role in providing safety and security, and in bringing about the conditions for peace. As the then Bishop of London, Dr Richard Chartres, put it at a service to mark the end of Operation Banner,

“Force cannot in the end resolve social conflict but it can offer a vital breathing space in which the normal processes of democratic debate and decision making can re-assert themselves. Military intervention can hold the forces of chaos at bay while people learn again how communities with different histories and aspirations can live together and do business with one another. Operation Banner kept open that vital pass”.

I pay tribute to all those who served, especially the more than 1,000 security personnel who sadly lost their lives in doing so, as well as all those who were injured and killed. In total more than 3,500 people were killed during the troubles, with terrorists responsible for 90% of those deaths. The arrangements for investigating those deaths have, over the years, been subject to increasing criticism. There is broad agreement in Northern Ireland that the current systems and structures are not delivering enough for victims, survivors or wider society.

The closure of the Historical Enquiries Team in December 2014 has left more than 1,000 cases outstanding, the vast majority of which are terrorist killings. The Northern Ireland courts risk being overwhelmed by the demands placed on them by historical inquests; there are 50 inquests currently open into almost 100 troubles-related deaths. Where criminal investigations are taking place, they are on a largely ad hoc basis, feeding the concern felt by some that there is an imbalance in the mechanisms in place, which results in a disproportionate focus on those deaths that in some way involve the state. The Government are clear about the problems with the status quo.

After 11 weeks of intensive talks, the Stormont House agreement in December 2014 reached a broad political agreement to establish four institutions to address what is sometimes described in Northern Ireland as the legacy of the past. We continue to seek the implementation of the legacy institutions set out in the Stormont House agreement as the best way to address Northern Ireland's past in a way that is fair, balanced and proportionate.

The key institution relevant to today's debate is the proposed Historical Investigations Unit. The HIU would be an independent body responsible for completing outstanding investigations into troubles-related deaths. It would be required to act in a manner that is fair, impartial, proportionate, effective and efficient, and designed to secure the independence of the HIU and the confidence of the public. The HIU would be required to work through its case load in chronological order and to complete its work within five years.

It is clear that action is needed on so-called legacy inquests. For example, in 2013 only two legacy inquests were completed and both have subsequently had their conclusions appealed, one successfully. None was completed in 2014. Better progress has been made since, and the Government support the work of the Lord Chief Justice of Northern Ireland in putting together a reform plan for the legacy inquests for the Northern Ireland Executive. I hope that a new Executive can be formed soon, so that they can reach a view on how this element of the package of legacy reform can be taken forward.

The Government are committed to the Stormont House agreement and believe that the next phase is to consult publicly on the details of how the new institutions could work in practice. A public consultation will provide everyone who has an interest with the opportunity to see the proposals and contribute to the discussion on

the issues. The consultation will include a draft Bill, which I am sure all hon. Members here will want to scrutinise in detail.

The consultation will also do something else. The Defence Committee's important report, and indeed today's debate, demonstrate that some people believe that the time has come for Northern Ireland to consider an alternative approach to dealing with the legacy of the past—an approach other than the pursuit of further criminal investigations. The Committee recommended

“the enactment of a statute of limitations, covering all Troubles-related incidents, up to the signing of the 1998 Belfast Agreement, which involved former members of the Armed Forces. This should be coupled with the continuation and development of a truth recovery mechanism which would provide the best possible prospect of bereaved families finding out the facts, once no-one needed to fear being prosecuted.”

A cross-party letter to the Prime Minister signed by my right hon. Friend the Member for New Forest East, who is the Committee's Chairman, along with the hon. Member for Barnsley Central (Dan Jarvis), the hon. Member for North Durham (Mr Jones) and my hon. Friend the Member for Plymouth, Moor View, went further. The letter drew on expert evidence that a statute of limitations would fall foul of international law if it applied only to servants of the state, and recognised changes that the Northern Ireland (Sentences) Act 1998 made to sentencing for offences related to the troubles. In the light of that, the letter argued that the time had come for a statute of limitations that covered all, including paramilitaries. I know that many, both inside and outside this place, agree with that position, while others, as we have heard, will not.

As there are a range of views, and recognising the view of the Committee, the Government have decided to include within the legacy consultation a question on alternative ways of addressing the legacy of the past, such as a statute of limitations or amnesty. While the Government are clear that in their view the best way forward is to proceed with the Stormont House agreement institutions, in the spirit of meaningful consultation, all views will be considered carefully to inform the next steps.

My right hon. Friend the Member for New Forest East asked whether the Northern Ireland (Sentences) Act applies to members of the security forces as well as paramilitaries. Yes, it does, provided the eligibility criteria set out in the Act are met. In practice, no former members of the security forces have been convicted of relevant offences since the passing of the Act, so it has not yet been used in this way.

The hon. Member for Belfast East mentioned that two members of the security forces were in prison at the time of the Good Friday agreement and did not benefit from early release under the scheme. The soldiers in question were released under licence by the then Secretary of State for Northern Ireland, who had been considering their case before the Northern Ireland (Sentences) Act became law. That case does not demonstrate that members of the security forces are debarred from making use of the provisions of the Act.

Going back to the consultation, while all views are important, I am particularly keen that armed forces veterans be given an opportunity to have their say, so I will ensure that the consultation, once published—I

hope that will be soon—is distributed to veterans, including through our network of excellent regimental secretaries.

Finding a better way to address Northern Ireland legacy matters is a priority for the UK Government. The Defence Committee's report is an important contribution to the debate on how best to do that. Now is the time, through the forthcoming consultation, for everyone with an interest in addressing Northern Ireland's past to have their say.

3.1 pm

Dr Julian Lewis: It only remains for me to express my gratitude to everyone who has taken part in the debate. I hope that any onlookers will realise and accept that we are dealing with the most difficult of issues, and are trying to do everything that decent people with good intentions can do to arrive at a fair conclusion.

I am grateful to those who have spoken today. I am grateful to colleagues such as my hon. Friend the Member for North Wiltshire (James Gray) and my right hon. Friend the Member for Newbury (Richard Benyon), who have been highly active in this field in the past but could not be here today, for writing in support. I am grateful to the Minister, not least for making crystal clear that the sentencing Act does indeed apply equally to the military and to terrorists going on trial.

That said, it remains absolutely unacceptable that service personnel will have to go through the sort of ordeal that Dennis Hutchings is going through. It seems to me that there are only two ways to prevent that: getting rid of the international law that requires such matters to be investigated in the way that it does, and having a statute of limitations. The international law, namely the Human Rights Act, says that if we have a statute of limitations, it must apply to everyone. I see my good friend the hon. Member for Belfast East (Gavin Robinson) dissenting from that proposition, but that is the testimony that we were given by legal experts. If there is a way in which we can do what the report does—that is, support a statute of limitations for service personnel and analogous organisations, such as the police and the security agencies—without incurring a breach of international law, I would like to know what it is, because the evidence that we were given was that we could not.

Gavin Robinson: I realise that it is probably improper for me to start a new debate during a concluding speech, but it depends on whether there has been an article 2-compliant investigation or not. If there has not been, the right hon. Gentleman is right; but where there has been, the option of a statute of limitations is open.

Dr Lewis: As I say, we sought advice, and the advice we got was that a statute of limitations can be brought in, but there has to be—or have been, as the hon. Gentleman says—an investigation. There has not always been such an investigation, so unless or until we can bring in such a statute, or can get out of the provisions of the Human Rights Act—no one seems to want to do that—we face the prospect of people like Dennis Hutchings being forced to go through a process, at a late stage in their life, that most fair-minded people would regard as unacceptable and that is unlikely to lead to a conviction.

I did not expect for one moment that we would solve this problem today, but I hope that we have clarified the

[Dr Julian Lewis]

issues, and have focused the Government's attention on what needs to be done, so that we do not end up with our soldiers having to worry about not only warfare but lawfare.

Question put and agreed to.

Resolved,

That this House has considered the Seventh Report of the Defence Committee, Investigations into fatalities in Northern Ireland involving British military personnel, Session 2016-17, HC 1064, and the Government response, HC 549.

3.6 pm

Sitting adjourned.

Written Statements

Thursday 25 January 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Energy Frameworks

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): I am today launching a public consultation on the draft national policy statement and supporting environmental appraisals for geological disposal infrastructure for higher activity radioactive waste. I am also laying the draft national policy statement before this House which will be subject to parliamentary scrutiny, including review by the Business, Energy and Industrial Strategy Select Committee.

A second consultation “Working with Communities” proposes how local people should be engaged if they express an interest in hosting a disposal facility. A facility will only be approved for construction with the consent and support of the local community affected.

In 2014 the Government set out a renewed approach to finding a site to host a geological disposal facility in the “Implementing Geological Disposal” White Paper which was developed following consultation with stakeholders and the public. In it, the Government committed to bringing geological disposal facilities and the deep investigatory boreholes necessary to characterise sites within the definition of nationally significant infrastructure projects and to producing a draft national policy statement for this type of infrastructure in England. The relevant secondary legislation to designate geological disposal facilities and deep investigatory boreholes as nationally significant infrastructure projects was passed in March 2015.

The draft national policy statement sets out a clear route for future planning decisions in respect of geological disposal infrastructure in England, as well as providing planning guidance for developers of such projects and for the Planning Inspectorate and Secretary of State in their consideration and determination of any such applications. The national policy statement will give greater certainty to developers and lead to faster and more transparent delivery of planning decisions. The Government have appointed Radioactive Waste Management Ltd, a wholly owned subsidiary of the Nuclear Decommissioning Authority, to develop this infrastructure. It does not prevent any other developer from bringing forward an application for development consent for a geological disposal facility or deep investigatory boreholes; however, we are not aware of any other developers showing an interest in developing a geological disposal facility and do not expect this to occur.

In this consultation we are actively looking for views and suggestions on the draft national policy statement and the related environmental and sustainability appraisal documents to enable us to meet our objective of delivering a clear planning process for a geological disposal facility in the most effective and efficient way.

The consultation will run for 12 weeks, and will include a series of regional events and technical workshop with interested parties. In parallel with this consultation, we are also running another consultation seeking views on a draft framework for Radioactive Waste Management Ltd’s engagement with willing communities as part of the separate process of finding a suitable site for a geological disposal facility. The approach of working with a willing community to host a geological disposal facility, as set out in the 2014 White Paper, gives communities an opportunity to decide whether or not they wish to proceed with the development of a geological disposal facility. The working with communities policy sets out how Radioactive Waste Management Ltd will work with a community throughout the siting process. Once a community has indicated its support for hosting a geological disposal facility the national policy statement sets out how a geological disposal facility application will be assessed through the planning system. It is important to stress that all the usual opportunities for the public to have a say in the development of a facility like this through planning, safety, security and environmental permitting processes will also be in place.

Planning is a devolved issue and so this draft national policy statement provides the framework for the decision making on development consent applications for geological disposal infrastructure in England only. The planning process in Wales and Northern Ireland is to be decided by their respective Administrations. Scotland has a different policy for the long-term management of higher activity radioactive waste.

Following our analysis of the responses to this consultation and the consultation on working with communities and feedback from the Select Committee, we will finalise our policy approach.

The “relevant period” for parliamentary scrutiny of the national policy statement will be from 25 January 2018 to 28 September 2018.

The consultation document and supporting papers will be laid in the Libraries of both Houses.

Today I am also publishing the seventh and latest annual report on the geological disposal programme covering the period April 2016 to March 2017. The report can be found at: <https://www.gov.uk/government/publications/implementing-geological-disposal-annual-report-april-2016-to-march-2017> and I have made available copies in the Libraries of both Houses.

[HCWS427]

Energy Policy

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Exploring and developing the UK’s shale gas resources could bring substantial benefits and the Government’s view is that there is a national need to develop these resources in a safe, sustainable and timely way. As set out in the clean growth strategy, the Government are fully committed to the development and deployment of low-carbon technologies for heat and electricity generation. As we move towards this low-carbon economy, natural gas will continue to play an important role in our energy system. The Government are confident that the right protections are in place to

explore shale safely and have always been clear that shale development must be safe and environmentally sound.

On 29 November 2017 I issued a direction to the Oil and Gas Authority. This direction closed a loophole in instances where prospective shale gas wells had been drilled prior to the Infrastructure Act 2015 coming into force. It ensures that all operators proposing to hydraulically fracture a well are subjected to the same rigorous final step of scrutiny.

Third Energy UK Gas Ltd's proposals to hydraulically fracture its site in Kirby Misperton, north Yorkshire, have been referred to me as a result. I am committed to ensuring that a meticulous approach, rooted in rigorous evidence, is taken when reviewing the application.

Having given careful consideration to the evidence submitted, I have informed the Oil and Gas Authority today that I am satisfied that the 13 technical requirements set out in section 4A of the Petroleum Act 1998 have been met.

I also consider that an equivalent assessment should be undertaken of the financial resilience of companies proposing to carry out hydraulic fracturing operations so that stakeholders can have confidence in the company's ability to meet its commitments.

I note that as of 24 January Third Energy UK Gas Ltd and other related companies had yet to submit their accounts for the accounting period ending in December 2016, despite a statutory deadline of 30 September 2017 for them to do so. I have therefore asked the Oil and Gas Authority to seek further financial information from the company, including the required set of up-to-date accounts, to inform my decision.

I have also asked the Infrastructure and Projects Authority to assess the financial resilience of the applicant, including its ability to fund decommissioning costs. Once I have received this assessment I will inform the Oil and Gas Authority whether I am satisfied with the application as required by the 1998 Act.

The Government consider that the financial resilience of a company wishing to hydraulically fracture is a relevant consideration. As a matter of policy, we will therefore look at the financial resilience of all companies wishing to carry out hydraulic fracturing operations alongside their application for hydraulic fracturing consent.

[HCWS428]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Agriculture and Fisheries Council

The Minister for Agriculture, Fisheries and Food (George Eustice): Agriculture and Fisheries Council will take place on 29 January in Brussels.

As the provisional agenda stands, the primary focus will be information from the European Commission on "The Future of Food and Farming", looking towards the next cycle of the common agricultural policy.

The Bulgarian presidency will present its work programme for the remainder of this term, finishing at the end of June. The European Commission will update the Council on the situation in EU agricultural markets, and on trade-related agricultural issues.

There are currently three items scheduled under "any other business":

situation in the sugar market after the abolition of the quota system

situation in the pig-meat market

conclusions from the ministerial conference on *Xylella fastidiosa* (Paris, 1 December 2017).

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.

[HCWS426]

HOME DEPARTMENT

Review of Terrorism Legislation

The Secretary of State for the Home Department (Amber Rudd): In accordance with section 36(5) of the Terrorism Act 2006, Max Hill QC, the Independent Reviewer of Terrorism Legislation, has prepared a report on the operation in 2016 of the Terrorism Act 2000 and part 1 of the Terrorism Act 2006.

I am today laying this report before the House, and copies will be available in the Vote Office. It will also be published on gov.uk.

I am grateful to Max Hill for his report. I will carefully consider its contents and the recommendations he makes, and will respond formally in due course.

[HCWS429]

Ministerial Correction

Thursday 25 January 2018

FOREIGN AND COMMONWEALTH OFFICE

Democracy in Hong Kong

The following is an extract from the Westminster Hall debate on Democracy in Hong Kong on 23 January 2018.

Mark Field: Many people will have followed the media coverage last year when three high-profile pro-democracy activists, Joshua Wong, Nathan Law and Alex Chow, were sentenced to imprisonment. We were further concerned when we heard that the British national Ben Rogers had been denied entry to Hong Kong in October last year. He is a champion of democracy and human rights, well known to Members of all parties. The Prime Minister spoke about his case in the House, we summoned the Chinese ambassador to the Foreign Office to discuss it and the Secretary of State for Communities and Local Government raised the issue with the Hong Kong Secretary for Labour and Welfare during his visit to Hong Kong in November.

I wrote to the Hong Kong Chief Executive Carrie Lam setting out our position on all four of those cases. Her response was consistent with previous public comments made by the Hong Kong authorities on the issue.

[Official Report, 23 January 2018, Vol. 635, c. 124WH.]

Letter of correction from Mark Field:

An error has been identified in my response to the Westminster Hall debate on Democracy in Hong Kong.

The correct response should have been:

Mark Field: Many people will have followed the media coverage last year when three high-profile pro-democracy activists, Joshua Wong, Nathan Law and Alex Chow, were sentenced to imprisonment. We were further concerned when we heard that the British national Ben Rogers had been denied entry to Hong Kong in October last year. He is a champion of democracy and human rights, well known to Members of all parties. The Prime Minister spoke about his case in the House, we summoned the Chinese ambassador to the Foreign Office to discuss it and the Secretary of State for Communities and Local Government raised the issue with the Hong Kong Secretary for Labour and Welfare during his visit to Hong Kong in November.

I wrote to the Hong Kong Chief Executive Carrie Lam setting out our position on **this case**. Her response was consistent with previous public comments made by the Hong Kong authorities on the issue.

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