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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 2 February 2018**

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# House of Commons

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*The House met at half-past Nine o'clock*

## PRAYERS

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

9.34 am

**The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker):** On a point of order, Mr Deputy Speaker. I wish to correct the record of my answer yesterday to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg). He is aware of this point of order.

Yesterday, I answered a question based on my honest recollection of a conversation. As I explained yesterday, I considered what I understood to be the suggestion being put to me as implausible because of the long-standing and well-regarded impartiality of the civil service. The audio of that conversation is now available, and I am glad that the record stands corrected.

In the context of that audio, I accept that I should have corrected or dismissed the premise of my hon. Friend's question. I have apologised to Mr Charles Grant, who is an honest and trustworthy man. As I have put on record many times, I have the highest regard for our hard-working civil servants. I am grateful for this opportunity to correct the record and I apologise to the House.

**Dr David Drew** (Stroud) (Lab/Co-op): I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163), and negatived.*

## Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill

*Second Reading*

9.35 am

**Tim Loughton** (East Worthing and Shoreham) (Con): I beg to move, That the Bill be now read a Second time.

It is good to see you in your place for this debate, Mr Deputy Speaker. In proposing this Bill, I have not made things easy for myself. It contains four separate main proposals spanning four different Government Departments and potentially four different Ministers. It is not a Government handout Bill, and to complicate matters, three of the four original Ministers involved were moved as a result of the recent reshuffle. It has been a stressful few weeks. I know how hard it is to get a private Member's Bill on the statute book, even when it contains a straightforward single measure, let alone four, so on the face of it I am being greedy—but for good reason.

In more than 20 years of entering the private Members' Bill ballot at the start of the Session, my name has never once come out of the hat, and it probably will not again in whatever years or months I have left here. So as this is

likely my only opportunity, I have been ambitious in trying to include as many of the good causes that I have tried to promote in this place, in two cases through ten-minute rule Bills in recent years. So I am a private Member's Bill novice after almost 21 years in this House and I ask the House to be gentle with me.

It has not been easy to keep all the ducks in a row across four Government Departments, but I am grateful that they have all in turn met with support from Ministers such that the Bill can now proceed into Committee, with the will of the House. I freely admit that it has not been an easy process and at times it has been a very frustrating one. I place on record my thanks for the advice, support and patience of Farrah Bhatti in the private Bill Office, which has been invaluable.

The frustration has been that, from the very start, I offered to be as flexible as possible with Ministers with the wording of the Bill, and to sit down with departmental officials to agree on the terminology so that we could make progress with a Bill that had Government support. While at various times I secured agreement in principle to the main contents of the Bill from the revolving cast list of Ministers, it has literally been only in the past week that officials have sat down with me to talk turkey and final details have been thrashed out. Hence my apologies for the very late publication of the Bill just in time. It is only in the last week that we have secured the lead Minister, and I welcome the Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), to the Dispatch Box; I am sure that all is going to end well.

The upshot of all this is that there is not as much detail and commitment in the Bill as I would originally have liked. There will be much work to be done in Committee and thereafter, but I am confident that we have a Bill containing robust principles that we can pass on to closer Committee scrutiny, with the will of the House. Notwithstanding those reservations, I am grateful to all those who have helped to produce the Bill today, especially those individuals and organisations outside this place who have campaigned long and hard on the various issues, based on powerful and often heartbreaking personal experiences.

To summarise, the four component parts of my Bill are as follows. The first is a provision intended to undertake further work on how the Government can extend civil partnerships to opposite sex couples as per my previous amendments, ten-minute rule Bills and presentation Bills. Equal civil partnerships are unfinished business from the Marriage (Same Sex Couples) Act 2013, and change requires only a straightforward amendment to the Civil Partnership Act 2004, which this House enthusiastically passed, with my support.

The second is a provision that mothers' names, or second parent names, should be included on marriage and civil partnership certificates, based on previous Bills introduced by a number of hon. Members, which would bring England and Wales in line with Scotland and Northern Ireland, for the first time in about 180 years.

The third is a provision on the registration of stillbirths. My previous ten-minute rule Bill would have amended the definition of a stillborn child in the Births and Deaths Registration Act 1953 to include the formal recording of a child who is stillborn in the usual way but before the current threshold of 24 weeks' gestation. The fourth is an amendment to the Coroners and

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Justice Act 2009 to give coroners the power to investigate late-stage stillbirths if, for example, there is suspected medical negligence.

**Sir Edward Leigh** (Gainsborough) (Con): If the Bill makes progress, people will be able to get married to, or have a civil partnership with, anybody of any sex. I have been written to by two sisters—this is also a long-standing campaign of my own—about the burning injustice in this situation. The two sisters have lived together all their lives, but when one of them dies, the other one will have to move out of their home because they will not be able afford the inheritance tax. Only the Treasury stands in the way of righting this injustice; it is about money. I hope that when my hon. Friend works on the detail of the Bill, he will try to ensure that it helps siblings to stay in the homes in which they have lived all their lives.

**Tim Loughton:** I understand my hon. Friend's concern, which has been raised on several occasions. It is not my intention, at this stage, to extend civil partnerships to people other than cohabiting couples who are in a relationship. I want to mirror the existing terminology in the Civil Partnership Act 2004. I hope that we will entertain proposals such as my hon. Friend's in Committee and on Report, and I have no doubt that he will want to raise the matter.

**Sir Edward Leigh:** Does my hon. Friend recognise that it is an injustice for everyone apart from siblings to be able to have whatever legal relationship they want? I am not asking him to say now that he will include the matter in the Bill, but does he at least accept that this is a worthy cause, on which I have campaigned for many years?

**Tim Loughton:** I understand that it is a worthy cause, but it is different from enabling people to have their relationship recognised by the state. There are clear financial disadvantages and implications in the situation that my hon. Friend describes. I entirely sympathise with his view and I think that the injustice needs to be dealt with, but I do not propose to deal with it at this stage in my Bill. Doing so would make the Bill even more complicated than it already is. In addition, it is highly likely that the long title of the Bill will need to be amended in Committee, particularly to reflect the change that will be required to the electronic record of marriage certificates.

Let me start with the extension of civil partnerships to include opposite-sex couples. The 2004 Act was long overdue, and it was enthusiastically supported by me and the great majority of hon. Members from all parts of the House. At its heart, the Act tackled a clear obstacle to equal rights for loving couples who just happened to be of the same sex.

Subsequently, the House decided in 2013 that it was time for equal marriage. That has happened, the skies have not caved in and we have moved on. I certainly do not want to reopen the bruising debates that we had at the time, especially across my party. However, the Marriage (Same Sex Couples) Act 2013 gave rise to an unintended new inequality, and it is surely time for equal civil partnerships—a natural extension that was supported across all parties when the Marriage (Same Sex Couples) Bill was introduced and that has just as much support

now. In the consultation that the Government conducted before the introduction of that Bill, 61% of respondents were in favour of extending civil partnerships to opposite-sex couples. Alas, for some inexplicable reason, the proposal never made it into the Act. If it had done, the Act would have been better; that is why change is necessary today.

**Michelle Donelan** (Chippenham) (Con): Can my hon. Friend tell the House how many people entered that consultation?

**Tim Loughton:** Quite a lot, although I have not got the figures. The consultation was one of two, and the result of the second consultation was different. As a result, no action was taken, but this is clearly unfinished business.

**Michelle Donelan:** To help my hon. Friend, the second consultation had only just over 11,000 entries. One could argue that that is not representative of the population or a gauge of public opinion.

**Tim Loughton:** Given that there are 3.2 million cohabiting opposite-sex couples, it is a very small proportion of those who might be affected, so this is unfinished business. More than 80,000 people have signed a petition in favour of the change, and that is a small indication of the demand that exists.

There are three main rationales for supporting the measure. First, it will correct the unintended but glaring inequality that results from the Marriage (Same Sex Couples) Act, whereby same-sex couples are entitled to continue in a civil partnership, take up a civil partnership or enjoy the recent extension of marriage while opposite-sex couples have only the single option of conventional marriage, albeit by a larger range of religious institutions. That is not fair, and it gives rise to an inequality in an Act that was billed as promoting equality.

Secondly, a positive reason for pushing forward with the Bill is family stability. As a former children's Minister, that has always been at the top of my priority list. According to the latest estimate, there are some 3.2 million cohabiting opposite-sex couples in this country. That is more than 4,900 couples per parliamentary constituency, and it is about double the figure that was reported just 15 years ago. Those couples are responsible for more than 2 million children. Some 53% of birth registrations are to married parents, but about a third are to unmarried parents who are living together.

Cohabitation is the fastest growing form of family in this country, whether we like it or not. We need to recognise that our society is changing and we need to adapt in order to promote family stability, in whatever form, to provide a continuum that gives children the best and most stable start in life.

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): On that point, has my hon. Friend seen the families manifesto by my hon. Friend the Member for Congleton (Fiona Bruce)? It raises the importance of stability in the family for bringing up children. Does he support that manifesto?

**Tim Loughton:** Not only do I support it, but I think my name is on it. My proposal will help to create greater stability, with the ultimate aim of giving the 2.2 million children in such relationships the very best opportunities and the best start in life.

The Centre for Social Justice has calculated that the cost of family breakdown to this country is some £48 billion a year, or some 2.5% of gross domestic product. That is a big and growing problem, which is socially and financially costly for our society. Fewer than one in 10 married parents have split up by the time their child reaches the age of five, compared with more than one in three of those who are cohabiting but not married, and 75% of family breakdowns involving children under five result from the separation of unmarried parents. The CSJ has produced a raft of statistics showing that a child who is not in a two-parent family is much more likely to fall out of school, to become addicted to drugs, to get into trouble with the law, to be homeless and not to be in employment, education or training. Let me be clear: that is not to be judgmental about parents who find themselves, through no fault of their own, having to bring up a child alone, but two partners make for greater stability.

We know that marriage works, but civil partnerships are also showing evidence of providing greater stability for same-sex couples, including those who have children through adoption, surrogacy or whatever means. There is a strong case for believing that extending civil partnerships would improve that stability for many more families in different ways. If just one in 10 cohabiting opposite-sex couples entered into a civil partnership, that would amount to more than 300,000 couples and their children. The extension of civil partnerships would offer the prospect of greater security and stability, lower likelihood of family breakdown, and better social and financial outcomes. That, surely, would be progress.

Understandably, some people will ask, “Why can those couples not just get married?” People choose not to get involved in the paraphernalia of formal marriage for a variety of reasons. For some, it is too much of an innately religious institution, and even if it is done in a registry office, it still has religious connotations. Some see marriage as having a patriarchal side, and some see it as a form of social control. For others, it is rather expensive. Marriage is not seen as a genuine partnership of equals, as civil partnerships are. Those are not my views, but they represent how many people see marriage. Many people have lobbied me—I am sure that they have done the same to other hon. Members—about why they would like to take advantage of the opportunity to enter into a civil partnership, and why they have not got married.

**James Cartlidge** (South Suffolk) (Con): Some may argue that in effect, the idea of commitment would potentially be undermined, but does my hon. Friend agree that probably in reality, people who might opt for civil partnership might otherwise not have made any commitment?

**Tim Loughton:** It is interesting. I recorded a television interview this morning with a couple who have been together for 26 years; they have teenage children and, for a variety of reasons, do not want to get married. They travelled to the Isle of Man, which is the only part of the British Isles that recognises civil partnerships for opposite-sex couples, and have become the first couple from mainland UK to have a civil partnership through the Isle of Man. Obviously, it is not recognised in the UK proper.

They made a very interesting point. They said, “We want to show our commitment in the eyes of the state. We want the stability and the protection, and the legal protections, that we just don’t have as a cohabiting couple, but marriage is not right for us. If we are going to be forced into a marriage as the only way of getting that legal protection, we would effectively be undermining marriage, because we would be doing it for the wrong reasons.” Civil partnership is a way to show that commitment and get the protections without having to conform in a way that they do not believe in.

Whether we agree with them, that is their right. Surely in an age when families take many different forms, the key thing that the state should be interested in is doing whatever creates stability and the best opportunities for loving couples to thrive and for children, when they are involved, to be brought up in a stable environment. This is surely another opportunity to get more people to be able to take advantage of such a situation.

**Rebecca Pow** (Taunton Deane) (Con): Will my hon. Friend give way?

**Tim Loughton:** I will—in for a penny, in for a pound.

**Rebecca Pow:** The consultation did not have any consensus that we should go down the civil partnership line, but will my hon. Friend comment on the fact that in France, religious marriages are not recognised and have to be preceded by a civil ceremony? I wonder whether any data have been gathered about how many split-up families they have there, or whether they have a better record than we are likely to have, because this is really all about family stability.

**Tim Loughton:** I have precisely the statistics that my hon. Friend is looking for. If she is patient for a few minutes longer, I will give her exactly that information.

Such people are mostly in committed loving relationships, but if they do not want to go for a traditional marriage, they have no way of having that recognised in the eyes of the state. That brings me on to the third main rationale for this reform—I promise that I will then come to my hon. Friend’s point. Particularly worrying is the common misconception that there is such a thing as a common-law wife or husband, as a woman typically finds out abruptly on the death of the partner when there is an inheritance tax bill on the estate and potentially on the family home. If a woman has a child with her partner and the relationship breaks down, she is not entitled to any form of financial support if they are not married. There is no automatic entitlement to property, even if she had been paying into the mortgage.

When one partner is much older than the other and there is a reasonable expectation that one will die some years before the other, the long-term survivor would not receive the same tax benefits as a married woman or those in a civil partnership. That would be discriminatory towards the couples’ children. The same vulnerabilities can apply if one partner does a runner. Even a couple engaged to be married have more rights than a cohabiting opposite-sex couple.

**Dr David Drew** (Stroud) (Lab/Co-op): I do not want to stop the hon. Gentleman’s flow, but he will be aware of the work of Resolution, the family solicitors group,

[Dr David Drew]

which has a Cohabitation Awareness Week. It has drawn my attention, and I am sure that of many other hon. Members, to the lack of rights and the fact that people are totally ignorant about their lack of rights, if there is a breakdown or a loss of one of the cohabiting parents. Hopefully this change in the law will put that right.

**Tim Loughton:** I completely agree with the hon. Gentleman, and I am grateful for his intervention. I was not aware of the Cohabitation Awareness Week, but many family law solicitors have written to me and support the campaign, because they see the fall-out when this goes wrong. People come to them thinking that they had entitlements and legal status because they had been living together for so long, but they suddenly find out that they do not. They have a tax bill and lots of problems and headaches, and their children do not have a home to live in. If anything, I hope that the Bill will help to publicise that real problem in the law that the Government need to address at some stage. I am giving them the opportunity to take the bull by the horns and get on and do something about it now.

The question is: why should not those who have made a conscious choice not to go for a traditional marriage have the opportunity to have the same legal rights, responsibilities and protections in the eyes of the law that we, rightly and not before time, extended to same-sex couples back in 2004? There are also several further applications. Many people with strong religious beliefs—particularly Catholics who have ended up getting divorced, which is in conflict with certain religious teachings—may not be inclined to get married again if they meet a new partner, because their Church supposedly believes that they should be married for life. In many cases, however, they would be able to reconcile that position by entering into a new formal commitment through an opposite-sex civil partnership. In addition, as it stands, someone admitting to being in a civil partnership currently automatically carries the revelation that they are in a same-sex relationship. That could be an unintended invasion of their privacy when some may wish to keep that private. There are a number of practical, real-life scenarios in which civil partnerships for opposite-sex couples could achieve something very positive and non-discriminatory.

I am pleased with the widespread support that the measure has attracted. The Marriage Foundation, for example, has gone on record as saying that it “fully supports” the Bill

“to introduce civil partnerships for heterosexual couples. It is a strong pro-family measure which, crucially, encourages commitment and stability. By making civil partnerships available to heterosexual couples, we would provide a new, formal basis for those who want to make a solid and legally backed commitment to one another but who prefer not to marry for whatever reason.”

I also welcome the support from *The Times* and the campaign spearheaded by Frances Gibb as part of that newspaper’s family law reform campaign. I see this measure as an important part of reforming family law and making family arrangements fit for the 21st century. We need to grasp the nettle on no-fault divorces and bring relationships into the modern age, and we need to find new ways for the state to recognise committed relationships and give stability, especially to the children within them. Making sure that shared parenting works

and keeping warring parents out of the courts, where their children become bargaining chips, still needs further work too.

I come to the point made by my hon. Friend the Member for Taunton Deane (Rebecca Pow). Opposite-sex civil partnerships are not something that has been cooked up in this country. In South Africa, the Civil Union Act 2006 gave same-sex and opposite-sex couples the option to register a civil union by way of a marriage or a civil partnership on the same basis. In France, the *pacte civil de solidarité*—or PACS, as it is known—was introduced in 1999 as a form of civil union between two adults of the same sex or the opposite sex. A few years ago, marriage was added to that. Interestingly, one in 10 PACS has been dissolved in France, yet one in three marriages ends in divorce. There is evidence that some of those civil partnerships have created greater stability, whether they are opposite-sex or same-sex partnerships, than traditional marriage.

No complications are involved in my proposal. I want opposite-sex civil partnerships to be offered on exactly the same basis as same-sex civil partnerships, notwithstanding the earlier comments from my hon. Friend the Member for Gainsborough (Sir Edward Leigh). It would not be possible for someone to become a civil partner with a close family member, or if that person was already in a union, and the partnership would need to be subject to the same termination criteria.

It is a simple proposal, and surely the case is now overwhelming. All that would be required is a simple one-line amendment to the Civil Partnership Act 2004. It could all be done and dusted in Committee by tea time—although I guess that by the time drafting officials have got their teeth into it, many more clauses will be required. That is what I originally intended in the Bill and put forward in my amendment to the Marriage (Same Sex Couples) Act 2013 and subsequent ten-minute rule Bill and presentation Bills.

I acknowledge, however, that the Government have concerns about taking the full plunge and going the whole hog at this stage, and want to carry out further research about the demand and practicalities for such a reform. I have doubts about what that would achieve, given that, as hon. Friends have mentioned, we have had two public consultations on the subject in the last five years, and we now have 13 years’ worth of civil partnerships for same-sex couples in practice from which to garner evidence. However, I recognise the Government’s caution, and in securing a clear commitment to learn from the experience so far and promote equality further, I hope that they will come to the same conclusion as I have, together with the Equal Civil Partnerships campaign and the now more than 80,000 people who have signed a petition in support, many of whom have been enthusiastically lobbying their MPs in recent weeks.

There is a growing tide of support for the measure, fuelled by a court case that is currently destined to go before the Supreme Court in May. I pay tribute to Rebecca Steinfeld and Charles Keidan, who have pioneered equal civil partnerships and whose application for a civil partnership to the authorities in Kensington and Chelsea triggered this campaign.

**Andy Slaughter** (Hammersmith) (Lab): I am pleased that the hon. Gentleman has mentioned Charles and Rebecca, who are constituents of mine. As he says, the

case is going to the Supreme Court, but so far the courts have indicated that it is for the House and the Government to make decisions about the matter.

Does the hon. Gentleman share my dissatisfaction about the fact that the Government may be considering restricting civil partnerships? They appear to have accepted the concept of equality, but if they remove civil partnerships from same-sex couples rather than granting them to opposite-sex couples, they will be restricting choice.

**Tim Loughton:** I completely agree, and I will say something about that in a minute. I am grateful for the hon. Gentleman's support for the couple whom I mentioned, and his support for the overall campaign.

The issue arose when Charles and Rebecca approached their local register office to register their opposite-sex partnership. As they put it,

"We wanted to formalise our relationship and celebrate it with friends and family but we're not able to do it for what seems like no apparent reason. We prefer the idea of a civil partnership because it reflects us as a couple—we want equality through our relationship and with 2 babies now we want the protections offered by formalising marriage."

The couple have campaigned tirelessly through the courts. Interestingly, at the Appeal Court last year a split decision ruled against them, but—as was mentioned by the hon. Member for Hammersmith (Andy Slaughter)—the court put the Government on notice that the current situation was unsustainable, and referred specifically to my private Member's Bill as a vehicle for remedying it. I do not want to prejudice the Supreme Court's findings—the case has not yet been put before it—but it is hard to see how the Government will not be criticised for not taking heed of the need for action when the golden opportunity afforded by my private Member's Bill has dropped into their lap.

I appreciate that—as the hon. Member for Hammersmith also mentioned—the Government are also reserving the option of achieving equality by scrapping civil partnerships altogether and sticking with same-sex and opposite-sex marriage. I think that that would be a mistake. It is no surprise that there has been a big reduction in the number of civil partnerships since the option of full same-sex marriage was introduced in 2014. In 2016 there were 890 civil partnerships, whereas the average was about 6,000 in previous years, before marriage was an option. That figure was, in fact, an increase on the number in 2015, but, more tellingly, although the full figures have yet to be published, the number of civil partnerships that were converted to full marriage is still in the teens. Indeed, in 2014, when the option first became available, only 4% of existing same-sex civil partnerships were converted to marriage, which suggests that civil partnerships have a specific and different role. That applies as much to same sex-couples as it no doubt would to opposite-sex couples who have been denied the opportunity to gauge the demand so far. Abolishing civil partnerships altogether would deprive not just opposite-sex couples but same sex-couples of choice, and would leave tens of thousands of civil partners in limbo, forced either to become an abolished species or to convert to the full marriage that they had thus far resisted.

In the last consultation on extending civil partnerships, the Church of England was strongly in favour of retaining them. William Fittall, the secretary general of the Archbishops' Council and the House of Bishops, said:

"Our arguments for the retention of civil partnerships are based on the need to maintain an option for those same-sex couples who wish for proper recognition of their relationship but do not believe that their relationship is identical to 'marriage'."

I hope that, by the same token, the Church of England will soon come round to the idea of giving formal church blessings to civil partners.

I also hope that the Government will quickly move from a further consultation phase to an implementation phase, and nothing in the Bill would curtail the speed at which they could do so. There is no statutory requirement to put a consultation in legislation. I hope that the further review that I think the Minister wants to offer can start immediately and in parallel with the Bill's passage, so that if the Government determined what we already know, they could enable thousands of potential civil partners to tie the knot with the same urgency with which the previous Government approached the Bill that became the Marriage (Same Sex Couples) Act 2013.

Many Members believe that the time has come to back equal civil partnerships, to the potential benefit of many cohabiting couples and their children and the stability of our society as a whole. This part of my Bill has widespread cross-party support both inside and outside the House. It is a concise and simple but important measure, which could bring about equality for those who choose civil partnership, and I urge the House to support it.

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** My hon. Friend has been tenacious in his negotiations this week with the four Departments involved in the Bill. Will he confirm that he is content for the first two clauses to serve as "marker" clauses, and that he and I will jointly table amendments to them so that we can discuss in Committee the consultations that he and I have discussed this week?

**Tim Loughton:** My hon. Friend is impatient. I will confirm that later in my speech: there is plenty more to come. My hon. Friend got in first, but it was not really necessary.

I am aware that I have majored on the first of the four parts of the Bill. It has three other important components, which I think are less complicated and hopefully less contentious.

The fact that my late mother could not add her name as a parent on my marriage certificate is an anachronism, well past its sell-by date and, frankly, an outrage. In fact, the signatures of both my mother and my mother-in-law were included on our marriage certificate, but at our discretion, and as the signatures of witnesses rather than parents. My father signed, as did my wife's father, because in the days when the anomaly originated, a daughter was a father's chattel for him to give away, and literally sign away. That has been the case in England since 1837, the beginning of Queen Victoria's reign, and has not changed since then. The problem apparently lies with the current system of marriage registration, which relies on hard-copy register books held in churches and other religious establishments as well as register offices. That involves some 84,000 open register books in 30,000 churches and religious buildings, so it is quite a big undertaking.

[*Tim Loughton*]

Surely, in this digital age, it is not beyond the wit of man or woman to introduce a single electronic register instead of relying on hard-copy books. That would avoid the potentially costly need to replace all the register books. Instead of signing a book at the ceremony, the newly married couple would sign a document that would then be returned to the register office to be entered in the existing electronic register so that an official marriage certificate could be issued, including the names of all the parents. The measure could also take account of new family structures, including those to which I have referred. There would be two spaces for the signatures of each of the partners in the marriage, or, indeed, civil partnership. That innovation was actually made when civil partnerships were introduced in 2004, but, bizarrely, it does not apply to marriages. Both parents would be included, be they biological mother and father, same-sex parents of whom one might be a biological parent, or adoptive parents.

That, surely, would be a progressive move to acknowledge and celebrate all types of relationships that give rise to children who go on to get hitched. It would also avoid some of the more insulting scenarios that I have encountered, in which a single mum who has given everything to bring up a son or daughter cannot be acknowledged on a wedding certificate, whereas an absentee or abusive father who did a runner at the birth and played no part in the child's upbringing has an automatic pass to be registered on the certificate. Tragically, many mums discover that literally when the pen is taken away from them straight after the nuptials, when the register is signed to confirm the marriage.

It is nonsensical that this simple measure has not already come to pass. It is apparently the policy of the present Government and that of the previous one. It has been supported by Ministers and Prime Ministers, and it has been the subject of numerous early-day motions, petitions, debates and Private Members' Bills introduced by, among others, the hon. Member for Neath (Christina Rees)—who is present—and my hon. Friend the Member for Charnwood (Edward Argar). My right hon. Friend the Member for Meriden (Dame Caroline Spelman) is attempting to push through the latest such measure in tandem with the Bishop of St Albans, and my proposals, which would be considered in more detail in Committee, mirror their intention—although I am aware that there are some concerns about potential Henry VIII clauses, which I will seek to restrict. Ensuring that my Bill passes into law swiftly would be the fastest way to achieve this much-supported change in the law.

I can confirm—the Minister helpfully pre-empted me on this point—that the two clauses relating to civil partnerships and marriage certificates are marker clauses. They will be replaced and elaborated on in Committee, as agreed with Ministers, albeit at the 11th hour. Is the Minister happy?

**Victoria Atkins:** I am very happy.

**Tim Loughton:** My day is complete.

Finally, let me deal with the subject of stillbirths. This is perhaps the most emotionally traumatic part of the Bill. On many occasions, the House has been moved by

the personal testimonies of Members in all parts of the House who have spoken out bravely and vividly about their own family experiences. It is because of those emotional personal testimonies that this whole subject probably punches well above its weight in this place—quite rightly—and by doing so has given a voice and hope to the too many parents who are directly affected by the tragedy of stillbirth. I pay tribute to the work of the all-party group on baby loss, and particularly the work done by my hon. Friends the Members for Colchester (Will Quince), whom I am delighted is here today, and for Eddisbury (Antoinette Sandbach), the hon. Member for Lewisham, Deptford (Vicky Foxcroft), my hon. Friend the Member for Banbury (Victoria Prentis), and the hon. Member for Washington and Sunderland West (Mrs Hodgson)—and I am sure anybody I have missed will take the opportunity to intervene or make a speech later in the debate. This has been a great cross-party effort, which is something we do well in this House when we get it right.

I first became involved with this subject while shadow Children's Minister and then later when a constituent came to me with a tragic tale of how she had suffered a series of miscarriages and then a stillbirth after 19 weeks. A stillbirth is classified as such only if the gestation period is 24 weeks or more; one day less, and that stillbirth becomes a non-viable delivery, more commonly referred to as a mid-trimester miscarriage. There are no central records of exactly how many babies are born in that way, so they do not form part of the perinatal mortality figures, which, while falling—fortunately—are still far too high in this country. Without wishing in any way to downplay the importance and pain of a miscarriage, particularly for new parents struggling to have their first child, the experiences are different. That was brought home to me most starkly by the story of my constituent Hayley.

Back in 2013, Hayley was pregnant. For nearly 20 weeks she carried the child of her partner Frazer. She felt the baby kicking; she went through all the other ups and downs of pregnancy. Previously she had suffered a miscarriage after just a few weeks. Sadly, after around 19 weeks something went wrong, and Hayley and Frazer's baby died unborn. It was not a miscarriage, and the following week Hayley had to go through the pain of giving birth to a baby that she knew was no longer alive. She had to take powerful drugs to induce the pregnancy; she experienced contractions; and she went into Worthing Hospital and had pain relief. The following day, in June, she gave birth to her baby, Samuel. She held Samuel in her arms. She and her partner took photographs, had his hand and footprints taken and said their goodbyes.

Fortunately, Hayley was given good support by the clinical staff at Worthing Hospital—an outstanding hospital, particularly its maternity department—and had bereavement guidance later. She has an understanding employer in West Sussex County Council, and she was also fortunate to find a sympathetic funeral director, and the funeral took place two weeks later.

To all intents and purposes, Hayley went through all the experiences of pregnancy and the pain of childbirth endured by any other mother, but they were coupled in this case with the unimaginable grief of a parent who has lost a child before they could ever get to know him. She did not just go through a stillbirth: she had a still baby; she became a mum.

The crucial difference is that Hayley and Frazer's baby is not recognised in the eyes of the state because he was born before 24 weeks' gestation. If he had survived until 24 weeks and one day, he would have been recognised and the death properly registered in a register of stillbirths. More than just adding to the statistics, that would have been the acknowledgement of an actual, individual baby. To add further insult to injury, Hayley had to hand back her maternity exemption certificate straight afterwards. I am glad to report that the story has a happy ending, because Hayley and Frazer went on to have a child, healthy and doing well, and last year also got married.

The stark difference I have described surely cannot be right; it adds insult to the unimaginable pain that the parents have already had to suffer. Until the passing of the Still-Birth (Definition) Act 1992, which amended the Births and Deaths Registration Act 1953, the threshold was 28 weeks, so prior to that even more babies went unrecognised in official records. That change followed a clear consensus in the medical profession on the age at which a baby is considered viable. Since then, there have been cases of babies born before 24 weeks who have, incredibly, survived.

It is true that there is an informal procedure for hospitals to issue so-called commemorative certificates for foetuses that are not classified as stillbirths. They provide parents with a certificate that records their pregnancy loss before 24 weeks. The charity Sands has produced a template of a certificate of birth and encourages all hospitals to adopt it. However, it is unofficial and counts for little or nothing in the eyes of the state.

As a result of this case, I brought a ten-minute rule Bill before this House on 14 January 2014. It was supported by a number of Members here today and was widely supported across the House, but, as usually happens, it ran out of parliamentary time. However, I did take the issue further with the help of the then Health Minister my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), who hosted a roundtable at the Department of Health and we were in the middle of coming up with a solution, with the aid of the Royal College of Midwives, the Royal College of Obstetricians and Gynaecologists, which has been very supportive, and the charity Sands among others. Alas, however, as has been the bane of my private Member's Bill experience, the Minister was moved on and the initiative was lost.

This Bill would resurrect that initiative by committing the Government to holding a proper review of how we could come up with a scheme whereby the state would recognise that a child such as Samuel actually existed. For the many parents who have written to me since I first launched my Bill, it would help to bring some closure after a truly traumatic ordeal. Some of the experiences that have been revealed to me are unimaginable to those of us lucky enough not to have gone through it with their own children.

**Victoria Prentis (Banbury) (Con):** My hon. Friend is making a powerful speech, which is very difficult to listen to. Will he go into detail about the effects of registration of a baby's body—on the burial of the body, for example, or what happens to the remains—and also on the legal position of maternity and paternity leave for the bereaved parents?

**Tim Loughton:** My hon. Friend is an expert on this and has campaigned on it for a long time, and has her own personal experiences. There are many implications in law, in employment and in other regards in recognising that somebody has gone through the experiences of being pregnant, for which they are entitled to various things, but all of a sudden, just because that pregnancy came to a traumatic end before 24 weeks, all that support and recognition completely falls away. There are far-thinking employers who take that into account, although they are not obliged to. So this is about more than just giving closure to parents who have had a traumatic experience; there are all sorts of other things that can help them get through that experience as well. I will conclude shortly, and I know other Members will then recount their own experiences of the very real practical implications.

One particularly stark example was a woman who had given birth to stillborn twins delayed either side of the 24-week threshold. One was registered as stillborn, recognised in the eyes of the state, while the other, born just before 24 weeks, did not exist. That cannot be right and we can and must do better. The Secretary of State for Health shares that ambition and is to be commended for the comprehensive measures to bring down substantially the number of stillbirths and to deal much more sympathetically with the impact when they do still happen. Other countries, such as Holland and Norway, have reduced their mortality rates much more dramatically, yet in the UK we continue to see wide variations geographically and demographically. For example, the stillbirth rate in the south-west of England is 4.7 per 1,000 live births, while in the north-east it is 5.8; that is a 23% difference. There are big differences between age groups and mums from different ethnic backgrounds.

The simple fact is that 3,122 babies were stillborn in England and Wales alone in 2016; those are officially stillborn over 24 weeks, not including those before the 24 week threshold. One in 225 pregnancies end in stillbirth after 24 weeks; it is 15 times more common than cot death, and that equates to around nine babies every single day. That is nine mothers and fathers who have lost a child after completing more than half the term of a pregnancy. They then have to go through the pain of childbirth to see a baby who will not grow up.

The Bill will simply require the Government to hold a review of how we can do better and come up with a simple scheme that could have a huge impact on many grieving parents. It has nothing to do with changing the law on abortion, and that debate is for another day and another piece of legislation. I have deliberately not been prescriptive about what form the review should take, but I trust the Government to do the right thing here and I think we are pushing at an open door.

I know we are pushing at an open door with my last measure, as the Health Secretary signalled his support for it at the Dispatch Box during a statement on stillbirths in November. There appears to be an anomaly in the law where coroners in England have the power to investigate any unexplained death of any humans unless they are stillbirths. That is because a baby who dies during delivery is not legally considered to have lived. If a baby has not lived, it has not died. As coroners can only investigate deaths where there is a

“body of the deceased person”

[Tim Loughton]

they have no legal jurisdiction to investigate these deaths. However, one in three stillbirths occur in healthy babies who die at term.

In some cases, those deaths occur due to mismanaged deliveries, and there has been a number of high-profile cases involving clusters of such deaths, well above the national average. According to the charity Sands, an estimated 500 babies die or are left severely disabled because of an event during their birth that was either not anticipated or not well managed. There is currently no independent investigation of these intra-partum deaths, and hospitals are left to investigate their own mistakes. It has been shown that these hospital reviews can be inadequate and fail to inform grieving parents of their findings.

If parents suspect that a mismanaged labour or delivery has caused the death of their child, the coroner has no jurisdiction to investigate, although there are some examples of good practice where the hospital agrees to allow that to happen. At worst, some baby deaths may be classified as stillbirths when there were in fact signs of life post-delivery, to close down on further independent investigation. I am sure that such cases are rare, but it will be to the benefit of all parents who have suffered the loss of a baby, or who want to be assured that their hospital is doing everything possible to keep babies safe, to have much more transparency and evidence that lessons are being learned from these tragic cases.

I am particularly grateful to my local West Sussex coroner, Penny Schofield, who has championed this issue and who approached me to include the subject in my Bill. Penny introduced me to Michelle Hemmington and Nicky Lyon of the Campaign for Safer Births, who have bravely bared their own traumatic experiences and worked for a change in the law, so that the pain of stillbirth can be reduced for others. I pay tribute to them, and others involved in the campaign, for their bravery.

My Bill proposes an enabling clause to give the Secretary of State powers to amend the Coroners and Justice Act 2009 to give coroners the power to investigate stillbirths. The preference would be for the change to apply to late-term stillbirths and for discretion to remain with coroners to determine which deaths they wished to investigate rather than be swamped by having to investigate large numbers of otherwise straightforward stillbirths. However, I appreciate the complexities of making such a change, given that the responsibility lies between the Department of Justice and the Department of Health and Social Care. I do not seek to be prescriptive about the enabling power at this stage, but I am sure that both Secretaries of State would wish to get on with this sooner rather than later, given the imperative that the Health Secretary has already placed on this issue, on record.

Importantly, coroners tell me that they have the capacity to take on these additional investigations, and indeed it is likely that the measure will cut down on subsequent litigation, as it will afford greater certainty about exactly what has happened. It will also lead to reduced care costs on the back of fewer damaged babies and give much greater comfort to parents who are struggling to come to terms with such a traumatic loss. As such, it should certainly be seen not as a stand-alone measure but as

complementary to the panoply of other improvements that the Government are currently introducing, on which they are to be congratulated.

I apologise for the length of my comments, Mr Deputy Speaker, but the complex nature of the multiple measures in my Bill and the complicated and stressful route to getting here today have meant that greater explanation has been necessary. Much work remains to be done, with amendments in Committee and potentially at later stages, but I hope that all hon. Members here today and elsewhere will appreciate that these measures are welcome and important amendments to anomalies in the law and that they all have the potential to have a positive impact on the lives of a great many of our constituents and those yet to be born. I commend my Bill to the House.

**Several hon. Members** *rose*—

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. At least 16 Members want to speak in the debate, plus the Front Benchers, and we want to hear from everybody. I suggest that brevity will assist us greatly.

10.23 am

**Lilian Greenwood** (Nottingham South) (Lab): Thank you, Mr Deputy Speaker. I will attempt to keep my contribution concise. I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on bringing forward his comprehensive Bill. I know that he has wanted to act on these matters for a really long time, so this is a real tribute to persistence and determination. I support the Bill in total, but I am going to confine my comments to the issues addressed in clause 4, which deals with extending the powers of coroners to enable them to investigate stillbirths. This will make a difference to many families who need to know why their baby died. Even more importantly, it will ensure that lessons are learned and improvements are made so that other parents are spared the horror of losing a baby. I acknowledge the important work done by the Secretary of State for Health in acting to tackle avoidable harm and death through his maternity safety strategy. I welcomed his support for this Bill when he made a statement to the House on 28 November last year, in which he said:

“I will work with the Ministry of Justice to look closely into enabling, for the first time, full-term stillbirths to be covered by coronial law”.—[*Official Report*, 28 November 2017; Vol. 632, c. 179.]

That was an important and welcome development.

Mainly, though, I am here on a Friday to speak for Harriet Hawkins, because she will never be able to speak for herself. Indeed, she never got to draw breath, and, as the hon. Member for East Worthing and Shoreham has explained, that is significant. I am also here to support my incredible and courageous, but heartbroken, constituents, Jack and Sarah, Harriet’s parents. Their fight for the truth has been so dreadful and so unnecessarily painful that we in this House must act to ensure that others do not have to go through the same thing.

Let me explain what happened to Harriet, and Jack and Sarah, and how it could all have been so different. Harriet was Jack and Sarah’s first baby. There were no problems in pregnancy, and Sarah was considered low risk. She began to experience contractions one day after her due date on 11 April 2016. She was in labour for five days before Harriet was eventually delivered. In that

time, Jack and Sarah made 10 phone calls and two visits to the hospital, the Queen's Medical Centre. Each time, Sarah was assessed, reassured and sent home. When she was finally admitted—to Nottingham City Hospital, because QMC was full—an ultrasound revealed that Harriet had died. We might think that things could get no worse, but sadly, we would be wrong. Sarah was left struggling with an over-long labour, and Harriet was delivered more than nine hours later. In the following days, the only contact Sarah and Jack had with Nottingham University Hospitals NHS Trust was with the bereavement midwife. Each time, they explained that Harriet's death was due to numerous errors. They expected to be contacted as part of an investigation, but that did not happen.

I should say that both Jack and Sarah work for Nottingham University Hospitals NHS Trust. Jack is a hospital consultant—a clinical director in NHS Improvement—and Sarah is a senior physiotherapist. They had an understanding of what they should expect. They knew that something had gone horribly wrong, and when they were told that a post-mortem revealed that Harriet's death was caused by an "infection", and told to "try to move on", they refused to have their concerns dismissed. Following repeated requests, they met representatives of the NUH trust in July 2016. The trust said that it had carried out an investigation—without Jack and Sarah's involvement—and concluded that there were no errors and that Harriet's death was down to an infection. As an expert in infections, Jack was able to challenge this conclusion, and he and Sarah demanded an external review. The hospital conceded, and Jack and Sarah met the external review team in August 2016. Following that meeting, Harriet's death was upgraded to a serious untoward incident, 159 days after she died. That should have happened within 72 hours.

In December, Jack and Sarah were sent a draft report to check for accuracy. It stated that

"Harriet's death was directly contributed to by five things".

That conclusion meant a great deal to Jack and Sarah, but when the final serious untoward incident report was circulated, the conclusions had been watered down, stating that

"Harriet's death might have been avoided if"

certain other things had happened. To Jack and Sarah, this significant change smacked of a cover-up, and a refusal to learn from the handling of Harriet's birth. The trust would not explain why the investigation team had changed its conclusions.

Dissatisfied with the handling of the investigation, Jack and Sarah contacted the clinical commissioning group, which organised a new external review team to conduct a second serious untoward incident investigation. That report was published in December 2017, and it said that there were multiple missed opportunities for intervention and appropriate monitoring earlier in the labour. Had one of those opportunities been taken, it is likely that the labour would have been substantially shortened, with any foetal compromise recognised on CTG. It is therefore likely that intrauterine foetal death would not have occurred:

"The overall conclusion of this investigation was that the death of baby H was almost certainly preventable."

I do not know how many babies have died or been harmed since Harriet's death in April 2016, or whether those deaths or injuries could have been avoided if the

lessons from Sarah and Jack's case had been identified earlier. I also do not know how many babies died before Harriet due to similar failings of care, which would have prevented her death had they been identified. Opportunities were very clearly lost, and without Sarah and Jack's incredible fight there would have been no learning from Harriet's death.

Sarah and Jack wrote to me earlier this week:

"We have always said had we not been clinicians we would not be here today, fighting. We would have believed the flawed internal report and the flawed initial external report. It has taken us almost two years to get an independent review. This should not be the responsibility of grieving parents to push for.

An external review cannot be deemed to be independent, like in our example. It will not provide the honesty and openness of the coroner's court. It will not provide the follow through in learning to prevent other baby deaths."

**Martin Whitfield** (East Lothian) (Lab): I am grateful for my hon. Friend's testimony. Does not this case clearly highlight the unique nature of the coroners' courts, which provide the facilities and the vehicle to investigate such matters sympathetically, supportively and with an ability to get to the truth?

**Lilian Greenwood**: My hon. Friend is entirely right. The role of coroners is incredibly important, and there are a number of reasons why coroners are the right people to investigate such deaths. First, why should a baby's death be treated differently from any other death? The coroner is an independent judicial office holder, and therefore the inquest will be truly independent and transparent. The coroner can address local issues at a particular hospital or unit, and they can refer to other statutory bodies, including the Care Quality Commission.

If a coroner makes a "prevent future deaths" report, it can be monitored closely. The family will be able to participate fully in the process, and not merely be consulted, and they will be able to have legal representation. The family will be able to attend the inquest to ask questions of the clinicians and managers concerned in the care, and they will receive full disclosure of all documents and policies in advance. A coroner's inquest is heard in public, which ensures transparency of process and decision making. A coroner can of course recognise trends and, if necessary, impose improvement orders on provider organisations.

Jack and Sarah are concerned that the Bill commits to review, not to a definite change in the law, so I hope the Minister will listen carefully, acknowledge what the Secretary of State for Health and Social Care has already said and not let down my constituents.

Speaking in the media, Jack and Sarah said that they want to make their daughter proud. They surely make us all proud. We owe it to them to make this change in the law. Please support this Bill.

10.33 am

**Nigel Huddleston** (Mid Worcestershire) (Con): I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on introducing this Bill. He has a long and proud record of supporting families and progressive policies in this House, and it is a genuine honour to follow his lead. I also congratulate the hon. Member for Nottingham South (Lilian Greenwood) on her emotional and heartfelt speech—I am sure it is one of many that we are about to hear today.

[Nigel Huddleston]

The Bill covers four important areas, and I am aware that many colleagues wish to speak, so I will talk about just two of those areas, although I make it clear that I have great sympathy for and support all four elements of the Bill. First, I firmly support the call of my hon. Friend the Member for East Worthing and Shoreham for the names of mothers to be registered on marriage certificates, and I am glad that the measure is supported by the Government and many in this House, as it has been for a long time.

There are currently some 2 million single parents in the country, and about 90% of them are women. As it stands, those women are not able to be registered on their children's marriage certificate—what a bizarre situation in this day and age. It is also worth noting that both parents' names are, in fact, recorded on civil partnership certificates.

I also agree with the argument that we should use this opportunity to introduce further reform of the overall process of how marriages are registered, rather than simply changing the content of the marriage entry itself. Simply amending the existing registers might be the quickest course of action, but it does little to improve the overall efficiency of the system. If any further amendments are required in future, it would mean that all 84,000 registers would need to be replaced again, no doubt at considerable cost. Britain is obviously proud of its technological innovation, and we are leaders in this digital age, so surely it should not be too difficult for us to think of a way for marriage entries to be held on a single electronic register, which I understand may well be the intention.

I have received quite a lot of correspondence from constituents on extending civil partnerships to opposite-sex couples, admittedly on both sides of the argument, but I have a clear view on the subject. Although civil partnerships were introduced to extend the rights available to same-sex couples, rather than as an alternative to marriage, it has had the unintended consequence of creating an inherent inequality on the basis of sexual orientation. By trying to eliminate one form of discrimination, we have unintentionally created another.

I am sure colleagues will be aware of the statistics on the increasing number of children in the UK whose parents are living as unmarried couples and so do not have the same legal protections enjoyed by families of married and same-sex couples. Of course, some of those unmarried couples may simply not wish to enter any form of legal union, but that is not the case for many couples in my constituency. They want their relationship to be recognised in law but, for a variety of reasons, do not wish to marry. My hon. Friend gave the example of divorced Catholics, and I know of several such examples.

Although I am happily married, and I would like to believe my wife would say the same, I accept that marriage is not for everybody. I am sympathetic to those who dislike either the symbolism of marriage or the implications of ownership inherent in legally defining couples as “man and wife”—interestingly not “man and woman” but “man and wife.” That definition distinctly includes the element of possession that many people find uncomfortable.

Of course, expanding civil partnerships could have a significant effect on a number of other policy areas,

including pensions. It is right that we take time to assess what those implications may be, but I implore the Government not to take too much time assessing those implications. I hope the Government listen carefully to the arguments made today and act accordingly, because Britain has changed, attitudes have changed and it is time that the law caught up.

10.37 am

**Karen Lee (Lincoln) (Lab):** I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on introducing such an important Bill. I am proud that the landmark policy of civil partnerships was introduced by Labour. We took a stand long before it was considered fashionable or acceptable. We took a stand to allow lesbian, gay and bisexual people to have their relationships recognised by law and to have benefits equal to those for married couples. That proud moment built on Labour's history of fighting for the equal rights of LGBTQ+ people, and the Civil Partnership Act 2004 paved the way for same sex marriage.

Following the passing of same sex-marriage legislation, it is a complete anomaly and injustice that civil partnerships are not available to all, an anomaly that the Government could have easily rectified and would have received support from both sides of the House to do so. Although I was not a Member at the time, it is clear that the only reason Labour did not push further to extend civil partnerships during the passage of the Marriage (Same Sex Couples) Act 2013 was for fear of losing it altogether.

We were met with much hostility when we introduced civil partnerships, but we were on a mission to ensure some level of equality as quickly as possible, and we achieved just that. Times have now moved on, but it appears that some attitudes have not. Allowing some couples to choose whether to marry or to enter a civil partnership while others cannot is no equality at all. That anomaly is not in the spirit of either the Civil Partnership Act or the Marriage (Same Sex Couples) Act, which are based firmly in parity and not in the semantics that are often used to hide bigotry and prejudice. Labour Members believe that all people should be equal before the law. Having joined us in passing same-sex marriage, it is so disappointing that this Government have previously made excuses regarding expanding civil partnerships to all couples. They have argued that the results of their consultation were inconclusive. There have even been voices suggesting that we abolish civil partnerships altogether. That would be a step backwards for the millions of couples co-habiting who may not want to marry but simply want protection and recognition of their relationship under the law. Surely it is our job, as representatives in Parliament, to give further protections to our constituents, not strip them away.

Turning to the other measures in the Bill, allowing mothers' names to be included on marriage and civil partnership certificates brings us into line with what happens in Scotland. I point out to the Government that it should not take a private Member's Bill to make such an obvious change, and that they might consider that such a measure should have been proposed by them, through delegated legislation.

**Several hon. Members rose—**

**Karen Lee:** I am going to make some progress.

On the investigation of stillbirths, I point out that in the UK we still have a woefully high number of stillbirths for a western country. I know that as I used to work in a gynaecology out-patient clinic and I remember this happening. A stillbirth can be truly traumatic for mothers, and we need to do more to support women that go through this and more to prevent stillbirth. We agree that stillbirths that occur before 24 weeks should be formally acknowledged and registered, but by no means would we want to see such a measure used to undermine abortion rights and a woman's right to choose.

In conclusion, Labour Members fully support this Bill and only wish that the rest of the Government were as forward thinking as the Member for East Worthing and Shoreham.

10.41 am

**Victoria Prentis** (Banbury) (Con): It is an honour to take part in this debate, but I must confess that I was slightly confused by the remarks made by the hon. Member for Lincoln (Karen Lee), because as I see it, this is not a matter to politicise; these are complicated moral issues that we are finding our way through together, consensually. Some of the best things I have done since I have been in this House have been done on a cross-party basis and on these very difficult issues.

I thoroughly support, in its entirety, this Bill put forward by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), but, unusually for an MP, I am going to confine my remarks to the three areas of it of which I have personal experience. I will therefore leave the issue of civil partnerships to others whom I know want to talk about that.

The inequality of marriage certificates was one of the first issues I came across as a constituency MP when I entered the House back in 2015. We had an excellent debate in Westminster Hall, at which many hon. Members here today were present, where I spoke about a terrible story of my constituent, whose father subjected her and her siblings to sexual abuse over a number of years. She has not seen him since she was 10. Were she to get married now—I believe that the current law is one of the reasons why she has not got married—she would very much want to leave the “father” field blank, while her mother, who, as a heroine, brought her up and helped her and her siblings cope with the legacy of this awful abuse, would get no mention. That is simply wrong.

This Bill will ensure that the Secretary of State undertakes a full review of the system. I accept the need to look for efficiencies and to find ways to create a more secure system for the maintenance of marriage records. We must also consider what terminology we use to recognise all forms of parental relationship. Inevitably, that will take time. As a former church warden, I am familiar with the current register system, and I see no reason why we cannot give celebrants and registrars the ability to cross out “father” and amend at their own discretion, or simply to add to it, at least until that review has concluded. Next week, we mark the centenary of women's suffrage, and I am afraid that it all feels rather archaic standing here discussing such a glaring yet rectifiable inequality.

Although I accept that, on all sides, we have been slow to deal with marriage certificates, in the three years I have been here the Government have been ambitious

in their approach to stillbirths. I am really pleased with the progress we have made, although it does not go nearly far enough, towards halving the number of stillbirths by 2025. The all-party group on baby loss is a force of nature, and I pay great tribute to my hon. Friends the Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach), the hon. Member for Washington and Sunderland West (Mrs Hodgson) and indeed the former Member for Ipswich. We were all there in the middle of the night starting this group, determined to make things better. We were soon joined by the passion of the hon. Member for North Ayrshire and Arran (Patricia Gibson) and then that fabulous speech by the hon. Member for Lewisham, Deptford (Vicky Foxcroft) did so much to help our cause. I am proud that we must take some credit for the fact that the way we talk about miscarriages, stillbirths and neonatal loss is changing. As a group, we know there are strong views on the way in which stillbirths are registered and investigated. For me at least, it seems that much should depend on the wishes of the parents. Fear of touching on painful subjects—although, as my hon. Friend the Member for East Worthing and Shoreham made clear, there is no need to upset the abortion laws over this—and talking about them must not render us incapable of reflecting a situation where babies born younger and younger are, happily, now living. Real people are suffering by our failure to address these difficult issues. A mother who has been through labour and is going through lactation, often for a significant number of weeks, for a baby who is stillborn before 24 weeks will of course feel that his or her life should be properly recognised and recorded. I am hopeful that our group will have a great deal of input into the report the Secretary of State will undertake should this Bill progress today.

I was in the House in November for the Secretary of State's statement on the Government's new strategy to improve safety in NHS maternity services. Worrying about maternal safety, particularly of those who use the Horton General Hospital in my constituency, keeps me awake at night. Unfortunately, we all know that things can and do go wrong. Bereaved families deserve answers, and are often motivated by a burning desire to ensure that what happened to them will never happen to another family. At the moment, as we know, coroners in England do not have the power to investigate a stillbirth, yet in Northern Ireland, in 2013, the Court of Appeal held that coroners do have such a jurisdiction. I know, through talking to members of MBRACE-UK—Mothers and Babies: Reducing Risk through Audits and Confidential Enquiries across the UK—that in the vast majority of cases it will not be appropriate for a coroner to investigate a stillbirth. However, in the cases where relations with a hospital have broken down, where there is no faith in internal investigations or where there are wider learning points from a death, this may in a very small number of cases be appropriate.

In my previous career, I used to represent the Government in military inquests, and it strikes me that there is considerable potential for us to provide specialist training to a cadre of coroners brought in to deal with this extremely sensitive area, in much the way that we did having learnt from the introduction of inquests in military situations. I hope we can rely on our Ministers for joined-up, cross-departmental thinking as the work progresses. My hon. Friend the Member for East Worthing and Shoreham has kindly met me and Bliss in advance

[Victoria Prentis]

of today's debate to scope out views. If this Bill progresses, I look forward to engaging with the review that will follow.

This is a sensible and humane Bill, which we, as a cross-party group of Members, should all unite behind. It merely aims to right long-standing anomalies in the law, and it is a real pleasure to support it.

10.48 am

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): It is an absolute pleasure to follow the hon. Member for Banbury (Victoria Prentis), whom I am proud to call my friend. The work we have done together on the all-party group on baby loss is an exemplar of cross-party working at its best.

I welcome this Bill, presented by the hon. Member for East Worthing and Shoreham (Tim Loughton), and support all four parts of it wholeheartedly. However, this morning I will speak about just two, one which I will discuss briefly and another which is of great personal significance to me. First, I welcome the measures in this Bill that would legislate to equalise civil partnerships and open them up to heterosexual couples. As we all have, I have had many constituents contact me about that in recent weeks, and I am happy to support the measures the hon. Gentleman proposes.

Now I come to the main topic I wish to talk about this morning. I remember, when the hon. Gentleman sent an email around notifying us all of his intentions with this Bill, being really hopeful when I saw the provision to register stillbirths who are born under 24 weeks' gestation. I hope the hon. Gentleman does not mind my quoting his email, in which he said:

"Currently a child born to a mother who goes through the whole process of labour but is stillborn after 23 weeks for example, is treated no differently to a miscarriage...Both are traumatic and we need to do more to support families affected in this way but the failure by the state to acknowledge that a child born this way ever existed effectively surely just adds insult to injury."

When I received that email and read that paragraph, initially it floored me, because it was me he was describing. That was exactly my experience with Lucy, my third child, and I am sure I used similar words to describe how it all felt in my intervention in the baby loss debate in 2016.

Lucy was born at 23 and a half weeks, and sadly she was stillborn. I mentioned Lucy for the first time in Parliament during the powerful baby loss debate during Baby Loss Awareness Week in 2016. That was 11 years after I had been elected. I said at the time how much I admired—and I still do—my fellow officers of the all-party group on baby loss, who led the debate that day. The year before, the hon. Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach) had spoken in detail about their loss in a groundbreaking Adjournment debate, which I watched from the safety of my office because I was too scared to be in the Chamber because I knew how emotional I would get listening in the Chamber. The fact that they were on their feet talking about it just astounded me, because I had never felt brave enough or strong enough to do what they did. I still find it very difficult, even now, all these years later, to talk about it.

**Will Quince** (Colchester) (Con): I thank my friend, the hon. Lady, for giving way. She is making a very brave and powerful speech. I would like to put on the record my huge thanks and appreciation for all her work in the setting up of the all-party group, and for the group's continuing work. Bereaved parents, all of us, want to ensure that our child's life, however short, has meaning. The hon. Lady is absolutely doing that and, if she does not mind me saying so, I think Lucy would be very proud of her mummy today.

**Mrs Hodgson:** Thank you very much. I appreciate that the hon. Gentleman was trying to calm me down, but he has probably made me worse! As Members can all see, I feel very strongly about this issue, so I felt that, even though I knew I would end up in floods of tears, I had to come along and take part in this debate and express how strongly I want to support this legislative change, and why.

If Lucy had been born alive at 23 and a half weeks, she would have been incubated immediately and rushed in the waiting ambulance, with flashing blue lights, to the Royal Victoria Infirmary in Newcastle, where they have the regional centre of excellence for special care baby units for very premature babies. She would have had the very best world-class care. She would have had a birth certificate and she would have been celebrating her 20th birthday this year. But sadly she was stillborn, so there were no flashing blue lights, no incubator and no birthday parties, ever. And as I found out to my horror, there was no birth or death certificate. As I held her in my arms and had to come to terms with what had just happened, I also had to come to terms with the fact that, officially, she did not exist, and that I would not be getting any certificate of her arrival or death. She was three to four days short of the required 24-week legal age.

**Barbara Keeley** (Worsley and Eccles South) (Lab): It is very clear that Lucy does exist. Lucy does exist in my hon. Friend's memories. It is very important for so many constituents that the all-party group on baby loss and the hon. Member for East Worthing and Shoreham (Tim Loughton) are raising this issue today. My hon. Friend is very brave to be able to talk through her personal experience. As ever with the many issues that we cover in debates these days, it is important for people outside the House to understand that MPs share these experiences, as we share mental health issues and other forms of loss in our families. I congratulate my hon. Friend on her speech. The all-party group is doing a fantastic job of campaigning. I hope we can hear a little more from my hon. Friend because the issues she is covering are really valuable.

**Mrs Hodgson:** Thank you so much. I appreciate all the support that everyone is giving me to help me to get through this moment.

As I was saying, Lucy was three to four days short of the 24-week legal age required to be considered eligible for a death certificate. I was horrified and further traumatised when I then saw it entered in my records as a miscarriage. Because she was pre-24 weeks, she did not even get the dignity of being classed as a stillbirth, although that is what I always say she was, if and when I do talk about this tragedy—which is not very often, as Members can tell.

We went on to have a lovely blessing, given by the amazing hospital chaplain in the private room to which I was moved after she was born. We named her Lucy during the blessing and spent a number of hours with her before she was taken to the chapel of rest. Twenty years ago, the Queen Elizabeth Hospital in Gateshead did not have any cold cots—I sincerely hope it does now; I will try to find out—so we could not spend the night with her, even though I was kept in overnight, heavily sedated.

We had a very small family funeral service. My children were two and three and a half at the time, so they were not even there, just our parents. The service was organised by the chaplain and the Co-Op, which funded and organised everything. That was such a touching thing to do, although I know that is not always the case—my hon. Friend the Member for Swansea East (Carolyn Harris) campaigns on that very topic, and I support her in that. Lucy was buried in a tiny white coffin in the same grave as my nana and granddad.

I tell the House all that to highlight that to the chaplain, to the Co-Op funeral service and to us, her family, she existed. She was a baby who sadly was born dead. Her heart was beating throughout my labour, up until just minutes before she was born. She just could not make the final push into this world. Because of that, and because of a matter of a few days, she does not officially exist in any records, other than in our memories and our family records. Even the entry on the deeds for the grave is my name, as if I, or in this case a bit of me, was buried there. Her name is not on the deed for the burial plot because although buried there, she did not exist. I hope that Members can appreciate and understand how hard this was to deal with and to understand at the time, when I was dealing with what was, and still is, the worst thing I have ever had to experience in all my life.

There must be a way to square the circle in cases such as this, with the whole 24-weeks viability argument. Babies born too soon and before 24 weeks now survive in much greater numbers than ever before. To my great delight, I have met some of them at events in Parliament and it is amazing—each one is a miracle. Surely there is a way to recognise the 22-week or 23-week babies who did not quite make it to their first breath. That is why I welcome wholeheartedly what the hon. Member for East Worthing and Shoreham is trying to do with this Bill. I hope that the Government will look favourably on it.

10.58 am

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** I thank my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for bringing these incredibly important issues to the House with his private Member's Bill. He has managed to squeeze into one Bill the work of, I think, four Government Departments—it may be more. One can see from the Box just how many officials have been working on the Bill, and believe me there are many more. I commend my hon. Friend for making the Government work so hard to ensure that we see justice done on these four important issues.

I thank Members from all parties for contributing to this debate. I must say that it is difficult to follow the very moving speech by the hon. Member for Washington and Sunderland West (Mrs Hodgson). To bring Lucy

into this Chamber and to speak about her in the way the hon. Lady did was incredibly moving, and I hope that today will be a step forward not just for the hon. Lady but for other mothers and fathers throughout the country who have suffered terrible, terrible loss.

I am also grateful to the hon. Member for Nottingham South (Lilian Greenwood) for her moving speech, and to my hon. Friends the Members for Mid Worcestershire (Nigel Huddleston) and for Banbury (Victoria Prentis), both of whom have spoken on some of these issues at great length and, sadly, with personal experience.

It has been a pleasure to work with my hon. Friend the Member for East Worthing and Shoreham. His reputation precedes him, as a tenacious Back Bencher and as a tenacious Minister when he was Minister for Children and Families. I am delighted that we have reached a place where we can agree on the progression of the Bill. The Government cannot support the version of the long title that is currently before the House, but we have amendments to be added in Committee that we hope will bring about the changes that so many in this House wish to see. Assuming that the House agrees to give the Bill its Second Reading, we will table the amendments—jointly with my hon. Friend the Member for East Worthing and Shoreham—before the rise of the House today and they will be debated in Committee.

I recognise that my hon. Friend wants the Bill to go further than our amendments, particularly our amendment to civil partnership, will allow. I am therefore very grateful to him for working so constructively with us to reach an agreement. We will ensure that marker clauses 1 and 2 are both amended accordingly. Clause 2 deals with civil partnerships. Our amendment to it will require the Government to undertake a further review of the operation of civil partnerships, and to bring forward proposals for how the law ought to be changed so that the difference in treatment in the current system is resolved. The amendment will go further than the current marker clause in the Bill before the House, in that it will require the Government to report to Parliament and to include a full public consultation.

I assure Members that this is a commitment on behalf of the Government. We are committed to resolving this issue, but we have to get some better evidence than we have at the moment in order to deal sensitively with the civil partnership issue. I wish it were a simple matter of changing a sentence in the Civil Partnership Act 2004, but we have to recognise that this is not just about eligibility; it is also about the rights that flow from any changes. For example, the rules for the dissolution of civil partnerships and divorce in the case of marriage are different for same-sex and opposite-sex partners.

**Andy Slaughter:** Although clause 2 is disappointing in some ways, it is a step forward. But the Minister will be aware that this matter will go before the Supreme Court in May. Will she give the House an indication of the timescale both for the consultation and for when the Government will reach a decision?

**Victoria Atkins:** I am very conscious that I must not comment on an individual case. The Government intend to get on with this piece of work, frankly regardless of whether the House permits this Bill to have its Second Reading, although I sense that it will not come to that. This piece of work will be commenced immediately because we are determined to resolve the matter.

[Victoria Atkins]

The work to which we are committing involves four elements. First, we are committing to continue our existing work on assessing the relative take-up of civil partnership and marriage among same-sex couples. Since 2013, when marriage was introduced for same-sex couples, an increasing number of couples have chosen marriage instead of civil partnerships. We do not know, however, whether the current levels of demand will be sustained or whether they will change over time.

We currently have only two full years of data for civil partnership formation following the introduction of marriage for same-sex couples. Given the scale and significance of the decision, it is proportionate to gather more data so that we can be sure that demand has stabilised. Our assessment is that we will have a proportionate amount of evidence by September 2019 to be confident in assessing the ongoing level of demand for civil partnerships among same-sex couples.

The second piece of work that we are committing to undertake relates to those already in civil partnerships. We continue to consider whether phasing out civil partnerships for same-sex couples is the best way forward. We want to approach the issue sensitively and delicately because it would be wrong to rush towards a decision without understanding how it would affect same-sex couples who continue to opt for a civil partnership and who do not wish to convert their civil partnership into a marriage. We are therefore committing to undertake research with same-sex couples to understand their motivations for forming and remaining in a civil partnership, and what they may do if the evidence drives us to remove them.

The third piece of work we are committing to is to undertake surveys to understand the demand for civil partnership among opposite-sex unmarried couples. Our previous consultations did not suggest that a significant number of opposite-sex couples wished to enter a civil partnership. Indeed, the most recent survey, which was conducted in 2014—admittedly, with a relatively small number of respondents—suggested that people would not wish for an extension of civil partnerships. But rather than relying on that survey, we want to conduct a thorough survey to ensure that our evidence is accurate and up to date when it comes to assessing the demand for civil partnerships from opposite-sex partners.

The fourth piece of work will be a review of what has happened in other countries when they have been faced with similar choices. This is an important part of the evidence base. Although drawn from a different social context, the experience of other countries gives us information on the choices couples actually make when offered the choice between marriage and another form of legal recognition, such as civil partnerships.

**Dr Drew:** Would the Minister consider a fifth piece of work? She heard my intervention on the hon. Member for East Worthing and Shoreham (Tim Loughton). I suggest a piece of work to publicise the lack of rights that co-habiting couples have if that partnership breaks down. There is just no awareness at all of that lack of rights, so anything that the Government can do to get people at least to check what their rights are would be very helpful.

**Victoria Atkins:** The idea of educating people about their rights is one that I am instinctively drawn to agree with. I will take that suggestion away and speak to my officials about how we incorporate it in this survey to ensure the provision of that education. I now turn to the happy subject—

**Tim Loughton:** Before the Minister moves on, let me say that I am grateful to her and am delighted with everything she has said, particularly her commitment to get on with the work now. But there have been two consultations, it has now been 13 or so years since civil partnerships were introduced and we know about the experiences over many years of all those other countries, so will she acknowledge that an awful lot of the evidence is ready to hand and that this further work need not take much time at all? Can I have her commitment that there will be a sense of urgency to resolve this issue, one way or the other?

**Victoria Atkins:** There is a sense of urgency—very much so. If my hon. Friend will forgive me, I will not be drawn into precise time limits because I would not wish to undermine in any way the academic research that will be undertaken, but there is a very great deal of urgency. We hope that we will have a proportionate amount of data from the pieces of work that I have set out by September next year.

I turn to the subject of marriage. In the Home Office, sadly we very often have to deal with the very worst of humanity, so it is a positive pleasure to talk about civil partnerships and marriage, and to celebrate happy and—one hopes—long-lasting relationships. As someone who is very happily married to a long-suffering husband, I know the irritation that can happen at the ceremony when people realise that the marriage certificate does not provide for the inclusion of mothers. The Government fully support the correction of this issue, and I am grateful to my hon. Friend the Member for East Worthing and Shoreham for drawing it forward.

At this point, I should welcome the hon. Member for Lincoln (Karen Lee) to her place on the Opposition Front Bench. Although I have only been a Minister for eight weeks or something like that, may I give her just a little piece of advice? Hearing and judging the tone of the House is a very important role for those on the Front Bench. She will have noticed that there is a great deal of consensus in the Chamber today, so perhaps we did not need to drag the discussion into, “He said”, “She said”, and so on.

The long title of the Bill refers to only mothers being added to certificates. We need to ensure that when the marriage entry is updated it allows for all the different family circumstances in society today—for example, same-sex parents. Indeed, my hon. Friend the Member for Banbury set out the pressures that can be present in family circumstances and the need for marriage certificates to reflect that. We need to make sure that we have a system in place that enables the marriage register to be capable of adapting. My hon. Friend suggested that perhaps people could simply strike through the marriage certificate to include the mother’s name. I implore people not to do that. This is a technical, legal document, and doing so may mean that it is not valid, so the happy couple will have to go through another ceremony. We will work very hard on this.

I thank my hon. Friend the Member for East Worthing and Shoreham for agreeing to amend clause 1 of his Bill in Committee to insert the provisions of the Registration of Marriage (No. 2) Bill in its place. That important Bill is the long-standing work of my right hon. Friend the Member for Meriden (Dame Caroline Spelman), who has been battling for years to have this anomaly in our marriage ceremony and celebrations corrected. I place on record my thanks for her commitment to ensuring that the marriage certificate reflects the important role of both parents.

When the Registration of Marriage (No. 2) Bill is added to this Bill, the provisions will form the way in which marriages are registered in England and Wales, moving from a paper-based system to registration on an electronic register. I know that some will worry immediately about what that means for the all-important photographs that we show off of the end of a happy marriage ceremony. I assure the House that we will still be able to have the photograph of signing a document at the ceremony. Wedding photographers need not worry: brides and grooms will get that all-important photograph with the document and their signatures.

Moving to a schedule system is the most efficient and cost-efficient way of updating the marriage entry. It would be the biggest reform of how marriages are registered since 1837, moving away from the outdated legislation currently in place. To the joy of my colleagues in the Treasury, it will also introduce savings of about £33.8 million over 10 years. Some concern has been raised about the use of Henry VIII powers in the Registration of Marriage (No. 2) Bill. We would be content for the Bill to be amended to include a sunset clause limiting the use of the powers to a period of three years, allowing for the legislation to be amended to introduce a schedule-based system. Once implemented, that would allow for any amendments required to deal with any unintended consequences.

Having dealt with civil partnerships and marriage, I now move on to the subject of registering stillbirths. I must acknowledge the very hard work and commitment of my hon. Friends the Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach), and the hon. Members for Lewisham, Deptford (Vicky Foxcroft) and for Washington and Sunderland West, who have campaigned so effectively to ensure that these losses are felt within this Chamber and that our legislation reflects them as well.

The Government's ambition is for the health service to provide the safest, highest-quality care available anywhere in the world. I am sure that we would all acknowledge the excellent NHS staff working tirelessly on a daily basis to help us achieve this ambition. Nevertheless, when it does occur—I would like to ensure that Opposition Front Benchers pay due respect to this section of the Bill—the loss of a pregnancy is a heart-rending tragedy for families that stays with them for the rest of their lives. Many of the care considerations for parents experiencing a stillbirth—that is, when a baby is born after 24 weeks' gestation—will be similar for those experiencing a late miscarriage. Local policies, however, may affect the type and place of care offered or available depending on the gestation when baby loss occurs.

Currently, parents whose babies are stillborn after 24 weeks' gestation can register the baby's name and receive a certificate of registration of stillbirth. When a

pregnancy ends before 24 weeks' gestation, however, there is currently no formal process for parents to be able to register their loss legally. Some expectant parents find this to be not just distressing but devastating. The Department of Health and Social Care recognises the need to do more to support families affected by a miscarriage. Some families may want their loss to be acknowledged and registered. Others, however, may feel distressed at any mandatory requirement to do so in the circumstances of their grief. This issue must therefore be approached with great care and sensitivity.

Accordingly, I am pleased that clause 3 will provide for the Government to review this issue and to look at whether current law on registration of stillbirths should be changed to allow for the registration of pregnancy loss before 24 weeks' gestation. As part of this review, we will seek views and evidence from all interested parties. I hope that colleagues across the House will contribute to that review.

I now move on to coroners' investigations.

**Kevin Foster (Torbay) (Con):** May I clarify something before the Minister moves on? My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) made it clear that he did not intend that this Bill would make any change to the provisions on the number of weeks in relation to abortion. Can she confirm that that is the Government's intention as well?

**Victoria Atkins:** I am extremely grateful to my hon. Friend, who shows his usual attention to detail. The proposals in this Bill do not in any way affect the laws relating to the availability of termination. They simply concern miscarriages in the circumstances we have described today. I thank him for allowing me to clarify that on the record.

I move on to coroners' investigations. I should declare that in my previous life I worked with the chief coroner, His Honour Judge Mark Lucraft QC. On clause 4, let me first assure the House that the Government agree wholeheartedly with the need to look at the role that coroners could play in this regard. On 28 November last year, my right hon. Friend the Secretary of State for Health and Social Care, as he now is, made a statement in this House about the Government's maternity safety strategy. This Bill potentially has an important role to play in promoting better outcomes for mothers and babies.

Currently, under the Coroners and Justice Act 2009, coroners do not have jurisdiction to investigate when a baby does not show signs of life independently of its mother. Coroners can commence an investigation if there is doubt as to whether a baby was stillborn or lived independently of its mother, but the investigation stops if the coroner's inquiries reveal that the baby was stillborn. Clause 4 places a duty on the Secretary of State to prepare and publish a report on whether, and if so how, the law ought to be changed to enable or to require coroners to investigate stillbirths. It also gives the Lord Chancellor a power to make regulations amending part 1 of the Coroners and Justice Act 2009 so as to provide for when, and in what circumstances, coroners will investigate stillbirths.

I realise that the House may have concerns about a power to make regulations in this way, but the safeguards written into the clause will ensure that it is used

[Victoria Atkins]

appropriately. For example, the regulations will be subject to the affirmative resolution procedure, so there will be scrutiny by both Houses, and the regulations cannot be used to create any criminal offences unless the offence has an equivalent in part 1 of the Coroners and Justice Act 2009.

The Government think that it is important to carry out a review and produce a report in this area before making any changes. There are important and sensitive issues to explore, such as the question of how far into a pregnancy coronial involvement should be triggered, and the potential role of other factors, such as violence to the mother or medical negligence. We need to hear a wide range of views, including those of coroners, including the chief coroner, medical professionals, researchers in the field and, of course, bereaved parents and the organisations that support them.

I referred earlier to the statement that my right hon. Friend the Secretary of State for Health and Social Care made in the House last November on the Government's maternity safety strategy. He set out improvements under way in the NHS, including the newly established Healthcare Safety Investigation Branch, which will investigate 1,000 cases per year of full-term stillbirths, neonatal and maternal deaths, and severe brain injuries during labour, in order to discover what may have gone wrong and to learn lessons. At the same time, he announced that the Government intend to look closely at enabling coroners to investigate stillbirths. My hon. Friend's Bill today helpfully moves us forward in that regard.

This short Bill has grand ambitions. It deals with the happiest of times—the celebration of love and committed relationships—as well as the saddest of times: the loss of a much-cherished baby. My hon. Friend and others have dealt with the inevitable emotions that arise on such occasions sensitively and powerfully, and I thank them all. The Government want to work with him constructively and thank him for the assurances he has given on clauses 1 and 2. Accordingly, the Government are pleased to be able to support it.

11.21 am

**Sandy Martin** (Ipswich) (Lab): I thank the hon. Member for East Worthing and Shoreham (Tim Loughton) for bringing forward this Bill and commend the hon. Member for Banbury (Victoria Prentis) and my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) for their bravery and determination today.

I support all the elements of the Bill, but I wish to speak to clause 2. The civil partnerships aspect is long overdue. I fully understand why the authors of the original Civil Partnership Act 2004 were focused on their primary purpose of allowing gay men and women to live as couples recognised by the law. The need was great, and hon. Members are well aware that it is often better to put forward a Bill that only fulfils the main purpose, rather than load it down with other, possibly more contentious matters that may delay its transition.

It was a shame, however, that, in passing the Act, the House potentially compromised one of the most important principles that gay people had been fighting for—the principle that every citizen of this country should be

treated as equal before the law. This point was made at the time, and I can remember that some of those making it were seeking to scupper the Act, so I appreciate why it was passed in the form it was. It was incredibly important to me, as a gay man in a civil partnership with my partner, that our relationship be recognised by the law of the land and in consequence treated as equal by all the relevant civil institutions.

I can remember arguing with a customer service employee of the borough council that neither my partner nor I was living alone and that therefore we should not be in receipt of the single person's discount on our council tax. We were seeking to pay the borough the correct level of council tax and were denied the right to do so. The officer actually stated, "We do not recognise the existence of same-sex couples".

My partner can now be my next of kin, will automatically inherit if I die and is accorded all the respect and accommodations due to someone as one half of a legally recognised couple. However, although I fully support the introduction of same-sex marriages, we had no overwhelming desire to get married. We believe that our civil partnership accords us the respect and protections we need and are happy to leave it at that. And that is the position that a substantial number of opposite-sex couples would also like to be in.

Two of my constituents, one of whom is well known to me as a former borough council officer, have lived as a couple for 40 years. They have two children—one is 29 and the other 33—but they have never wished to get married because they do not want to feel that they are binding themselves with some sort of moral straitjacket. They feel that going through the act of marriage would be like an admission that they might split up if it were not for the marriage act, but they do want the fact that they are a couple to be recognised by the law. They have the knowledge and ability to have instituted a complicated legal trust to prevent their children from losing their inheritance when they die, but they are very aware that most couples do not have that ability. They do not understand why, if I and my partner can live in a civil partnership, they should not also have that facility.

**Tim Loughton:** I am grateful for the hon. Gentleman's support for the Bill, and I applaud his public spiritedness in wanting to pay more tax. Does he agree, though, that abolishing civil partnerships and just having the level playing field of marriage would be deeply destructive, because he would be in limbo, belonging to an exclusive and dwindling group to which nobody could be added, which would be an extraordinary position and certainly not progressive?

**Sandy Martin:** I thank the hon. Gentleman for making that point, and I fully agree with him. I am very pleased with my civil partnership. I would not wish it to be changed in any way. As he rightly says, if the civil partnerships already entered into remained but no further civil partnerships were allowed, it would introduce a separate and different relationship under the law for people of the same sex that does not apply to people of the opposite sex. The basic principle that people should be treated the same in law is well worth upholding.

The other point, of course, which the hon. Gentleman did not make explicitly but which needs to be borne in mind, is that many opposite-sex couples have the same

view as the opposite-sex couple I just mentioned, and do not want to enter into marriage but do want their relationship to be recognised. My hon. Friend the Member for Stroud (Dr Drew), who is no longer in his place, made this point very clearly. There are many opposite-sex couples who have been living together for some time, and anything that the law can do to regularise their position and make sure they stay together and are treated properly by the law has to be a good move.

In conclusion, equality before the law is a very important principle. I believe that the civil partnerships aspect of the Bill helps to address that principle, and I urge hon. Members to support it.

11.28 am

**Scott Mann** (North Cornwall) (Con): It is a pleasure to follow the hon. Member for Ipswich (Sandy Martin), and it would be wrong of me not to mention the emotional speech that the hon. Member for Washington and Sunderland West (Mrs Hodgson) made earlier on in the Chamber. She is an exceptional advocate for her constituents, and today I was thankful I was here to listen to her testimony.

It is also a pleasure to be here to see the commendable work that my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) has done. When I go to lobby functions, I often look around to see who else is in the room, and when I come across him—

**Tim Loughton:** You leave quickly.

**Scott Mann:** Ha, ha! When I see him, I know my political compass is pretty much on message.

There are some great elements to the Bill, and the first I would like to touch on is that of civil partnerships. It is always worth remembering in this place to follow the evidence and look at the background of the case, and I want to touch on some of the evidence base. Civil partnerships were introduced in 2004 to allow same-sex couples to obtain legal recognition of their relationships and access to the same legal rights as opposite-sex couples. In the first 10 years, 64,000 people took up civil partnerships, according to the Office for National Statistics figures. The Marriage (Same Sex Couples) Act 2013 meant that same-sex couples can marry under English and Welsh law, and from the end of 2014, civil partners were granted the right to convert their civil partnerships into marriages.

Following a consultation in 2012, no changes were made to civil partnerships under the 2013 Act. The Government argued at the time that civil partnerships were created to allow same-sex couples equal access to the rights, responsibilities and protections for those who are married. In 2014, another consultation was launched to gather views and evidence on the future of civil partnerships. Almost 11,500 people responded, with a huge range of views.

Since that, there has been a legal case, which sits behind this Bill. In 2016 a heterosexual couple presented a case to the High Court arguing that they faced discrimination under present law. The case had much wider implications, and the judge granted the couple permission to take it to the Court of Appeal. The hearing took place in November 2016 and the judgment was delivered in February 2017. All three judges said

that the claimants' human rights were affected, but concluded by a majority that it was proportionate for the Government to take time to decide the future of civil partnerships.

I have received correspondence on this issue, and I have no problem with this element of the Bill. However, as the Minister said, we need to consider a much wider evidence base before forming a consensus.

**Michelle Donelan:** Does my hon. Friend think that the review should look at whether the public understand the difference between civil partnerships and marriage? They are equal in legalities, and there is no financial benefit of one over the other.

**Scott Mann:** My hon. Friend from the south-west makes an interesting point, and I know the Minister is listening.

It is a travesty that the mother's name is not on the marriage certificate. I was not aware of that until I did some research into the debate, and it came as a real surprise to me. It is madness that this has been allowed to go on for such a long time. Since 1837, the marriage register entry in England and Wales has included details of the spouses' fathers but not their mothers. There are presently two Bills going through Parliament that seek to change that inequality, one introduced by the Bishop of St Albans, which has had its Second Reading in the Lords, and the other by the Second Church Estates Commissioner, my right hon. Friend the Member for Meriden (Dame Caroline Spelman), which will have its Second Reading on 23 February. This change has long been called for and has cross-party support.

In 2014 the then Prime Minister gave a commitment that the content of the marriage entry would be updated to include the details of both parents, as current procedures did not reflect modern Britain. Statistics show that there are currently some 2 million single parents in the country, around 90% of whom are women. As it stands, if any of their children were to get married, they could include only their father's details in the marriage entry. Their mother's details would not be included. In the modern world, that is unacceptable.

I will not touch on the third and fourth elements of the Bill. Many Members have spoken about those elements, including my hon. Friends the Members for Colchester (Will Quince) and for Banbury (Victoria Prentis) and the hon. Member for Washington and Sunderland West. I do not feel I can add anything particular, and I look forward to the speeches yet to come on those issues.

In conclusion, there are many commendable elements of the Bill, and I hope Her Majesty's Government and my hon. Friend the Member for East Worthing and Shoreham can find a way to review the issues raised today.

11.34 am

**Mohammad Yasin** (Bedford) (Lab): I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on bringing the Bill to the House. It is clear that the legislation on the registration of births, deaths and marriages needs updating. It is time that the details of mothers, not just fathers, are included in a marriage registration, and it is time for us to reform the laws on the investigation and registration of stillbirths.

[*Mohammad Yasin*]

I recently received a letter from a coroner. Together with other coroners, he is seeking a change in the law that would enable coroners to investigate all stillbirths that occur after 36 weeks. That is generally regarded as full term, and the reason for death after 36 weeks needs to be explored. Hospitals should involve parents and answer their questions about why their baby has died through their review processes, but when those questions are not answered, the coroner plays a vital role in looking for answers and ensuring that lessons are learned and mistakes are not repeated. As the law stands, the coroner cannot investigate stillbirths. That needs to change, and parents need to have that option.

The problem is that there has been virtually no decrease in the rate of stillbirths in England and Wales in recent years. The latest data give the figure for stillbirths in the UK in 2014 as 3,252. That is higher than those reported in the best-performing countries in Europe. I think it reasonable to argue that the rate remains so high because individual stillbirth cases are not properly investigated. The fact is that the majority of stillbirths are avoidable, and the outcome for both mother and baby would have been different if the care was improved. How can care be improved if there is no analysis and learning from mistakes?

The inquest process would require the circumstances of the death to be looked at and considered and recommendations made to improve outcomes in the future, which of course will save lives. However, it is important to say that the inquest process will not be appropriate in all cases of stillbirth. It is vital that a coroner's investigation into stillbirths happens in close consultation with parents. Some parents may not want an inquest.

Sands, the stillbirth and neonatal death charity, welcomes the provisions in the Bill that will enable a coroner's involvement but does not wish to see that made mandatory. Stillbirth is a traumatic experience for parents and families, and I agree with Sands that it is vital to consult publicly as part of any review, to ensure that families' views are fed into the process, which can be extremely prolonged and painful for them, so as not to cause additional emotional harm to bereaved parents.

11.37 am

**Maggie Throup** (Erewash) (Con): It is a pleasure to follow the hon. Member for Bedford (*Mohammad Yasin*). I commend the hon. Member for Washington and Sunderland West (*Mrs Hodgson*) for her powerful and emotional speech. She said she was not brave or strong. I completely disagree; she is very brave and very strong, and I thank her for her words. People in the House were moved, and I am sure that those watching her speech on TV were also moved. She made very important and powerful points, and I thank her.

I congratulate my hon. Friend the Member for East Worthing and Shoreham (*Tim Loughton*) on bringing his private Member's Bill to this stage. The way that he has brought four pieces of legislation together is ingenious. I have looked for the common theme, and I think that it is how individuals and their loved ones are recognised. I hope that he agrees. It is a pick-and-mix Bill, and I am going to pick a couple of bits to talk about today. I will

talk to the first two clauses, on the registration of marriages and civil partnerships and the reform of civil partnership.

As other Members have said, my right hon. Friend the Member for Meriden (*Dame Caroline Spelman*) and my hon. Friend the Member for Charnwood (*Edward Argar*) have been very vocal on and great advocates for the registration of marriages. It is so important to have our mothers' names on our marriage certificates. My hon. Friend the Member for North Cornwall (*Scott Mann*) said that he was not aware until he began to look at this that our mothers' names are not on our marriage certificates. I am sure a lot of people are under the illusion that their names are included, and only when they look at the certificate after the event do they realise that the name of a very important person is missing. Our mothers form our early lives and our lives as we grow up and enter adulthood, and they play such an important role. I am sure they have also had an important role in putting together the wedding ceremony, only for them to be denied having their details on the marriage certificate, which I think is so wrong.

We are celebrating 100 years of women having the vote, which makes it even more bizarre that this has not been sorted out. It is a matter of equality, as well as a matter of family history and social history. So much information will be able to be gathered in the future if we include our mothers' names on marriage certificates. My family is a case in point. My marriage certificate had my father's profession as a timber merchant, but not what my mother did—she was a classroom assistant in a school for disabled children—after bringing up her children and as we got older. On the paternal side, my grandfather was included in my parents' marriage certificate as a mill worker, but my grandmother, who was in service, is missing. On the maternal side, my grandfather was included as a railway worker, but, sadly, I do not know what my grandmother did, and I can no longer ask my mother, so that bit of social history is missing. What we are discussing will not only add to social history, which is so important, but demonstrate social mobility and address the equality side of things.

**Rebecca Pow:** My hon. Friend is making a very emotive point. Does she agree that this is very important not only on the social side—we seem to disappear if we are not on marriage certificates—but in these days of equality? We are going to celebrate 100 years of women having the vote and all of us in Parliament talk about equality, yet this situation is completely unequal.

**Maggie Throup:** If we look at this across the board, we see not only this inequity, but others. We need to look at such things in more detail to make sure that men and women—I include men in this—are equal because there are inequalities for both genders and we need to sort this out.

I agree that we need to look at the cost and make sure that any change is not made at huge cost to the taxpayer, so I welcome the way in which it has been proposed. That is so important, as is not losing a vulnerable certificate that means so much to so many people.

I will move on to the second part of my speech, which is on the reform of civil partnerships. I welcome the Minister's words about more work being carried out. We are aware that civil partnerships were originally

intended not as an alternative to marriage, but to provide a legal recognition of such relationships and access to the same legal rights. We need to make sure that, if we make any change in legislation to include heterosexual relationships in civil partnerships, we get it right.

If we look at the data on what is happening with civil partnerships, we find that almost half the people entering civil partnerships are now aged 50 or above, compared with 19% in 2013, so the way people perceive civil partnerships has changed. The average age of women entering civil partnerships is now higher than that of men, so we need to look at what we are trying to do and what gap we are trying to fill. The uptake of civil partnerships has now decreased dramatically. According to the data I have, approximately 6,000 women and 9,000 men entered civil partnerships in 2006, but the numbers of both types of civil partnerships are now down to three figures. We must make sure that we are actually providing the right mechanism for people to cement their relationships and the security they are looking for in the future. With a population of 84,000, there is a good cohort of people on the Isle of Man, where civil partnerships for mixed-sex couples are available, to look at to see what lessons can be learned, as well as what works and what does not work.

I thank the Minister for looking at this in more detail. We need to make sure we get right any changes we make. I know people will say that we are not rushing into this, but we do need to make sure that we are providing the right mechanism for the right people at the right time.

11.46 pm

**Andy Slaughter** (Hammersmith) (Lab): I want to make a few brief remarks about clause 2, on the reform of civil partnerships, but I begin by adding my congratulations to the hon. Member for East Worthing and Shoreham (Tim Loughton). It is a shame that he has had to wait 20 years for a Bill, but he is certainly making up for it now. It is always a pleasure to work with him, because he does so in a spirit of just getting things done. We were together on the tasting panel to choose the new House of Commons gin—and that went very well indeed. I should add that it is a very fine west London gin. Despite his positivity, I am sure he shares my disappointment that the Bill does not go further, and I hope that it will do so in Committee and on Report.

I am slightly alarmed that the Bill, albeit in what is perhaps a holding clause, raises the prospect of losing civil partnerships altogether, because I think that would be a backward step. The Government are clearly serious about looking at that as an alternative, but I urge them to think again. I think that the consensus across the House—hon. Members have been very supportive of the Bill generally—is very much to support civil partnerships as an institution, and one that adds something to the institution of marriage. Yes, it is good—this is a step forward—that the Government recognise that there has to be equality, that there is unfinished business and that this is a “how the law will change” clause rather than, like some others, a “whether the law will change” clause. Such a lack of equity is very important because we should not treat different couples differently, as my hon. Friend the Member for Ipswich (Sandy Martin) said, so even though such a change would extend rights for

opposite-sex couples, it would not be good for same-sex couples. The point that was made that suddenly creating a historical and fossilised group of people if we now remove civil partnerships from same-sex couples just seems perverse.

A stronger reason, which I thought would appeal to the Government, is that the provision extends choice. That is the primary motivation of my constituents Charles Keidan and Rebecca Steinfeld, who I am pleased to say are here for the debates. They have been absolutely stakhanovite in pursuing this matter through the High Court for judicial review, through the Appeal Court and now on to the Supreme Court on 15 and 16 May. That shows a huge commitment, as Members will understand, of energy, time and resilience. They feel strongly about it because they feel that the institution of marriage is not for them, but they want to make the commitment and have the security and rights that a binding contract would give them. Why should they be deprived of that? They have had substantial support from their legal teams, the Peter Tatchell Foundation and the many other couples who seek this remedy, some of whom have already sought it by going to the Isle of Man and other places.

Charles and Rebecca now have two young children—they did not have them at the start of the process—and it will be good if the Government can move speedily. They are being prompted not only by Members of Parliament but by the Supreme Court and the Appeal Court to get on with it. The issue of choice in itself is sufficient, but I would mention one other point, which was raised by my hon. Friend the Member for Stroud (Dr Drew) in relation to cohabitation. There are now 3.3 million cohabiting opposite-sex couples. That figure has more than doubled in the past 20 years. Surveys have shown that two thirds of those couples are unaware that there is no special institution called “common law marriage”. They have extraordinarily few rights. A couple separating after perhaps 20 years or on the death of one partner can find that they have very few rights and many liabilities that they would not otherwise have had.

Lady Hale, the President of the Supreme Court, has called for

“a remedy for unmarried couples in English law, along the same basis as in Scotland”,

where there is some protection. I do not say that the extension of civil partnerships will be some magic bullet for dealing with the real problems with cohabitation law or lack of it, but it is nevertheless a step forward. The very fact that we are all talking about it and that there is a lot of publicity about the Bill and the issue will make more people aware of their lack of rights. I think that a substantial number of people will take advantage of the change in the law; people who do not want to go through even a civil, let alone a religious, marriage ceremony will see a civil partnership differently and will get that protection under the law.

The Bill provides an opportunity for the Government to look more generally at the gaps in the system. The Bill deals with one of those gaps. We will return no doubt at some stage to humanist marriage, but the Government also have a duty to look at cohabitation. Perhaps not by coincidence, the case of Siobhan McLaughlin is also going to the Supreme Court in April. She was cohabiting for 20 years, and her partner sadly died. She had four teenage children. She found

[*Andy Slaughter*]

out that she was not entitled to bereavement payments or to a widowed parent allowance of perhaps more than £100 a week. The Supreme Court will no doubt do its usual excellent job on this, but I am not sure that these are matters that should be left entirely to the courts. They are for us and for the Government.

I hope that in amending and supporting the Bill promoted by the hon. Member for East Worthing and Shoreham, the Government will support the extension of civil partnerships. I hope that they will also look more generally at defects in the rules for both cohabiting couples and couples who wish to enter the security of those arrangements.

11.53 am

**Will Quince** (Colchester) (Con): Thank you, Madam Deputy Speaker, for kindly calling me. It is a pleasure to follow the hon. Member for Hammersmith (Andy Slaughter). I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on introducing this important Bill. It is a bit of a smorgasbord of issues that are all important in their own right. It may not come as a surprise to the House that I want to touch on clause 3 on the registration of pregnancy loss occurring before 24 weeks and clause 4 on investigations by coroners into stillbirth.

I have huge amounts of time for the aim of clause 3, and I recognise the huge inequality in the particular case that my hon. Friend raised of the poor mother who lost twins, one born before and one born after the 24 week cut-off date. Only one of them was recognised by the law. That is why the review set out in the Bill is so important.

I am immensely proud to co-chair the all-party group on baby loss, which the hon. Member for Washington and Sunderland West (Mrs Hodgson) and my hon. Friend the Member for Banbury (Victoria Prentis)—I am pleased to see them both in the Chamber—helped to set up. With my hon. Friend, I remember collaring the former Member for Ipswich, who was then the Care Quality Minister, at about 1.30 am during a Finance Bill. We sat him down and discussed how we were to take our work on baby loss forward, and how we would address some of the big issues.

**Henry Smith** (Crawley) (Con): I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on his Bill, and I thank my hon. Friend the Member for Colchester (Will Quince) for his work on baby loss. I lost my son, Ethan, to stillbirth in 2004, and—it might sound strange to say this—I was fortunate to get a stillbirth certificate, because the incident occurred post 24 weeks. I commend my hon. Friend and others for everything they are doing to further this important cause.

**Will Quince:** I am very sorry to hear of my hon. Friend's loss, and I thank him for his campaigning on this issue. He makes an important point about the discrepancy in our law, and the time has come to address it.

The all-party group on baby loss has two fundamental aims. The first is to reduce stillbirth and neonatal death, and the Government have been hugely supportive on that aim. We now have a target of halving stillbirth and

neonatal death by 2025. When I first arrived in Parliament and we raised the issue in late 2015, the aim was to achieve that reduction by 2030, but the date has been brought forward. That is fantastic news, because we lose between nine and 15 babies every day. We have one of the worst records in the western world, and it has to change. The Government have put in place a number of steps to make that happen, and I am hugely positive and optimistic about the future.

Even if we meet the aim of reducing stillbirth and neonatal death by 50%, however, 2,500 to 3,000 babies will be stillborn every year. That does not even touch on the huge number of parents who suffer what we define in law as a miscarriage, and the Bill will give us the opportunity to look at registration and recognition in that area. Even if we achieve all our aims, there will still be parents who go through this emotional and personal tragedy. That is why bereavement care and support are so important. The hon. Member for Washington and Sunderland West was right to mention cold cots, because we need such facilities—and, indeed, bereavement suites—in every hospital in the country.

**Nic Dakin** (Scunthorpe) (Lab): I have listened to most of this debate, and I have been very impressed by the contributions. Does the hon. Gentleman agree with me about the importance of organisations such as Scunthorpe Rotary, which is working locally to get a bereavement suite at Scunthorpe General Hospital? The work of such organisations across the country makes a real difference to people at a very difficult time in their lives.

**Will Quince:** The hon. Gentleman makes a powerful point. Charities and the Government have to work hand in hand with each other and with parents, many of whom want to do something to support the hospital that helped them after they suffered their tragic loss. Parents are helped not just by hospitals, but by charities, too. After our loss in 2014, my wife said to me, “I don't want flowers. I don't want the house to be full of flowers that then die.” So we set up a JustGiving page to enable people to donate money—in the end, it was a huge amount—to the specialist bereavement suite.

The work being done by groups such as Rotary, as well as by charities and individuals up and down the country, is to be applauded and welcomed, but the Government should not use it as an excuse not to act in places that do not have such facilities. The Secretary of State has been very positive in that regard, and he wants there to be a bereavement suite attached to every maternity unit in the country.

Bereavement care is hugely important, and I am pleased to say that the bereavement care pathway has been launched and is operating in 11 trusts. The plan is to roll it out nationwide later this year, to provide consistent bereavement care for those who suffer the loss of a child. Not only are the consequences of getting it wrong too great for the parents and the family, but there is a huge social cost, as we can see from the number of parents who, sadly, separate after the loss of a baby.

I want to touch on the point about recognition. The hon. Member for Washington and Sunderland West made this case very powerfully in her speech, and I applaud her for her bravery in setting out the case for this change more powerfully than I ever could. We come

to the very term “stillborn.” In effect, when we talk about stillbirth we are talking about a “still born” baby. It is important to recognise the double meaning: they are indeed still born, whether it is pre-24 weeks or post-24 weeks. For the parents who hold that baby in their arms—perfectly formed, beautiful babies—the only difference is that they are not breathing. I am not going to be the person who says to that parent, “That baby didn’t live,” or, “They weren’t here. They weren’t with us. They weren’t a real entity. They shouldn’t be recognised in the law.” The time has absolutely come for this change. We pretty much have cross-party consensus on that, and I am really pleased that the Government support it. The review will make a difference and the all-party group on baby loss will, of course, feed into that.

Clause 4 is a policy that I very much support. My hon. Friend the Member for East Worthing and Shoreham and I are undoubtedly very much on the same page on investigations into stillbirth, and his campaign is a very big part of why the Government have made so much progress on this issue. We can learn a huge amount more from people’s experiences and share them across the NHS, and that has to be a good thing, because the more we speak to parents, the more we hear that those who lose a child want their child’s life, however short, to have meaning. I raised that in an intervention on the hon. Member for Washington and Sunderland West, but I am not sure it helped all that much. What I mean by that is that parents want to know what happened, how it happened, where there will be learning, and that those learnings will be shared across our NHS to ensure that as few parents as possible have to go through that huge emotional tragedy and ordeal.

I was kindly invited by the Secretary of State for Health—now the Secretary of State for Health and Social Care—to his speech to the Royal College of Obstetricians and Gynaecologists. He came immediately afterwards to make a statement, saying that from April this year, the Healthcare Safety Investigation Branch will investigate every case of stillbirth, neonatal death, suspected brain injury or maternal death notified to the RCOG Each Baby Counts programme. To put that into numbers, there are around 1,000 incidents every year. He also announced—this point is significant in relation to the Bill—that he would work with the Ministry of Justice

“to look closely into enabling, for the first time, full-term stillbirths to be covered by coronial law”—[*Official Report*, 28 November 2017; Vol. 632, c. 179.]

This seems an appropriate time for me to pay tribute to the Secretary of State for all the support that he has given me and the all-party group in our campaign to reduce the stillbirth and neonatal death rate. I also pay tribute—this is my first opportunity to do so in the Chamber since the reshuffle—to my hon. Friend the Member for Ludlow (Mr Dunne) for all his work as Minister of State in the Department of Health, following on from his predecessor, the Care Quality Minister, the former Member for Ipswich. As Back-Bench MPs, we have numerous meetings with Ministers, and we know that those take place more out of courtesy than anything else, but that was never the case with my hon. Friend the Member for Ludlow. He genuinely took an interest in the issue and our work, and he recognised that we had a real opportunity to make a huge difference in reducing our stillbirth and neonatal death rates in this country. We should all be very proud of that legacy.

My wider point is that the Government are listening. The Bill reinforces the mood music and soundings that we have had from them in this regard. They are trying to learn from best practice elsewhere and from unfortunate incidents where stillbirth occurs. Most importantly, as I mentioned, the Secretary of State has already told the House that he is looking into coroners investigating stillbirths, and that is very welcome. When that work has been undertaken, we will certainly work with him and anybody else who wants to be involved with the all-party group.

Improving support for bereaved parents and learning from experiences so that we can lower our stillbirth and neonatal death rate are small things, but they will make a huge difference to thousands of people up and down the country. I will support the Bill.

12.4 pm

**Helen Whately** (Faversham and Mid Kent) (Con): It is a pleasure to follow my hon. Friend the Member for Colchester (Will Quince), who has been such an effective campaigner on this issue, and other colleagues who have made such brave speeches about their own experience of neonatal birth and stillbirth, and losing their loved ones. I also congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on this brilliant Bill, which my hon. Friend the Member for Erewash (Maggie Throup) rather ingeniously named “the Loved Ones Bill”, a nickname that brings all its elements together.

Earlier this week, I had the pleasure of meeting Denise and Dale from Boughton Monchelsea, in my constituency. They came to the House to talk to me about civil partnerships. They desperately want to make a formal commitment to each other. They want to ensure that they would both be financially protected should something happen to one of them, but they do not want to get married. They want a civil partnership, but, unlike their friends in same-sex relationships, they do not have that option.

The introduction of same-sex civil partnerships was an important step towards greater equality, putting same-sex couples on a similar legal footing as married couples and officially recognising their love and commitment in law. In 2013 we rightly introduced gay marriage, recognising that marriage has a particular status in our society, and that same-sex couples who wanted to marry should be able to do so. Paradoxically, however, opposite-sex couples are now being effectively discriminated against, as they are not given that choice. If we believe in relationship equality and giving couples the same rights and freedoms whatever their sexuality, it makes no sense to deny civil partnerships to opposite-sex couples.

I am married myself; my parents are married, as were my grandparents; but I recognise that not everyone has such good experiences of marriage. Some people see it as a patriarchal institution that oppresses women. They clearly have not met my husband and me! [*Laughter.*] Not all people feel that marriage is right for them, and their choice should be respected.

**James Cartlidge**: My hon. Friend is making an excellent speech. She mentioned discrimination. In 2016 a heterosexual couple presented a case to the High Court, claiming that the present law discriminated against them.

[James Cartlidge]

The case was dismissed because the judge ruled that they were not subject to humiliation or derogatory treatment as a result of their status. Surely the point is that the system discriminates de facto, irrespective of whether people are actually abused.

**Helen Whately:** My hon. Friend has made a very good point in citing that case.

If, for whatever reason, a couple do not feel that marriage is right for them, but want to make a strong and formal commitment to each other—and given that we have developed a model for it with civil partnerships, even if that was not the original intention—I believe that we should allow them to do so.

Furthermore, we know that children benefit from growing up in a stable family, with a couple who have a stable relationship. Not every relationship works out, and not every child will be brought up by a couple in a stable relationship, but we owe it to children to help people to form, build and sustain stable relationships, and I believe that if a civil partnership is the way in which a couple want to formalise their commitment to each other, it is wrong to stand in their way.

Let me now turn to the registration of marriages. It is clearly wrong for mothers not to sign the registers, and it is also clearly outdated. The current system does not reflect modern Britain. When the child of a single mother gets married, only the father's name is included on the certificate, even if the child was raised by its mother alone and barely knew its father. I made a point earlier about some people's perception of marriage. The continuation of a system that does not allow mothers to sign the marriage register may add to the view of some people that marriage is rather old-fashioned and patriarchal. That is something that we could put right.

Finally, on the registration of stillborn babies, I cannot imagine the pain of losing a baby; I remember the misery of an early miscarriage, but I find it hard to imagine how I would have felt if one of my children had been stillborn, and I have so much respect for colleagues who have spoken so courageously about their experiences, particularly the hon. Member for Washington and Sunderland West (Mrs Hodgson), who has spoken today, and my hon. Friends the Members for Banbury (Victoria Prentis), for Colchester and for Crawley (Henry Smith), who mentioned his own experience earlier. I have enormous respect for what they are doing in their campaign on this, and I know it is appreciated by constituents of mine who have been through stillbirth. A constituent of mine who lost a baby—I will change the name—told me:

“Emma was my daughter, she wasn't a statistic.”

My overriding view on this matter is that we have to do better in our health system at reducing the number of stillbirths. I spent time working in maternity units and found it shocking when looking at the data and asking questions that I got the impression that it was just accepted that every year there would be nine, 10 or 11 stillbirths; that was just how it was—that was just a fact. In the particular unit where I heard that, there did not seem to be a sense of inquiry about why, and whether each one of them could have been prevented. That simply should not be accepted.

I welcome the Government's work and the ambition to halve the stillbirth rate; that is absolutely right, and, as my hon. Friend the Member for Colchester has said, there is a huge amount going on. A crucial part of achieving that ambition is understanding what has happened when there is a stillbirth—what went wrong—through proper investigations, perhaps by an independent body. As my hon. Friend the Member for Banbury said, coroners investigations might not always be the right way to do that, but sometimes they might, so I welcome the inclusion of that in the Bill.

We should learn from stillbirths—or late miscarriages, as they are officially known—whenever they happen, whether after 24 weeks or before. We have heard powerful points on the registration of babies before 24 weeks, and I am conscious of time so I am not going to contribute on that. Instead, I conclude by saying that I welcome the fact that the Government are clearly listening very hard and supporting the Bill.

12.12 pm

**Rebecca Pow** (Taunton Deane) (Con): I am pleased to follow my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) and to have heard her passionate words, particularly about stable partnerships and her experiences in the NHS. I am delighted to support the Bill of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton). It is a short but packed Bill that deals with life and death and everything in between, including a lot of loving. It is therefore a very worthy Bill, and I want to turn first to the point about mothers' names on marriage certificates.

I have been married for 29 years, and think a medal is in order—although I am not sure whether it should be given to me or my husband. The whole concept of making a commitment and marrying somebody was a very big decision, and our wedding day was a most momentous day, and our union is forever recorded on our marriage certificate. But currently on our precious marriage certificate there is no reference to my poor mother at all, even though she bore me and virtually died—something she has never stopped reminding me of since. I tell her I was trying to make my presence felt at a very early stage. Similarly, when my two daughters get married—if they do—as the law stands, my name will not be on the marriage certificate. One might reflect that that is of no particular consequence, but as my hon. Friend the Member for Erewash (Maggie Throup) pointed out, genealogists and others interested in tracing their family history or the social history of women will be unable to find this kind of information because it is not recorded. That is a great pity, especially as so much progress has been made on women's equality. Next week, we will celebrate 100 years since women got the vote, and it is ironic that we should be standing here right now debating whether we should be allowed to have our names on marriage certificates. The system is simply archaic, and this came about because we were regarded as the chattels of our husbands, as my hon. Friend the Member for East Worthing and Shoreham said. It is quite clear that we are no longer simply chattels; there is a lot more to us than that.

More pertinent to the debate is the fact that, owing to the changing nature of our society, there are 2 million single parents in the UK, 90% of whom are women. Under the current system, if those women's children get

married, only the father's details would be included on the marriage entry. That is a damning indictment of the many women who have done so much great work to bring up their children alone. On those grounds, I think that this is a really important area that we should be pushing, if we are to better reflect the modern state of Britain.

Such a change would also provide an opportunity to reform the whole system of marriage registration. Using digital technology, we could make the whole system much more efficient and create a more secure system for the maintenance of marriage records. Ironically, there is a system for civil partnerships in England and Wales, but Scotland and Northern Ireland have a scheduled system that has been in place since 1855 which deals with all this. We are not normally behind the Scots, but in this instance we clearly are.

I want to turn to the part of the Bill that deals with a more sombre affair: the proposals to allow coroners to investigate and register certain stillborn deaths. I can only imagine the pain that stillbirth can bring, but sadly, it is an experience that many women have faced. Having some lasting recognition that the child was part of life will provide some small compensation. My hon. Friend the Member for East Worthing and Shoreham went into moving detail about some twins who fell foul of the system. I also want to pay tribute to the hon. Member for Washington and Sunderland West (Mrs Hodgson) for the way in which she related her story today. I absolutely take my hat off to her, and I thank her very much indeed for doing that.

Changing the definition relating to stillbirth to beyond 24 weeks has already been done; the Government have reduced the threshold from 28 weeks. However, having had three healthy children myself—for which I count myself incredibly fortunate—I know that they were certainly making their presence felt at six months, or 24 weeks, but I am sure that all women who have had a baby will know that that person makes their presence felt from day one. That life is worth celebrating, whatever happens. It is absolutely right that the Government are looking into bringing down the threshold, and I welcome the review of this aspect of the Bill. I also support the clause that deals with investigating certain types of stillbirth. From April this year, the Healthcare Safety Investigation Branch will investigate every case of stillbirth, neonatal death, suspected brain injury or maternal death notified to the Royal College of Obstetricians and Gynaecologists. There are currently 1,000 of these incidents a year. Having a stillbirth would not be wished on anyone, but should it happen, gathering evidence about the whys and wherefores is so important if we are to avoid future stillbirths.

Best practice is more important than anything else, and I highlight Musgrove Park Hospital in my constituency. I am not sure whether the all-party parliamentary group on baby loss knows about the project at Musgrove Park, but it has won a national award because of the excellent care bundle that has halved the number of stillbirths at the hospital in three years. The project has done excellent work, and it would be good if that model could be rolled out elsewhere.

The reduction in stillbirths has come through better support to help women stop smoking in pregnancy; the identification of small babies during pregnancy; and making mothers aware of the need to report, without

delay, changes such as not feeling any movement. All the pregnant mums at Musgrove Park are being given wellbeing wallets and documents to fill out, which is something the all-party group is recommending to other hospitals. I could not recommend the scheme at Musgrove Park more—it is literally a lifesaver.

Finally, civil partnerships were never intended to be an alternative to marriage, but a clear case has been made today for looking much more closely at the issue. I support the Minister in calling for a further review and consultation, because the more evidence that can be gathered to make the case, the better. What is really important is the safety and strength of our family units. If we can do anything to improve that, all the better.

There is much in the Bill that is good, and it genuinely goes to the heart of people's lives. I support the measures that are going forward, and I support the reviews that the Government are instituting to edge forward the other proposals, too.

12.21 pm

**Michelle Donelan** (Chippenham) (Con): I echo the support that has been expressed for the Bill, which will ensure the registration of stillbirths before 24 weeks and give coroners the power to investigate stillbirths.

I will concentrate on the clauses that address civil partnerships. I stress that I understand the case that hon. Members have made today, and I applaud the passion of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for this topic. Although I welcome a report and a review to find more evidence, I think that rolling out civil partnerships to everyone is not the right approach, as I am confident such a review would highlight.

It is time to refresh our minds as to why civil partnerships were invented. They were invented because same-sex marriage was not legal. Civil partnerships were not intended to be a permanent alternative to marriage. They were created to allow same-sex couples access to rights, responsibilities and protections equivalent to those afforded to married couples. That is no longer the case.

I appreciate and empathise with the argument that the current situation is unequal because opposite-sex civil partnerships are not available, but the answer is not necessarily to expand civil partnerships. In fact, I would rather see civil partnerships cease altogether. Today everyone in the UK can get married. We finally have equality, which is what people have campaigned for and fought for. Expanding civil partnerships to all would serve to add an extra tier, which would confuse and complicate commitment, rather than encouraging it.

Let us also be clear that there is no legal difference between marriage and civil partnership. The differences are in the names, in the ceremonies and the fact that women are, of course, named on their children's civil partnership certificates, but we can address that separately—I passionately believe in naming women on their children's marriage certificates.

**Andy Slaughter:** The hon. Lady has spoiled my tweet: I have just tweeted that there is unanimous support in the House today for extending civil partnerships. Does she take the point that this is about extending choice? It

[*Andy Slaughter*]

will not affect her or other people adversely; it will simply give other people the chance to do something that they want to do.

**Michelle Donelan:** I apologise for spoiling the hon. Gentleman's tweet, but I do not agree with him. Other Members have yet to speak, so I will make the case in the rest of my speech. I am sure I will answer him in full. Marriage is ended by divorce, whereas civil partnerships are ended by a dissolution, which is just as lengthy a process. We need to be clear about that, because some assume that it is easy to dissolve a civil partnership—it is not. There is no difference, other than that adultery cannot be cited as a reason for civil partnerships to dissolve—that is not a case for expanding them further. They both offer legal recognition of a relationship, they are symbolic, they are acts of union, and one does not have financial benefit over the other. Civil partnerships do not act as a form of additional co-habitation rights; they are legally the same as marriage.

Some say that civil partnerships are a modern alternative to marriage, and I recognise that argument, yet they are basically the same. It is important that we educate people about that and do not mis-sell the point. I have spoken to a number of people who have a civil partnership and they find it offensive to suggest these things are not the same. Nor are civil partnerships a stepping stone for couples who are not ready to marry; they are marriage but with a different name. Perhaps there is a misunderstanding that we need to address in the review.

Another point to make is that civil partnerships are not cheaper. That argument has not been made in today's debate but I have heard it before. Weddings and civil partnerships can cost as much as people make them cost. Another argument used for the Bill is the claim that people can be put off by the word "marriage" and the connotations, social pressures and expectations of what it represents. Do we really believe that a significant number of people choose not to marry because of the word "marriage", but are absolutely fine to make all the same legal and financial commitments when the name is different? The connotations, social pressures and expectations around marriage often exist because it is seen as something permanent and something that can end badly, but that is equally true of a civil partnership. As time progresses and more and more people have them, that will become known. So in a few years' time will we offer a third option and then a fourth? It is also important to note that amending the eligibility criteria for entering a civil partnership would cost at least £3.3 million to £4.4 million, so the option on the table is not exactly cheap.

Another key aspect we must consider is the level of demand. That is particularly pertinent and the review will highlight it, which is why I strongly support having a review and a consultation. As lots of Members have said, two consultations have already taken place, but on the whole there was very little input from people. That suggests that there is potentially a lack of demand in this area, but we need a further review to examine that. In addition, no clear consensus was established.

Since the introduction of marriage for same-sex couples, the number of civil partnerships has fallen dramatically, and there were just over 1,000 formed in the UK in 2016.

Between 29 March 2014 and 30 June 2015, 7,732 couples converted their civil partnership into marriage. A key aspect for us to consider in enabling opposite-sex civil partnerships is—

**Tim Loughton:** My hon. Friend is perfectly entitled to her view, but I fundamentally disagree with it. I certainly would not wish to deny those potentially many thousands of couples on the basis of this costing about £3 million. She says there is no difference between civil partnership and marriage, and that it should not be treated any differently. In terms of status, that is right, but why is it that more than 80% of same-sex couples who have committed to a civil partnership do not think that they need to or want to convert that into a marriage? They think a civil partnership is different and more appropriate for them—why does she think they are wrong?

**Michelle Donelan:** I thank my hon. Friend for his intervention. We do completely disagree on this topic. His accusation that 80% of that cohort do not want to convert into marriage because they see it as something unique is a wild one. I have many friends who have a civil partnership and they choose not to convert it because they already have something that is equal—my hon. Friend is therefore backing up my point that a civil partnership is just as good as, if not the same as, marriage; it is a duplication. That is why they do not seek to convert it.

A key thrust of the case for enabling opposite-sex civil partnerships is that it would encourage commitment, helping ensure that families stay together, which all the research shows is advantageous to children—I agree with that sentiment. However, the argument is tenuous. Some 2.9 million different-sex couples living together in the UK are not married. The Equal Civil Partnerships website, which backs this campaign, states that some of those people do not want to make a legal commitment, but civil partnerships are the same thing. It cites the "trappings of the institution" as another reason but, as has been discussed, civil partnerships will effectively morph into an institution. They are the same as a marriage.

Committed relationships tend to last for just that reason—they are committed. If we add another tier, that does not necessarily mean that different people will enter into that commitment. It might actually mean that all we do is split the same pool. I am passionate about enabling and facilitating commitment and helping families to stay together, but the answer is to further promote commitment, study why relationships and families break down, and invest in those areas.

**Helen Whately:** May I pick up on my hon. Friend's point about splitting the same pool of people who might otherwise marry into those who get married and those who have a civil partnership? I have spoken to people who would like to form a civil partnership and do not feel that marriage is the right thing for them for all sorts of reasons that should be taken seriously. They will not get married instead, and the alternative is that they do not have any legal recognition of their relationship. Will my hon. Friend address the concerns of those people who do not feel that they can get married and would like their relationship to be formally recognised as a civil partnership?

**Michelle Donelan:** I do not think it would be entirely the same group of people. There would be some others, but I do not think it would be a significant number. We need to examine why those people do not feel confident about getting married and deal with those issues, rather than create another form of marriage by a different name. People can get married in a civil ceremony that is very similar to a civil partnership. There are potentially other issues as to why people are not getting married, other than just the name of the institution.

Expanding civil partnerships would undermine the sanctity of marriage by encouraging some people away from marriage and confusing matters. I ask Members to consider the words of David Levesley, a gay rights campaigner who wrote recently in *The i* newspaper:

“It is one thing to think that marriage is patriarchal and sexist. It is another to try and suggest that something the gay community fought to improve upon is something we should start praising as a great, liberal alternative.”

This entire campaign is based on a sense of inequality—a sense of inequality that I recognise, appreciate and empathise with, which is why I applaud the Government for conducting a review of the matter. However, duplicating the system with another tier of legal commitment is not the right approach. We need to have serious conversations about why some people are put off marriage and what deters them from getting married.

12.32 pm

**Kevin Foster (Torbay) (Con):** It is a pleasure to speak in this debate. I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on introducing the Bill to the House. The reassurance from the Minister about what the Bill does and does not cover probably took two hours off my speech.

**Stephen Pound (Ealing North) (Lab):** Shame!

**Kevin Foster:** I hear the hon. Gentleman’s disappointment, but I will make sure I speak briefly because I am also quite a fan of the next Bill on the Order Paper, so I have no intention of performing one of my longer Friday orations. I shall focus on the nature of the Bill.

When we consider private Members’ Bills on Fridays, I regularly speak about whether they are needed, whether they are not just something that sounds good but might actually make a real difference, and whether the proposals are proportionate to the issue. In the case of this Bill, all those tests are satisfied. We only need to hear some of the evidence from our constituents about those who get married, including me. When people get married, at the end they are presented with the formal register. I listed the fact that my father was a painter-labourer in Devonport dockyard, and my wife Hazel listed the fact that her now-deceased father was a farmer, and of course that was it. Given that my mum could not be at my wedding—she died four years ago this week—it was actually very sad that she could not even have the recognition of being part of the day via the inclusion of her name and profession on the certificate.

As my hon. Friend the Member for East Worthing and Shoreham rightly said, this law dates back to an era when married women were viewed as chattels of their husband. The idea was that they were physically the property of their husband. In fact, they had no persona of their own legally; by law, they were their husband.

That continued right the way up to the 1880s. People may be wondering whether there was some sort of enlightenment during the 1880s that meant that law was abolished. In fact, it was abolished after a court ruled that everything written by a female author was actually legally by her husband, so the author went and ran up a whole load of debts. When the creditors sued, the court ruled in exactly the same way, saying that all those signatures were legally her husband’s and he had to pay every single bill. Funnily enough, the provisions were abolished very soon after that and married women were given their own legal identity. It is certainly a reminder of a time that no longer exists.

My hon. Friend the Member for Erewash (Maggie Throup) pointed out the social history and information that we get from items such as wedding and birth certificates. I had a little bit of a surprise when I looked at my grandfather’s birth certificate. In fact, this is a story that the hon. Member for Ealing North (Stephen Pound) will probably quite like. It turned out that my great-grandfather was a Canadian soldier. We all said, “He never went anywhere near Canada, so how was he a Canadian soldier?” It turned out that he was an Irish Roman Catholic who was prepared to join the fight against imperial Germany, but did not wish to join the British Army. At that time, the compromise for these men was to say, “Well, you’re going off to the same place anyway. If you want to go with the Canadians or one of the other dominion armies, off you go.” So he was signed up for the Canadians, even though he had never set foot in Canada. Obviously, my great-grandfather’s views on the Union were very different from mine. That is an example of what people can find out, and the social history that is not captured by these wholly outdated provisions.

I am interested to hear that the Bill will give us the opportunity to bring in a more modern system of marriage registration. There are those who view marriage not as a loving commitment and not as I see it—as something that Hazel and I celebrated before God—but as an opportunity to abuse the immigration system. A more modern registration system will help to deal with that, which is welcome, while removing the archaic provisions of only listing a father on the certificate.

On opposite-sex civil partnerships, I am open to the evidence. I am not as opposed to them as my hon. Friend the Member for Chippenham (Michelle Donelan). It was the right choice for Hazel and I to have our wedding in church, as that is what we strongly believe in, but I recognise that it is not everyone’s choice and neither should the law force people to marry in church. Since 1833, people have not been forced to get married in church. I also recognise that there are people local to me who want to have a civil partnership. I do not see a particular problem with people making this choice, so I will look at the evidence from the consultation and we will see whether it affects the provision.

The only thing that I would slightly caution is the argument about the views of the Roman Catholic Church, although it is not really for me, as an Anglican, to get into this argument too much. The idea is that if someone was divorced they could have a civil partnership rather than a marriage. I did not find that particularly convincing because my understanding is that the Church would still see it as a partnership in the same way as a civil marriage. In reality, what makes the difference is whether

[Kevin Foster]

the Church would allow marriage in a church. Of course, the position of divorcees in the Church of England has changed in recent years: it was once very unlikely that divorcees would be able to remarry in the Church of England, but parish priests are now much more likely to exercise their discretion based on many quite reasonable grounds. For example, I do not think that any of us would seriously believe that Christ would call someone to stay in an abusive relationship. None of us believes that is the case, so it is right that we make this change.

I very much welcome the provision to change registration of births. I hope that it will provide comfort; hearing the powerful stories today confirmed that for me. I particularly welcome the provision to allow coroners the power to investigate stillbirths. A coroner's inquiry gives a unique opportunity to examine what went wrong—not necessarily to apportion blame, but actually to find out what went wrong, to learn lessons, to give comfort to all involved and to come to a decision. Therefore, it is welcome that their powers are extended in this way. Again, there is obviously a lot of detail to go into. I am sure that a discussion will be needed with the devolved Administrations, particularly in Wales, about how exactly this will work. However, I think that this welcome provision will bring closure to many people.

It is appropriate that this Bill gets its Second Reading. The only concerns are matters that can be dealt with in Committee and perhaps on Report if Members have specific areas that they wish to tweak. It would not be proportionate to try to block the Bill, because it tackles issues that reflect, first, changing society and, secondly, changing medical knowledge. The original provisions on coroners were passed in an era when it would have been very hard to work out what was going on inside the human body. That is now possible with modern scanning and testing techniques, so coroners can look at real evidence. Given the impact on people, giving them the ability to register what was to them not just a statistic or a number in a hospital but a child is totally the right step for us to take. I fully welcome the Bill, and I am sure that it will get its Second Reading in the very near future.

12.40 pm

**James Cartlidge** (South Suffolk) (Con): It is a pleasure, as always, to follow my hon. Friend the Member for Torbay (Kevin Foster). It is fair to say that we are, in a regular capacity, the tail-enders. I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) on introducing this Bill.

When I first heard about the proposal on civil partnerships, I must admit that I had one concern, about which I intervened on my hon. Friend earlier: the idea—I am not trying to present this as a straw man—that this could be seen as “commitment-lite”. In other words, it might affect the idea that marriage is something very solemn and permanent that people go into committing for life by being less of a commitment and therefore appealing to people who go into it almost in a half-hearted fashion.

That was my instinctive response. However, having considered it and, like my hon. Friend the Member for Faversham and Mid Kent (Helen Whately), spoken to people who would consider this option and would like

to have it, I feel that, on the contrary, it would offer to people who would never get married a way that they can commit. That is a very positive thing. Based on all kinds of evidence, we could argue that we live in a more consumerist society where we like to upgrade our mobile phones every year and so on and to have a lot of choice. Arguably, we are not sticklers in the same way that previous generations were. Therefore, institutions that encourage commitment are to be welcomed. I do not have any problem with this in principle.

With regard to Government consultations, we hear a lot about demand. Is there demand for this option? I am not sure that that is the best way to talk about this. We are talking about rights and equality. One person can bring a case to court because that person has rights. The fact that we know individuals who would like to consider this option is enough in itself, and we then have to decide whether it is right in principle. As I said in an intervention on my hon. Friend the Member for Faversham and Mid Kent, there was a court case that found that the lack of heterosexual civil partnerships was not discriminatory because the couple in question had not been subject to abuse and so on. I disagree with that—while obviously respecting the independence of the judiciary. To me, it is self-evidently discriminatory. This provision would be a welcome addition to our institutions. I am more than happy to support it for that reason.

Since becoming an MP, I have been incredibly moved by speeches I have heard from my hon. Friends the Members for Colchester (Will Quince) and for Banbury (Victoria Prentis), and from Opposition Members, who, in a wonderful cross-party way, have supported such wonderful reforms in the area of baby loss. As a father of twins, the idea that there was a case where a parent had lost their twins and one received a certificate and the other did not is extraordinary. Whatever else we do, we should ensure that that cannot happen. That is why I support my hon. Friend the Member for East Worthing and Shoreham.

12.43 pm

**Tim Loughton:** With the leave of the House, I would like to express my thanks to all Members in all parts of the House for such strong support for all parts of this Bill. It was almost unanimous but certainly very strong support.

Labour Members often reduce Conservative Members to tears, but in the case of the hon. Member for Washington and Sunderland West (Mrs Hodgson), it was absolutely for all the right reasons. Her speech alone made such a strong case that nobody else need have spoken on why the law on stillbirth needs to be changed. It was brave, powerful and the most stark evidence that her daughter, Lucy, was born and did exist and that the state needs to acknowledge it. Nothing more need be said.

If this debate had been a BBC or Channel 4 hard-hitting documentary, at the end of it the announcer would have said, “If you have been affected by issues in this programme, here is a hotline or website to consult.” That should apply to this debate, because it has touched on some very hard-hitting and emotional issues. I am afraid that I do not have a hotline number or a website for hon. Members to consult, but it certainly has had a dramatic effect on all those here today. I do not want to be more political than that, given the mood of the House. This debate has shown the House at its best.

This is something that needs to be done. All parties have made common cause. It is also the modern thing to do. As my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) said, attitudes have changed, and the law now needs to be changed to catch up. I do not care what we call the Bill. My hon. Friend the Member for Colchester (Will Quince) called it a smorgasbord, and I referred to it as the hatch, match and dispatch Bill, but my hon. Friend the Member for Erewash (Maggie Throup) won the award: the loved ones Bill. That sums up the common thread. The Bill presses a lot of buttons. The hon. Member for Ipswich (Sandy Martin) even pressed the button of paying more tax as a result of his civil partnership. It is also important for social history.

For all those reasons, I welcome the comments of my hon. Friend the Minister from the Dispatch Box. The Bill is not as forceful in its terminology as it could be, but I am sure we can work on that in Committee. I appreciate her commitment that the review can happen now—that there will be no delay—and I appreciate the sense of urgency and the commitment to addressing the issue, as well as the presumption that we will need to look at how the law can change. She has heard that, for most people here, abolishing civil partnerships is not an option, for very good reasons.

The Minister will also have heard the very emotional contributions on the stillbirth measures, with which it was clear she had a deal of sympathy, and the iniquity of the marriage certificates issue. I have in my hand a piece of paper: a copy of my marriage certificate. To add insult to injury, my father signed it twice, because he also married us—so he got to sign as the clerk in holy orders as well—whereas my mother only signed as a witness. It includes a description of my father's and

father-in-law's occupations, but there are no details about my mother or mother-in-law. It is an important piece of social history that we are missing out on as well, and that should not be underestimated.

This is just the right thing to do. I apologise for how long and technical my speech and the contributions have been, but these are worthy measures, as the quality of the contributions has underlined. It has shown the House at its best, and I hope that the Government will now make these well-supported measures a reality. I will work constructively with them to bring that about.

*Question put and agreed to.*

*Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).*

**Victoria Atkins:** On a point of order, Madam Deputy Speaker. In an excess of excitement, enthusiasm and efficiency, the Government issued a “Dear colleague” letter from me in advance of the House's indicating its willingness that the Bill be given a Second Reading, for which I apologise. We have got to the right place, however, and colleagues should now have a letter addressing that point.

**Madam Deputy Speaker (Dame Rosie Winterton):** I thank the hon. Lady for her courtesy in giving me advance notice of what has happened. It is absolutely right that she should apologise for the premature release of the letter, but the mood of the House showed a great deal of consensus, and perhaps her officials were unduly influenced by the tweet from the hon. Member for Hammersmith (Andy Slaughter). As I say, given the consensus and mood of the House, I am sure that it will be forgiving of this mistake. None the less, I thank her for apologising.

## Parking (Code of Practice) Bill

### Second Reading

12.49 pm

**Sir Greg Knight** (East Yorkshire) (Con): I beg to move, That the Bill be now read a Second time.

Parking is an indispensable part of motoring. If you arrive by a car, you need to park it. Our high streets, in-town businesses, many other facilities and even some housing units are all only reachable, useable or viable through the use of local parking facilities.

According to the Driver and Vehicle Licensing Agency, there are 38 million vehicles on our roads. Of those, probably some 19 million—about half—will drive and then undertake at least one parking transaction each and every day. The number of tickets issued every year from private car parks is near to 5 million, so it is clear that the majority of vehicle owners do not have an issue involving parking fines.

However, it is important that those parking on private land who receive a private parking notice are treated fairly and consistently. Motorists should have the certainty that when they enter a car park on private land, they are entering into a contract that is reasonable, transparent and involves a consistent process. Poor signage, unreasonable terms, exorbitant fines, aggressive demands for payment and an opaque appeals process, together with some motorists being hit with a fine for just driving in and out of a car park without stopping, have no place in 21st-century Britain.

**Kevin Brennan** (Cardiff West) (Lab) *rose*—

**Sir Greg Knight:** I give way to the hon. Gentleman, whom I regard as an hon. Friend.

**Kevin Brennan:** I am grateful to the right hon. Gentleman for giving way. We usually co-operate musically, rather than politically, but in this case I am happy to co-sponsor his Bill. Does he agree that the statutory code of practice he proposes ought to take into account the poor response by parking companies to inquiries from our constituents and from us as MPs? I wrote to New Generation Parking Management in September last year about my constituent Ann Martin-Jones and had no reply. I wrote again in January this year and had no reply whatsoever from that company. Does that not show that some of the companies in this industry are cowboy companies?

**Sir Greg Knight:** It is only common courtesy in business to respond to correspondence. I expect the code of practice to have a requirement that where someone challenges a parking notice, whether it be the car owner, the car owner's solicitor or the car owner's MP, the parking company is obliged to respond, and within a reasonable time—I would say 14 days.

**Julian Knight** (Solihull) (Con): I thank my right hon. Friend for being so generous in giving way. Does he agree that these parking companies often indulge in what I term confusion marketing in the car parks they manage? There are signs that say different times and days, and when Members of Parliament point out these

quite fundamental problems in their systems, the companies often write off the fine but do not rectify the original problem.

**Sir Greg Knight:** My hon. Friend is absolutely right. In some cases it appears that confusion is designed to ensure that a parking ticket is issued against the unsuspecting motorist.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I completely support the right hon. Gentleman's Bill. I will make my own speech, but I wonder if he will add to his list of unreasonable circumstances the repeated issuing of fines to individuals parking in their own parking space outside their property, which has affected me and many of the residents in the block where I live in Cardiff.

**Sir Greg Knight:** I certainly would condemn that, and I will share an example with the House shortly of a similar case that I regard as outrageous.

Today, we have the opportunity to tackle this issue. I know that the worst abuses feature in the emails and postbags of all Members of Parliament. Not only my constituents in East Yorkshire but motorists right across the country are angry and calling for action.

One such motorist is Mr O'Keefe. He was driving in a private industrial estate, searching for a particular outlet that he was having difficulty finding, when he stopped in an empty lay-by for 15 seconds to check his satellite navigation settings. It transpired that he was caught by a passing security van equipped with a camera, and a week later he received a ticket for £100 for stopping in breach of a sign situated further back on the road that he had passed at 30 mph. The parking company agrees with his version of events—it accepts that he was stationary for only about 15 seconds—but when he made a complaint and then appealed to the Independent Appeals Service, he was fobbed off in both cases and he continues to receive threatening letters.

Even homeowners have been hit, as the hon. Member for Cardiff South and Penarth (Stephen Doughty) said in his intervention. A case was brought to my attention concerning residents in a Salford block of flats to whom over 200 tickets were issued for parking in their own car park in just one month. They were given a day's notice to display a newly designed permit by the management firm, which posted warning letters and the new permits through residents' letter boxes only one working day before it enforced the new regime. Some of the residents were away on holiday and others did not receive the new parking permit, but they found that their vehicles, parked in their own dedicated spots, had a penalty of £100 stuck to the windscreen. At least one resident who had been away on holiday came back to find tickets to the value of £2,000 on his car. The dispute is ongoing.

**Sir Christopher Chope** (Christchurch) (Con): Does my right hon. Friend accept that all this injustice is being facilitated by the Driver and Vehicle Licensing Agency, which enables these rogue parking enforcers to find out the identity of the owners of such vehicles?

**Sir Greg Knight:** That is a fair point. My Bill seeks to deal with that, and I will come on to it in a moment. If we have a statutory code of conduct, certainly consequences will flow for a company not adhering to it.

**James Heapey** (Wells) (Con): Does my right hon. Friend share my concern that the acronym PCN is very confusing for people in relation to parking? It is used as a penalty charge notice when issued by civil authorities, but as a parking charge notice when issued by private companies. The terms are very similar, but very different sets of rule and regulations govern those two separate types of penalty.

**Sir Greg Knight:** I agree. When we are dealing with private land, such notices should be called private parking notices. The code of practice, if the Bill goes ahead, should contain requirements about what is in the parking notice so that it cannot mimic a police ticket or a court document, and cannot use unnecessary threatening language. My hon. Friend makes a good point.

The case has been drawn to my attention of 69-year-old Angela. Her car was ticketed for £70 for exceeding the time permitted in a supermarket car park. Angela is 5 feet tall, and the small signs were mounted so high up that initially she did not even see them. When she returned to discover the ticket, she looked for signage and eventually saw a sign. It was secured, if that is the word, with pieces of baler twine. Even after staring at it to try to read it, she could not read the wording as the text was so small and too far away.

In another part of the country, a pensioner mis-keyed her number plate into an automatic machine when paying for her parking, getting one digit wrong. On returning to her car, she discovered that the innocent mistake had resulted in a ticket. On appeal, she was able to point out that it was an honest mistake and, indeed, that no other car on the DVLA database had that registration number, but the parking company still demanded payment.

**Kevin Hollinrake** (Thirsk and Malton) (Con): My right hon. Friend is setting out some very bad examples of behaviour by some of these companies, but does he accept that there are some good examples? I can point to one that happened to me last week. I arrived back at my car at York station, where I had left it all week, to find a ticket on my windscreen, and realised that I had forgotten to pay, but a note on the ticket simply said, "Did you forget?" The company did not charge me because I am a regular customer of the car park.

**Sir Greg Knight:** I think "Lucky" is my hon. Friend's middle name. The cases I have itemised and that my hon. Friends have drawn to the attention of the House have one thing in common. They show a lack of fairness and a sense of injustice in how the motorists were treated, yet they are just a few examples of what is happening across the UK under the present advisory code regimes. I am sure that many Members will have other examples to raise, if they catch your eye, Mr Deputy Speaker.

**Tim Loughton** (East Worthing and Shoreham) (Con): Does my right hon. Friend agree with my frustration—I have had lots of cases in Worthing—that people legitimately try to pay at the machines and the machines do not work? They try and ring a number, and that does not work and it is so complicated. Or they have to download an app. The average resident of Worthing does not have apps. If the equipment does not work, there should be no basis on which the charge should go through. Does he agree that there should be a system like that?

**Sir Greg Knight:** If there are a number of payment machines and one of them is not working, that is not an excuse, but if there is only one machine or all the machines are out of order, that ought to be a perfect defence. The company operating the car park has in effect invited the motorist on to the car park to park the car on payment of a fee, and if it is not going to facilitate payment, it should not be able to extract a penalty. Rip-offs from car park cowboys must stop. Most parking operators have nothing to fear from the Bill, but we must stop unscrupulous operators who are undermining the whole sector with their bad practices.

The proposals in the Bill form a framework for action. If it is approved, it will require the Government to create a new mandatory code of practice across the private parking sector, which will end inconsistent practices and unfair treatment of British motorists. It will ensure that the terms under which private parking is provided, including the rights and obligations of each party, are fair, clear and unambiguous.

**Henry Smith** (Crawley) (Con): I congratulate my right hon. Friend on introducing the Bill. In 2011, I introduced a ten-minute rule Bill entitled the Consumer Protection (Private Car Parks) Bill. Alas, I was not successful on that occasion. There have been years of abuse by rogue parking companies, and I wish his Bill every success. Has he had any indication that the Government will be supporting it?

**Sir Greg Knight:** I am most grateful to my hon. Friend for his support. We can all agree that action is overdue on this.

The changes in the Bill will reassure drivers that private car park operators will in future treat them in a fair and proportionate manner. If they do not—here I answer a point raised earlier—drivers will have access to a robust, transparent and independent appeals service. The erring car park operators will risk being put out of business by being denied access to the DVLA keeper records.

Several stakeholders have shown their support for the Bill. I have been working with a number of motoring groups including the RAC, and I am pleased to say that I have indeed had an indication of support from the Government today, as well as from the official Opposition and the Scottish National party, for which I am very grateful.

As I have said, almost 19 million journeys every day end at a parking space, so this issue affects all voters, regardless of geographic region, class or age. If you have a car, you will benefit from the Bill, and Members who support me today will be supporting the British motorist. Parliament now has a real chance to make parking fairer for both consumers and businesses.

**Scott Mann** (North Cornwall) (Con): On the point about fairness, one of my constituents recently raised with me the question of the telephone numbers that some of these companies provide, and the lack of transparency for people who try to find out why they have been charged. Does the Bill cover that?

**Sir Greg Knight:** The Bill provides the framework for the introduction of a fair code. In my discussions with the Minister, for which I am obliged to him, he has

[*Sir Greg Knight*]

indicated that he expects signage to play a part in the code. The code should set out that signage must be adequate and must provide details of how to contact a company to make a complaint or dispute a ticket, as well as details of how to activate an independent appeals process.

Today gives us an opportunity to introduce fair play all round to an industry whose reputation has been besmirched by a few car park cowboys. I hope that the House will agree that it is an opportunity that should be grasped.

1.5 pm

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I rise to support this Bill wholeheartedly, because it deals with an issue that hugely affects my constituency. I have come across examples of all the problems that the right hon. Member for East Yorkshire (Sir Greg Knight) has mentioned. It is a particular challenge in my area of Cardiff—I know that it is also a problem in the constituency of my hon. Friend the Member for Cardiff West (Kevin Brennan)—because of the density of accommodation in the Cardiff bay area. In Butetown and Grangetown, we have a lot of high-rise apartment blocks; I think there are about 15,000 such units in the bay area. With that come pressures on parking and lots of private parking facilities.

Everybody agrees that we want to prevent people from misusing other people's parking spaces. People who come to enjoy the Wales Millennium Centre or other entertainments in Cardiff bay need to be able to use the public parking lots in the area, so that they do not block up residential areas. On the other hand, when rogue parking companies are doing all the things that the right hon. Gentleman has set out, it is clear that there is a fundamental problem that we need to address.

I will remark briefly on a couple of issues; I am keen for us to get on to the third private Member's Bill, which concerns the taxi trade. I want to point out several companies with which I have had particular problems, and against which I have had to advocate on behalf of constituents: Link Parking, New Generation Parking, UK Parking Control and ParkingEye. I also want to highlight the firms of solicitors that work with those companies. We might refer to such firms as "roboclaims" firms, and they often have a close and cosy relationship with the parking companies.

**Kevin Brennan:** I referred to New Generation Parking in my earlier intervention. Has my hon. Friend had better success than I have at getting the firm to respond to correspondence?

**Stephen Doughty:** I have experienced on many occasions exactly the frustration that my hon. Friend describes. My constituents and I have tried to contact the company by phone, in writing and via email. We have succeeded in getting several cases overturned, but it is absurd that someone should have to go to their Member of Parliament to overturn a parking ticket that has been issued in very unreasonable circumstances. Our constituents should be able to resolve such things easily with the companies concerned, rather than getting into the chain of events that many people find themselves in.

In some cases, information has been wrongly obtained from the DVLA and documents have been sent to the wrong address or to an old address. People are then served with a series of demands, solicitors' letters and bailiffs' letters. I regret to say that many of my constituents have ended up with county court judgments, which do huge damage to their credit rating and their ability to get mortgages. Some people have even ended up on "Can't Pay? We'll take it away!" over a tiny parking fine, which may even have been for parking in their own parking space. That simply cannot be right.

Gladstones Solicitors of Knutsford is involved in many such cases—to be clear, I am talking about the firm in Knutsford; there are other firms of solicitors that use the same name—as is BW Legal. I have been involved in a lengthy case concerning a constituent. This week, I raised concerns about such firms with the Solicitors Regulation Authority, and I am hopeful that it will take a close look at the matter and consider whether the firms are complying with the regulatory environment for solicitors, and with best practice.

**Kevin Brennan:** Does my hon. Friend acknowledge that public authorities have a responsibility not to engage private parking companies that act irresponsibly? In my constituency, I have had dozens of complaints about ParkingEye, which is engaged by a local hospital—very unusually for Wales—to undertake their paid car parking.

**Stephen Doughty:** I completely agree; I have had problems with ParkingEye too. This is not just about public authorities, but freeholders of large blocks of apartments, lettings companies, and those doing short lets—all the people who are involved in letting out, for long or short periods, properties with parking spaces attached. They must make sure that they do not do so, for example, one day before a change of parking arrangements and they must also make sure that a person who changes their car can easily get a new permit and not run the risk of getting a massive fine while they are waiting for their new car to be registered. The process for motorists should be simple and straightforward.

I want to deal with one more area, because it relates to the next Bill that will be debated today. I have seen harassment of taxi drivers in my constituency, for example, when they operate around some major retail areas and are waiting to pick up elderly or vulnerable customers, who want to get back home with their shopping from places such as Asda in Cardiff bay. The drivers suddenly find themselves caught with massive fines for driving in and out of a car park—this has happened on a number of occasions—to pick up people doing their shopping. Sometimes they have been harassed by staff who are employed by these companies. A number of drivers have come to me with video evidence of harassment from staff involved with these rogue parking companies.

Fundamentally, this comes down to common sense, justice and reasonableness. When things end up in court, it is an absurd situation. Roboclaims companies, which are making a massive mint off this industry, can issue a summons for just £30, and yet a defendant can sometimes have to pay as much as eight times that to defend the case, as well as having to deal with the time, emotion and everything that comes with that process.

I wholeheartedly support the Bill proposed by the right hon. Member for East Yorkshire and very much hope it gets Royal Assent. We need to crack down on these rogue companies. They are an absolute disgrace to this country. Ordinary motorists and ordinary residents should not have to put up with it, and I wholeheartedly support the Bill.

1.12 pm

**Luke Hall** (Thornbury and Yate) (Con): I am delighted to support the Bill and thank my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) for his work over a long period to make progress on this matter. I also associate myself with the remarks made by the hon. Member for Cardiff South and Penarth (Stephen Doughty). I recognise a lot of the incidents that he discussed.

As a number of Members wish to speak, I will cut short a lot of my remarks, which essentially endorse the Bill, and come on to a couple of extra points that I really want to make. I completely support the Bill's objectives. I spoke to my local citizens advice bureau yesterday and asked about the levels we are seeing in south Gloucestershire. It said that in the last couple of months, 29 people have received advice from the CAB about private parking enforcement notices. Clearly, incidents and the amount of ticketing are rising, so I completely support the Bill. I will make a couple of points and perhaps suggestions about how we could alter the Bill in its next stage.

The Automobile Association has probably been in touch with a lot of hon. Members about parking hotspots. Essentially, hotspots are covered up or hidden because of access to location data. When councils enforce parking restrictions, they are obliged to detail, by location, how many PCNs have been issued and how much money has been raised, but private parking operators are not. That means that problem locations, where parking charges are issued essentially too liberally, remain hidden.

**Sir Greg Knight:** My hon. Friend is right as far as the present situation is concerned, but if the Bill proceeds, I anticipate that the new mandatory code of practice would require transparency of data. I hope that the Minister will commit to ensuring that information about the number of tickets issued per car park will be in the public domain.

**Luke Hall:** I completely endorse what my right hon. Friend said and hope that the Minister will give that assurance. As has been discussed, parking hotspots can be due to poor signage, unclear signage, poor markings on the floor and even, in some cases, signs that are deliberately designed to mislead the person who is parking and catch out motorists. I am not saying that that is happening in all cases, but it clearly is in some.

**Giles Watling** (Clacton) (Con): Does my hon. Friend agree that the provision of confusing signs, along with the confusion over PCNs and the machinery that people have to use to get their tickets, is often deliberate, with the intention of levying fines rather than ordinary parking charges?

**Luke Hall:** It is important for us to address that during the Bill's passage. Parking hotspots in private locations continue to trap innocent drivers month in month out, year in year out, and because the information

is not released, there is little pressure or incentive for layouts to be improved in order to prevent drivers from making the same mistakes. I support the AA's recommendation that when a private parking company requests a person's data from the DVLA, it should be required to give either the postcode or the location where the driver was caught, so that the number of parking charges issued per location could be recorded and published by the DVLA. I understand that it would be quite a simple change, and that the information could be added to the V888/3 form that private parking operators have to fill in. I hope that that can be incorporated in either the guidance or the Bill.

I also want to make a point about cost. According to a report published by the Transport Committee report in 2014, which I understand is still accurate, the DVLA charges £2.50 to process each request for information, but the processing costs the DVLA £2.84 per application, which means a deficit of 34p. We are effectively subsidising the private companies that are making the applications, and that surely cannot be right. I hope that we would make the charge the same as the cost, but, if not, we would surely charge slightly more rather than slightly less. The DVLA is having to cover a shortfall of £700,000 a year, which is 0.1% of its total operating costs.

I know that a number of other Members wish to speak. Let me end by saying that this is a positive Bill. I hope we shall be able to address a couple of the points that I have made as it progresses, and that the Minister will give some assurances about the guidance, but I think that it will promote confidence in private operators by creating what will be a set of recognised standards. It is endorsed by the chief executive of the British Parking Association and the director of the RAC Foundation. I commend my hon. Friend for introducing it, and I will support it.

1.17 pm

**Pete Wishart** (Perth and North Perthshire) (SNP): I wholeheartedly congratulate the right hon. Member for East Yorkshire (Sir Greg Knight), my partner in crimes against music. I see that the hon. Member for Cardiff West (Kevin Brennan) is present as well. I was wondering what song we might be able to cover to celebrate the Second Reading of the right hon. Gentleman's Bill, and I thought that perhaps it would be the Beatles classic "Drive My Car"—"Baby, you can park my car".

**Kevin Brennan:** Surely it should be Joni Mitchell's "Big Yellow Taxi", which contains the words "They paved paradise and put up a parking lot".

**Sir Greg Knight:** May I take up this theme? The Bill is really saying to cowboy operators, "Get Back". You will no longer have a "Ticket to Ride". And if you do not follow the statutory code of practice, it will be a case, for your business, of "Hello, Goodbye."

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. May I suggest that we all want to be "Homeward Bound"?

**Pete Wishart:** I think all this just goes to show how much in harmony the members of MP4 are on these issues.

This is a particularly useful Bill, which I strongly support. I believe that it is absolutely necessary. Private parking companies have become a curse in so many of our communities, and they are out of control in so

[Pete Wishart]

many areas. They are a blight on communities, harassing motorists and driving tourists away from many towns and city centres. The city of Perth is plagued by these cowboys. I have received more complaints about one car park in Kinnoull Street than about any other issue in my constituency. That car park is operated by the John Wayne of all the cowboys, the appalling and loathed Smart Parking, a company that blights communities throughout Scotland, including Inverness, in the constituency of my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry). It distributes fines like confetti, and its so-called smart technology seems almost designed to frustrate motorists and harvest fines from them.

Another company in my constituency, UKPCS in St Catherine's Retail Park in Perth, has even managed to outdo Smart Parking. One part of this free car park is ringed with signs saying that anybody who parks there who has the temerity to leave that zone and access facilities in other parts of the retail park will be fined up to £100, and people's privacy is being invaded by car park attendants taking photographs of unsuspecting customers to prove this crime. This is the level of harassment our constituents are now having to put up with on a daily basis at the hands of these cowboys, and it has to come to an end.

The sheer scale of their preying on our constituents is almost industrial in its operation and organisation. A private parking ticket is now being issued every 4.5 seconds, the equivalent of 13 per minute. The RAC estimates that the total value of illegitimate parking tickets issued by private companies in a single year could be as much as £100 million. These parking cowboys know they are on to a good thing, and they know what to do now is build parking ticket charges into their business models in order to increase their profits at the expense of our constituents. This Bill will hopefully signal the beginning of the end of the parking cowboys.

Self-regulation has obviously failed dramatically. The British Parking Association is as much use as a multi-storey car park in the middle of Gobi desert. The parking cowboys hide behind BPA membership to give a veneer of legitimacy. Every time I take up issues with Smart Parking, it just comes back to me and says, "We're members of the BPA so it should be all right."

What do our constituents think? Some 93% of participants in an RAC survey think a Bill aimed at tackling the issue is a good idea, so the right hon. Member for East Yorkshire is on to something here; 84% want fines to be proportionate to the contravention; 74% want fines capped; and 81% of motorists want a national standard on signs. The good news for the right hon. Gentleman is that 78% want a parking regulator that enforces good practice.

We have heard some of the things that should be included; I will make a couple of pitches, and I hope to serve on the Bill Committee to pursue them. When people receive PCNs, their rights should be included on them. Too often the parking cowboys dress them up as fines; they are not fines. They are not even effectively legally enforceable; what they are is a statement to say that the recipient has somehow breached the terms and conditions of using that private land, and if the parking

company were to pursue them, it would have to go to the civil court and prove that they broke those terms and conditions.

I make a plea, too, on the use of debt collection agencies, which has to end. They are grossly invasive, threatening and meant to intimidate people into paying. I have seen some appalling examples of the use of debt collection agencies and how they increase the intensity of their threats and intimidation. I have had constituents who have had 10 threatening letters, which increase to the point where I almost think they are going to be taken out and shot at dawn, such is the level of their threats.

The National Motorists Action Group has also found an unsavoury profitable collusion between private parking companies and debt collection agencies. It is right that PPCs should expect settlement and that they write letters, but local authorities do not use private collection agencies, so if it is good enough for the statutory sector it should be good enough for the private sector, too.

I wholeheartedly agree with the hon. Member for Thornbury and Yate (Luke Hall) about DVLA access. I believe parking operators should have to prove they are entitled to get DVLA access. I know that is not being considered, but I would like it to be. Parking operators should meet a test to show they are a responsible parking operator in order to get DVLA access, but if there are any examples of bad practice, DVLA access must be removed. I like the AA's suggestions and ideas about monitoring hotspots through postcodes, and if something peculiar and particular is going on, as in Perth, the private operator has an obligation to resolve it and, if it is not resolved to our satisfaction, they lose access to the DVLA. That is a straightforward suggestion.

I am also grateful that this will cover the whole of the United Kingdom, so that areas like mine are covered. My constituency has been particularly blighted by the parking cowboys and hopefully this will mark the beginning of their twilight months.

In my experience, people are happy to pay for their parking, and an arrangement that ensures that parking on private land is properly charged and any transgressions are proportionately tackled is the way forward. Surely it is not beyond our wit to design such an arrangement.

1.24 pm

**Giles Watling** (Clacton) (Con): It is an honour to follow the hon. Member for Perth and North Perthshire (Pete Wishart). As a touring actor for 45 years, I picked up tickets all over the country, including in his area. It is my pleasure to support the Bill proposed by my right hon. Friend the Member for East Yorkshire (Sir Greg Knight). His proposal for a code of practice sets exactly the right tone. No one is seeking over-intrusive regulation of the private parking market, because there is nothing fundamentally wrong with it if it is run properly and with oversight and consideration. Private parking is a legitimate industry that is vital to economic activity in some areas, and overregulation would put a burden on local authorities, and therefore on the taxpayer, if they had to administer and maintain all the car parks themselves.

However, a code of practice is necessary to inform correct behaviour, as for all public amenities. Without such codes, poor practice grows. I have seen this in my own constituency. My experience in Clacton is with a

firm called Smart Parking. It advertised free parking in a very pronounced way on a very big sign. Far less prominent was the request to enter a plate number and to take a ticket. That was required even though the parking in that car park in Ravensdale was supposedly free. The widespread view was that a large “free parking” sign meant just that, so people just parked their cars and went about their business, only to have a hefty fine levied on them because they had missed the deliberately small print.

In my view, that is an outrageous scam, and it is still going on. It enables Smart Parking to issue tickets and therefore collect fines. It would appear that the company is not interested in levying ordinary parking charges. Instead, it raises money through levying these very expensive fines—a legal if dodgy practice. It was totally legal, for instance, that a 70-year-old lady visiting a friend at the Abbey nursing home round the corner from the Ravensdale car park for 45 minutes was later sent a fine in the post, despite the fact that a notice advertising one hour’s free parking was displayed in the car park. I am informed that since Smart Parking took over the site in Clacton, about 400 unfair parking tickets have been issued, and given the local demographics, these have probably been issued predominantly to elderly, and therefore potentially vulnerable, people. Of those, 250 are being pursued by a company called Debt Recovery Plus, one of the debt recovery schemes that we heard about earlier.

Clause 6 of the Bill covers the delegation of functions, and would give the Secretary of State the power to

“enter into an agreement with another public authority authorising the authority to perform any of the functions listed in subsection (2).”

In my mind, that means local councils are in the best place to lead the charge. After all, councils already administer their own municipal car parks, and are experienced in having to balance the needs of the local community, including those of small businesses, parents on the school run and so on. They have the bedrock of skill, experience and local knowledge that can really help to tackle some of the outrageous abuses that we are seeing.

The extant regulation is insufficient. Smart Parking claims that it is fully compliant with British Parking Association guidance, and it is. However, that still allows it to issue hundreds of fines that are legal but totally disingenuous and unjust. That is why I support my right hon. Friend’s Bill. It is unjust that we allow signage that is legally compliant but blatantly results in hundreds of parkers ending up under a misapprehension that causes them to receive fines, as is happening in the Ravensdale car park, off North Road in Great Clacton. When hundreds of people are fined due to the same mass confusion, the system is failing. We in this House need to fix this, just as we once did with unscrupulous clampers.

Having two different accredited trade associations with differing codes of practice creates inconsistency and confusion in the market. We need universal standards that can be understood across the country. For example, there could be a universal standard providing parkers with a five-minute grace period in which to decide whether to buy a ticket or not, having read the signs. They should be able to leave the site with impunity if they decide not to proceed. Sadly, I know of cases of people who have merely driven into a car park then

turned round and left, not knowing that an automatic number plate reader had recorded their visit and started the process of issuing a fine.

Let us be clear that the issue is getting worse. As it currently stands, private parking operators seek car keeper details from the DVLA to follow up unpaid charges. Research from the RAC Foundation suggests there was a 28% rise in requests for keeper details in 2016-17 alone, which means private car parking companies are ticketing drivers once every seven seconds—that figure conflicts with an earlier statement. There are an awful lot of parking tickets, anyway.

I urge Ministers to consider how we can bring to bear the core pillars of localism and use this Bill further to empower councils—in line with a code from the Secretary of State, as suggested in the Bill—to root out some of these unscrupulous practices that damage good local parking and, therefore, the economic and tourism prospects of towns across the country.

1.30 pm

**Yvonne Fovargue** (Makerfield) (Lab): I congratulate the right hon. Member for East Yorkshire (Sir Greg Knight) on introducing this much-needed Bill, which I am pleased to support on behalf of the Opposition.

As my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) said, everybody knows a victim or has been a victim themselves of these parking companies. Two weeks ago I met Resolver, which helps people to resolve their consumer complaints. Resolver also campaigns to raise awareness of consumer rights in relation to private parking, and it told me that the number of complaints it receives about private parking nearly doubled between 2016 and 2017—from 1,865 in 2016 to 3,522 in 2017.

We all accept that parking operators are entitled to protect vehicle access to private land and to protect people with a rightful reason to be on that land. The problem is how some of those companies go about it, with their often indiscriminate and excessive enforcement. I have received the example of someone who parked in a car park and unfortunately died while they were out shopping. They received a parking charge because, obviously, they had not thought to remove their car, and their relations were chased by a parking company for the parking fine. The case caused considerable distress. Only two things used to be certain: death and taxes. Now it is death and parking fines, apparently.

Resolver has a lot of in-depth statistics showing that the main complaints arise where firms unfairly apply charges in contravention of their own rules, with 625 complaints; where the recipient has left the car park within the allotted time limit and is still fined, with 286 complaints; and where the signage is unclear, obscure or behind a tree, with 198 complaints.

Resolver also says there are too many barriers to getting in touch with these parking companies, as we heard from my hon. Friend. The companies only accept complaints in writing. They do not accept emails or telephone calls, and they do not answer the complaints in writing. They say that they have never received the complaints. It is far too difficult.

As we have also heard, the most common misunderstanding is that people think the charges are actually fines. The invoices look like penalty charge notices. The invoices have black and yellow on them,

[ Yvonne Fovargue ]

and they try to mirror penalty charge notices in every possible way. They try to blur the rules between public and private car parks. Many people are intimidated into paying the tickets even when they do not think the tickets are fair, not least, as we have heard from my hon. Friend and from the hon. Members for Clacton (Giles Watling) and for Perth and North Perthshire (Pete Wishart), because the companies use debt recovery agents and solicitors. They try to get the parking fines paid by any means possible.

I have heard of inaccurate threats to use bailiffs, outside the court system, to repossess cars. It is vital that the code of practice outlaws such dodgy practices. I agree with the hon. Member for Thornbury and Yate (Luke Hall) about the honeypot car parks that catch drivers repeatedly, sometimes because the signs are not illuminated in the dark, and sometimes because the signs are not visible at all. As the AA says, the postcodes of all the parking fines that are issued should be submitted. If there are these honeypot car parks, they should be looked at.

The statistic that got to me was the fact that 5 million vehicle keeper records have been requested by private parking operators from the DVLA—5 million people have been issued with these fines. That is an incredible number, and this is the time to bring forward some justice for the motorist. The parking companies should not all be lumped together, as there are some that follow the law. However, the bad practices of many parking companies colour people's view of all parking companies, and it is time for us to take this Bill forward. I look forward to it going through Committee and receiving Royal Assent.

1.35 pm

**Alan Mak** (Havant) (Con): I congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on introducing this Bill and on his very lucid ConservativeHome article, which was published yesterday and which I read with interest. I rise to support the Bill and welcome the cross-support it has already garnered, and I hope the Minister will be supportive, too.

People contacting me to ask for support in appealing car parking tickets and for help with queries with private car parking firms form an increasingly large part of my parliamentary postbag, so I very much welcome this timely Bill. I am delighted that it has received industry support, including from the RAC and the British Parking Association. I am particularly delighted that my right hon. Friend has committed to a wide-ranging consultation in clause 2(1), which I understand covers the operators, managers, providers and users of car parks—and, indeed, anybody else considered to be a stakeholder by the Secretary of State.

I very much welcome the creation of a new code of conduct, which I hope will incorporate the best parts of the two existing codes of conduct, but I also encourage members of the public to respond to the consultation, because this appears at a timely moment in the development of vehicle technology. As the fourth industrial revolution accelerates and new technologies mean self-driving vehicles—autonomous vehicles—becoming an increasingly large part of our personal and commercial lives, the truth is that parking and its regulation should be reviewed and updated, so that this country is ahead of the times, not

behind the curve. We need to make sure that the technology that is transforming our economy is incorporated into our law. Therefore, I very much welcome my right hon. Friend's Bill.

As a Conservative, I believe in a smaller, smarter state, rather than big government, but there is a role for the state to play in the regulation of parking. My right hon. Friend's Bill strikes the right balance between transparency, consistency and protecting consumers. Many Members will be aware of his campaign jingle during the election, where he promised "accountability with Conservative delivery". I commend him for his Bill, which delivers both. I am happy to speak in favour of it, and I hope the House will give it a Second Reading.

1.37 pm

**Michelle Donelan** (Chippenham) (Con): I am delighted to support this Bill and, in turn, support the long list of constituents who have come to my surgeries to discuss private car parks. It is time we addressed these issues, and I am confident that this Bill will do so, by introducing a statutory code of practice. I echo the sentiment of Andrew Pester, the chief executive of the British Parking Association, who says that a single code

"is important to ensure that unscrupulous providers don't undermine the parking sector with bad practice."

This problem is not just isolated to Wiltshire; nearly 10,000 people approached Citizen's Advice for advice on this issue last year alone. The problem is getting worse, which makes this Bill particularly pertinent. Parking firms are issuing almost 13 times more tickets than they were a decade ago. A major issue is rogue private parking operators—I am sure we all have those in our constituencies. This Bill will tackle them by creating clarity and consistency across the sector and—pardon the pun—driving up standards. The current system is rather fragmented. It is important to note that both accredited trade associations have their own code of conduct, which means there is a complete lack of consistency. This Bill will rectify that.

One area I would like to see further action on, which other hon. Members have mentioned, is the issue of parking fine hotspots—I, too, support the AA's campaign on that. About 70% of the constituency parking charge cases I deal with come from the elderly, and the problem is usually with a lack of signage, unclear instructions or a very small font—the lighting or technology is not user-friendly and so they cannot work out where to park.

Although the code will address those issues to an extent, it is only right that private operators are bound by the same level of transparency adhered to by local authorities. Councils are currently obliged to detail by location how many PCNs have been issued and how much money has been raised; private parking operators are not. That needs to change, so that hotspots can be reasonably identified and the reasons assessed. I hope that the Minister will consider that. The new code will raise industry standards and provide consistency and the assurance that consumers and our constituents need.

1.40 pm

**Julian Knight** (Solihull) (Con): I was going to regale the House with a whole litany of complaints, but everyone will be happy that I am not going to do that because

Members from all parties have shown their unanimity on this issue. There is unanimous support for the Bill, and I completely concur with my right hon. Friend the Member for East Yorkshire (Sir Greg Knight).

Much of my postbag and email inbox is taken up by correspondence on this issue, about which more than 10,000 people a year now seek advice and guidance from Citizens Advice. Enough is enough. Firmer regulation is long overdue. The technology is often a problem for the more elderly people in my constituency, along with issues such as eyesight, signage and access to telephone numbers.

There is a clear case for a unified code of practice being really useful. Currently, any given parking operator could be regulated by either the British Parking Association or the International Parking Community, each of which imposes separate and different codes of conduct on its members, so a degree of digging is involved just for a resident to find out to what rules the company they have a dispute with is bound, let alone for them to find out how to hold the company to account.

A unified set of standards will make it much easier for ordinary citizens to learn their rights and take action against unscrupulous parking operators, by making the information easy to find and universally acceptable. That will make it faster and simpler for the likes of Citizens Advice and the staff in our offices to help people who approach us about parking issues, and I hope that it will also allow more people to find out on their own what they need to know.

Although failure to meet the new code of conduct will not be a criminal offence, the Bill will ensure that such a failure may lead to a parking operator being refused access to DVLA data. I hope that will effectively put such an operator out of business in that respect. I strongly support the Bill and am very pleased that it will hopefully be given its Second Reading.

1.42 pm

**Kevin Foster** (Torbay) (Con): Given the time, I shall keep my remarks brief to allow for discussion of the next Bill on the Order Paper. I very much welcome this Bill, which follows on from a debate I secured last year in which many right hon. and hon. Members recounted various issues in their constituencies.

In my constituency, I have two parking companies: Premier Parking Solutions of Newton Abbot and Premier Park Ltd of Exeter. They are responsible for the management of one privately owned car park each, yet each of those car parks generates more complaints about enforcement practices than the entirety of Torbay Council's enforcement operations, which include 39 car parks and all on-street car parking. Various interesting practices and excuses are used for things such as why a barrier cannot be put in place so that people know, before they leave, that they have not paid, and can avoid getting one of these fake fines in the post. As the hon. Member for Perth and North Perthshire (Pete Wishart) said, they are made to look like fines, but they are not—they are invoices.

When I secured my debate last year, one of the companies pleaded with me not to name them as part of a cowboy industry, saying, "We haven't had any complaints over the past month or two," and I said, "Yeah, that's because you had a massive fire in your car park and it's

been closed for the past couple of months, so you haven't been trapping people." Companies in this industry are like bloodsuckers in many cases. The reality is that the current system of regulation is absolutely hopeless. It is like putting Dracula in charge down at the blood bank. There are two different sets of regulations and companies can choose which they use, so there is an incentive to dismiss as many appeals as possible. To be fair, I do not want to impugn either set of regulations, but it is clear that the system does not have any rigour or structure and it desperately needs to change.

Contrast that system with the one governing the solicitors these companies use. We can complain to the Solicitors Regulation Authority—at least we know who is responsible. The same cannot be said in this instance. The Bill is therefore welcome and long overdue. My constituents and I fully support it. I hope it gets its Second Reading quickly so that we can get on with the task.

It is fundamentally wrong that details given to the state—details that we are required to give to the DVLA in order to register our cars by law—are then used to allow the industry to practise in this way. Most examples come from remote enforcement. It is the DVLA that needs to be the focus, and not how much is charged in a car park or the choices that people make. We should focus on the relationship whereby we have given information to the state only for it to be passed on to a company to behave in this manner. That is why the law needs to change and why this Bill is so welcome.

1.45 pm

**Mike Wood** (Dudley South) (Con): Although the vast majority of privately owned car parks treat their customers with respect, there are still far too many rogue operators. As Members are aware, a common scenario is that people park their car, pay for a ticket and leave without giving it a second thought, but receive a parking ticket in the post some days later demanding an up-front payment within a specified timescale. If they do not pay right away, the fine may double—it is pay now or pay more. The difficulty in such a situation is that the onus is on the owner of the car to prove not only that they have paid to park, but that the ticket was displayed appropriately, when the evidence is all with the person trying to impose the charge. These charges are often accompanied by threatening and aggressive letters that, in their own right, cause a great deal of distress to those receiving them. It is understandable why so many people in receipt of such charges feel pressured into paying them straightaway, partly due to the escalating cost.

The Bill is needed because some firms are not playing by the rules and are not being fair to car park users, and there is sometimes not a clear and fair appeals process. Such companies should simply not have privileged access to public and official databases such as those maintained by the DVLA. The only surprise to most of us is that this is not already the case because it seems so blindingly obvious.

The damage caused by these unfair notices is not just to the people receiving the charges; the wider community also suffers. Unfair parking charges and penalties cause a culture of avoidance. People stay away from those car parks and become more fearful of pay and display car parking. This is having an impact on our town centres,

[Mike Wood]

as drivers are concerned that a trip to the town centre could result in an arbitrary penalty. We need this Bill to pass not only for the sake of our constituents, who are directly affected, but for the sake of our local economies.

1.47 pm

**James Heappey (Wells) (Con):** I am aware that the hon. Member for Cambridge (Daniel Zeichner) is poised to introduce his Bill, which addresses an important issue. Also the Minister, to whom I shall shortly be acting as Parliamentary Private Secretary, will be cross with me if I give her cause to have to reduce her no doubt excellent speech by too much. There may even be some colleagues who are in a rush to get home because their own parking ticket expires soon.

As we have heard from colleagues across the House, this is a very good Bill, which I am pleased to support. However, a number of concerns have been raised by other Members that I also want to underline. The fact that private parking companies use the PCN abbreviation as “parking charge notice”—compared with the “penalty charge notice” issued by the police and civil authorities—is wilfully misleading and should be stopped. We should also look at the way in which private parking companies are allowed to design the waterproof wrappers for tickets, the tickets themselves and the language on them. There is a clear attempt to make these tickets look like they have come from the civil authorities or from the police.

In my experience and the experience of many of my constituents, signage in private car parks is inconsistent. At best, that could be down to poor maintenance or a mistake. At worst, it could be argued that the poor signage is again a deliberate act to confuse or deceive.

Another development that I have found unhelpful is car parks where people can park only with an app. Some of these apps are absolutely excellent. It is not the case that people can park in car parks on the Great Western Railway network only by using the APCOA app, although that app is very good; many Members will have had experience of using it. That is not so in other car parks, one of which belongs to a very fine hotel in Bristol that insisted that people used an app to pay for their parking.

Some years earlier, when the company was in a very different guise, I had used an online parking facility with that company and given over my car details. I could no longer remember any of the log-in details, and it turned out that there was no facility for me to reset my membership or to be able to access the app. However, because I had entered the car park, I would be charged, and if I was unable to pay through the app, then I would have to accept the ticket and appeal it. The fact that the company could do that was quite extraordinary, especially as I had entered the car park and incurred the charge before any of this became clear to me. That could have been a unique and extraordinary happening experienced by almost nobody else, but it does perhaps indicate how unregulated and unreasonable the private parking industry can sometimes be.

What underlines all the things we have heard today better than anything else is that in all our experience when dealing with casework, we have heard time and

again that when these private parking companies are challenged, they capitulate almost immediately. Very rarely do they stand their ground, and that indicates exactly how thin the ice they are skating on is. I agree with colleagues across the House who have said that access to DVLA data is, very clearly, a privilege for companies that behave correctly and should not be allowed for those who repeatedly behave very badly indeed. I have great pleasure in supporting the Bill.

1.51 pm

**Sir Christopher Chope (Christchurch) (Con):** I have two or three questions for the Minister.

I have already mentioned to my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) my concern about the DVLA's inadequate behaviour in this respect. I do not see why the DVLA itself does not stop giving access to its database to rogue parking companies. This Bill proposes to deal with that indirectly through members of parking associations rather than directly with the parking companies concerned.

**Sir Greg Knight:** May I correct my hon. Friend? My understanding is that the DVLA does refuse to give access to rogue parking companies, so the threshold beyond which a company is regarded as “rogue” is perhaps what needs changing. That is the point.

**Sir Christopher Chope:** I am grateful to my right hon. Friend for correcting me. In that case, may I challenge the Minister to explain why so many of these rogue parking companies are continuing to operate in the disgusting way that we have heard about during this debate?

Will my hon. Friend the Minister ensure, when this Bill goes forward, that we also introduce a provision ensuring that there should be equal treatment of all vehicles in private car parks? In my local authority area of Christchurch there is a lot of resentment about the fact that when, for example, Travellers invade the car park, they are treated with impunity, whereas people who may have just overstayed by 20 minutes find themselves having the book thrown at them. Can we ensure that the Bill is used as a vehicle for getting equal treatment for all motorists who park in private car parks? Will my hon. Friend say when he expects the provisions of this Bill, and the secondary legislation, to be enacted, so that people who are concerned about this issue know the deadline for implementing what we in this House want to do?

If my hon. Friend gives satisfactory answers to those questions, I hope that the Bill can make progress.

1.54 pm

**The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak):** Nobody leaves their house because they want to go and do some parking; parking is simply a means to an end, and it should be as easy as possible. The millions of people across the country who use private parking facilities every day deserve a system that is fair, transparent and consistent, but as we have heard from Members on both sides of the House, it is clear that the current private parking system has at times failed each and every one of these tests.

I join hon. Members across the House in congratulating my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on bringing the Bill to its Second Reading. It rightly seeks to address an issue that comes up time and again in all our postbags and inboxes. As we have heard, there is currently no standardised, central and independent regulation of private parking operators. Today, there are two different trade associations, each with its own code of practice, and, as the hon. Member for Perth and North Perthshire (Pete Wishart) mentioned, the industry is largely self-regulating.

That has led to a range of issues for hard-working constituents doing their best to abide by the rules as they go about their day-to-day business. As we heard, people are being charged unreasonable amounts of money for what are clearly very minor and honest mistakes. My Department has received a case where someone accidentally mistyped their registration number into a parking system, and for the sake of a 50p ticket received a £45 fine in the post—90 times the cost of the original parking ticket.

As we heard from my hon. Friends the Members for Solihull (Julian Knight) and for Clacton (Giles Watling), also problematic is poor signage. To park in a private car park is essentially to enter into a contract, but signs are often poorly lit and have unreasonably small text, meaning that drivers are completely unaware of the contract they have just entered into. As my hon. Friends the Members for Havant (Alan Mak), for Torbay (Kevin Foster), for Wells (James Heapey) and for East Worthing and Shoreham (Tim Loughton) and the hon. Member for Cardiff South and Penarth (Stephen Doughty) set out, however, unjustifiable charges and poor signage are not the only problems facing motorists.

**Stephen Doughty:** I am glad to hear that the Minister supports the Bill. Will he also look closely at the links between one of the so-called trade associations, the International Parking Community, and Gladstones Solicitors, and the listing of all these accredited operators? It is clear from Companies House information that there are clear links between the individual directors of Gladstones and the IPC, which goes under United Trade and Industry Ltd, and that there has been a repeated changing of names and addresses in an attempt to cover up these links.

**Rishi Sunak:** The hon. Gentleman is absolutely right to highlight the alleged conflicts of interest within the industry. That is certainly something that the code should look to improve. On his other point, he is right that the way some operators contact members of the public is deeply worrying, as we have heard, and how they label tickets. We have also heard familiar stories of intimidating letters issued by companies that often falsely give the impression of being from a solicitor. These letters often contain threatening, legalistic language, hide appeals information in the small print and disingenuously push people towards paying unjust fines, unaware of their right to appeal.

**Yvonne Fovargue:** Does the Minister agree that parking companies should not be able to raise these levels of fines if a levy is imposed on them to facilitate a new scheme?

**Rishi Sunak:** The hon. Lady raises the issue of the level of fines, which is also something the code is considering. In theory, there is currently a maximum fine; the job of the new code is to make sure it is properly enforced.

Similarly concerning is the use of county court judgments, as was raised by the hon. Member for Cardiff South and Penarth. We are aware of a case in which a private parking operator pursued a ticket against someone who had sold the offending car before the ticket was issued. Inexplicably, the operator decided to obtain a CCJ against the unsuspecting person, which they only discovered when it caused the family's application for a mortgage to be rejected at the last minute—their chance to buy their dream home ruined by a £40 fine meant for someone else entirely. Such practices are clearly unacceptable and must come to an end.

That brings me to the appeals process itself. As many hon. Members have mentioned when writing to my Department, accessing the appeals process is no guarantee of a fair hearing. In too many cases, appeals seem to simply ignore common sense. In one case, despite the fact that the parking operator had stated that the alleged parking offender was a male, the appeal process upheld the case against a woman.

We would imagine that if the industry had confidence in the tickets they were issuing, they would be willing to defend their decisions at appeal. My hon. Friend the Member for Wells touched on this, and the House may be interested to know that in the year to September last year, for just one of the trade associations' appeal services, in almost 40% of cases brought to appeal, the parking company immediately caved and cancelled the ticket. That statistic suggests that parking operators are in many cases issuing questionable tickets that they themselves do not even think are worth defending at appeal.

Clearly we must take action to put an end to the indefensible behaviour we have heard described today by Members across the House, and the Bill is an opportunity to do just that. Specifically, it will enable the Government to introduce a new single code of practice to cover the whole industry, which will give drivers the confidence to know that they will be treated in a fair and consistent way.

To respond to the comments from my hon. Friends the Members for Christchurch (Sir Christopher Chope) and for Dudley South (Mike Wood), an operator that fails to comply with the code will lose its access to DVLA data. That is a severe penalty, making it effectively impossible to enforce a ticket. Further, if a trade association has been found to be breaching the code of practice, its status as an official trade association will be revoked immediately. Any costs arising from the code, including its enforcement, will be covered by a new levy on the industry, which the Bill also provides for.

The Government have started to develop the new code in partnership with stakeholders, and I welcome the fact that the director of the RAC Foundation, Steve Gooding, is chairing an industry advisory panel. I put on record my thanks to him and the other panel members for the work they are doing. I look forward to receiving their latest submission.

I thank all hon. Members who have participated today for highlighting the clear need to improve standards and regulation in this industry. I am sure that my

[Rishi Sunak]

officials have been taking close note of all the examples raised, which will go into developing the code, the principles of which we hope to publish at the same time as the Bill's Committee stage.

The hon. Member for Makerfield (Yvonne Fovargue) and my hon. Friends the Members for Chippenham (Michelle Donelan) and for Thornbury and Yate (Luke Hall) raised the issue of disclosure. The Government agree that transparency in disclosure is very important and should form part of the Bill. The exact form is still being worked on, with not just car park operators but those involved in the appeals process, and that data should be available for the public and audit authorities to analyse.

I commend my right hon. Friend the Member for East Yorkshire for the time and effort he has put into bringing the Bill to Second Reading. It will pave the way for real reforms that will make a positive difference to people across the country, and I am delighted to speak for the Government in support of his Bill.

2.3 pm

**Sir Greg Knight:** With the leave of the House, I would like to thank all Members who have taken part in the debate and expressed their support. I particularly want to thank the Minister for indicating Government support for the Bill, the shadow Minister, the hon. Member for Makerfield (Yvonne Fovargue), and the Scottish National party spokesperson, the hon. Member for Perth and North Perthshire (Pete Wishart). The point raised by the hon. Member for Cardiff South and Penarth (Stephen Doughty) about seeing that an appeal process is truly independent will be dealt with in the Bill.

Every Member who contributed to the debate made a valid point. I will not cover them all, but all good points raised can be covered in a robust code of conduct. The Bill may not make finding a parking space any easier, but it will make the whole process fairer, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).*

## Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill

*Second Reading*

2.4 pm

**Daniel Zeichner** (Cambridge) (Lab): I beg to move, That the Bill be now read a Second time.

I am sure that many hon. Members have heard from taxi and private hire drivers about the issues the trade faces, as well as from passengers, trade unions, disability and safety campaigners, and councillors because the trade faces enormous challenges, particularly with changing technologies. The Bill focuses solely on passenger safety. We need a solution that respects local contexts and local decisions. With nearly 360,000 licensed taxi and private hire drivers in the UK, we need to better equip enforcement officers to regulate the trade and improve safety standards. Let me first present the problem, and then I will explain how the Bill will work to solve it.

We have seen some high-profile cases in which drivers have used taxis or private hire vehicles to abuse vulnerable people. In areas where this has happened, it has led to local authorities adopting high standards and refusing licences to those who do not meet them. Under the current system, however, there is nothing to stop individuals applying to a local authority with lower standards, being granted a licence and then working in the area where they had been refused a licence. Councils have revoked the licences of drivers only to find that they go elsewhere, get a licence from another authority and are back working the same streets, sometimes within days. That cannot be right. The local authority with lower standards has no way of knowing about previous refusals, if the driver in question does not choose to tell them. Ultimately, this leaves all of us exposed to harm and deprives local authorities of control over their own streets.

**Sir Christopher Chope** (Christchurch) (Con): The hon. Gentleman is making a very interesting point. Will he give us some examples of where this is happening?

**Daniel Zeichner:** Given the time constraints, I will not go into the detail of such cases, but some notorious ones in Southend, for example, have hit the national headlines.

We now come to the second part of the problem I seek to address. Local council enforcement officers can enforce only against those who are licensed in their own local authority. This means not only that drivers trying to game the system can work where they please, but that they are too often exempt from many enforcement powers. The system renders responsible councils trying to tackle problems in their areas helpless in the face of drivers coming from outside and operating under lower standards.

**Maggie Throup** (Erewash) (Con): Erewash Borough Council gives out licences to one lot of taxi drivers and Broxtowe Borough Council gives out licences to another lot, while the car park for Ilkeston station is in Broxtowe and the taxis drop people off in Erewash. Does the hon.

Gentleman agree that the Bill will help to solve the problem of ensuring that everyone meets high standards in such a situation?

**Daniel Zeichner:** The hon. Lady is exactly right that that is the problem we are trying to address.

The Bill will give councils the tools they need to better protect passengers using taxis and private hire vehicles in their areas. It requires licensing authorities to record licence refusals, revocations and suspensions on a national database. Currently, there is no system that centrally records this information. When processing applications, licensing authorities will be required to check the register and to have regard to any previous decisions recorded before awarding licences. This will stop drivers who are gaming the system, and prevent them, if refused a licence in one authority, from just crossing a border into a more lenient area and obtaining a licence there instead, while maintaining the intention to work in the area that refused them.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I wholeheartedly support my hon. Friend's Bill. I am conscious of the time pressure, but let me say that I have worked very closely with taxi drivers in Cardiff and with the GMB on addressing these issues. This is a crucial part of the cross-border debate, which I am sure he agrees goes much wider. Does he agree that it is excellent that the Welsh Labour Government are looking at these issues in the context of the new devolved powers that they will have in Wales?

**Daniel Zeichner:** My hon. Friend is right, and it will be very interesting to see what the Welsh Government come up with.

As I was saying, the second authority must have regard to the decision of the first, and come to a reasoned decision on whether to license a driver.

The second part of the Bill allows local authority enforcement teams to report instances of wrongdoing by taxi and private hire drivers that cause them concern to the authority in which the offender is licensed. The licensing authority must then have regard to such a report and respond. This duty to have regard can be challenged in court, which is important because this will help to drive up standards across the country and end the frustration of local drivers seeing others in their community working to lower standards, when higher standards have—for good reason—been set through local discussion. We owe it to the trade to assure drivers that their peers are indeed fit and proper, and worthy of licensing. This Bill will raise standards and public trust, and improve the industry.

More can be done on taxi and private hire policy. I believe that a substantial overhaul is needed, and I hope it will be done in future by my hon. Friends on the Front Bench as part of a Labour Government. National minimum standards for drivers, vehicles and operators that can be built on to meet local requirements are required, as are national enforcement powers and further work on issues beyond safety. I hope that the Minister sees the importance of this issue and commits to further legislative work on taxis and private hire vehicles. Time is tight, so I will conclude, but I hope that hon. Members on both sides of the House will support this Bill, help to

improve it further in Committee and stand up for all the drivers and passengers in our constituencies who will be helped by its success.

2.9 pm

**Matt Warman** (Boston and Skegness) (Con): I rise to commend the Bill to the House. It would do an excellent thing. In my constituency I have drivers licensed by both East Lindsey District Council and Boston Borough Council, and the idea that drivers never stray from one area to another is ridiculous.

I wish to make a broader point, which is that the history of the licensing regime goes back to an era when private hire vehicles of any sort were unlikely to go outside their own area. That is hugely outdated and anachronistic in the modern age. The idea of a national database is now a relatively simple proposal, and it is just one of the Bill's merits. When private hire arrangements were first brought about, the idea of a national database was unthinkable. What strikes me about the Bill is that it is probably the first of several cases in which we could think about how to do things in a far more efficient and sensible way and bring about real improvements in public safety or other areas for relatively little cost and with relatively enormous benefits. I know that the Minister will look at that, but the Government should consider more broadly the opportunities to replicate such an arrangement. It is a positive thing that the Government have supported the Bill.

In any national database, the security of the information must be paramount, and I know that the Minister will look at how that should be implemented and at all those considerations. In the age of Google, Facebook, social media, Matt Hancock the app and all that, we have to bear it in mind that we should not rush towards something because it is obviously a very good thing and in the meantime lose sight of security considerations.

With that caveat, I commend the Bill to the House. I will certainly support it; it does something that I hope will be simple enough to make happen relatively quickly.

2.12 pm

**Matt Rodda** (Reading East) (Lab): I thank my hon. Friend the Member for Cambridge (Daniel Zeichner) for offering us the opportunity to discuss this important and timely question. I am pleased that the Bill has come out of a wide-ranging consultation process. It is the product of discussions with local authorities, trade unions, the Local Government Association and central Government, and I am gratified that there has been such a diversity of input. I am also especially grateful to my hon. Friend for taking the time to meet representatives from the third sector, including Guide Dogs and the Suzy Lamplugh Trust. As such it is really pleasing to hear that this consultation process has identified a clear commitment across the industry to raising standards and enhancing safeguarding frameworks.

Under current frameworks, unscrupulous drivers have an open pathway to game the system. I should be clear that I am not necessarily criticising the second licensing authority in such instances. Beyond the licensing question, moreover, there is a lack of empowerment for enforcement officers, who currently can enforce only against drivers licensed by their own local authority. In general, then, the current system fails responsible councils and law

[*Matt Rodda*]

enforcement teams seeking to tackle abuses in their local areas. It also fails an industry that seeks to operate to the highest possible standards.

I note the time. I am satisfied with the second part of the Bill, which would allow local enforcement teams to report to the licensing authority. This form of collaborative cross-border work would build on what we know is already very positive in the sector.

In all this, then, the Bill would support councils to do their job and would not remove any powers from them. Rather, it would enhance their ability to employ existing powers. It would not discriminate unfairly against drivers. It would allow them, for example, the potential of a second chance to reapply for a licence in the neighbouring authority. This is a high-quality piece of legislation fit for the 21st century so it is my pleasure to support it.

2.14 pm

**Sir Christopher Chope** (Christchurch) (Con): I have several concerns about the Bill. As with many Bills that were drafted with good intentions, the proposed remedy is disproportionate to the problem. The hon. Member for Cambridge (*Daniel Zeichner*) accepts in his explanatory notes to the Bill that to obtain a licence to drive private hire vehicles or taxis, people have to show that they are of good character and that they are fit and proper persons. I have no problem with that, and I would have no problem with requiring all 293 licensing authorities to use the same test to ensure that an applicant was a fit and proper person and had not been ruled out by another licensing authority.

The key to my concern is apparent in the long title, which talks about making

“provision about the exercise of taxi and private hire vehicle licensing functions in relation to persons about whom there are safeguarding or road safety concerns”.

What do we mean by “concerns”? Concerns may be irrational. The hon. Member for Dover (*Charlie Elphicke*) has been waiting for three months to find out the nature of the concerns about his conduct. Would the Bill prevent him from applying for a private hire licence?

Clause 1 states:

“In this Act “relevant information”, in relation to a person, means information indicating that the person...has committed a sexual offence.”

“Indicating” is a very weak word; if the word was “proving” or “showing”, I would be much happier. Why should the relevant information include an indication that that person has committed a sexual offence, when that can be established without any difficulty?

Then we get on to an indication that an applicant “has harassed another person”. That is incredibly wide, and we are not talking about a court appearance or any sort of offence. It means that somebody simply could allege to the licensing authority that they or somebody else had been harassed by the applicant. That licensing authority and others could use that indication as grounds for refusing the applicant a licence, thereby preventing him from becoming, or continuing as, a taxi driver or private hire driver. We are talking about depriving licensed drivers of their livelihood or preventing others from taking up the profession. If we are going to introduce a

rule book, it needs to contain rules rather than rumour or smear. I would be interested to hear the hon. Member for Cambridge explain why he has chosen to use such a wide expression.

I am equally unhappy about clause 1(1)(c), which concerns an indication that an applicant

“has caused physical or psychological harm to another person”.

What will be the test for that? There is no requirement for it to be proven, either beyond reasonable doubt or on the balance of probabilities; there simply has to be an indication that it has happened. An indication can come from someone who makes an anonymous telephone call. That is open to massive abuse by people who, for reasons best known to themselves, may have a grudge against somebody who is already a taxi driver or licensed private hire vehicle driver, or they may wish somebody else not to come into that competitive profession. That provision really must be tightened up if the Bill is to get on to the statute book.

We then get to clause 1(1)(d). The “relevant information” would be an indication that a person

“has committed an offence that involves a risk of causing physical or psychological harm to another person (whether or not the person was charged with, prosecuted for or convicted of the offence)”.

That is so widely drawn as to be downright oppressive. Why do we need to include that in the Bill at all? An indication that a person “has committed an offence”—I think there should be proof that they have. It goes on to say that the consequence of that offence involves not actual physical or psychological harm, but a risk of physical or psychological harm. That is so ludicrously widely drawn that is unfit to be the subject of legislation in this place.

Clause 1(1)(e) is equally wide. There has to be an indication that somebody

“has done anything that, for the purposes of the Equality Act 2010, constitutes unlawful discrimination against”

someone. If there has been “unlawful discrimination” in breach of the Equality Act, let it be established, but let us not have a smear that something may have happened or that there is an indication that it happened. Let us require proof of all this before we take away the livelihood of a driver or deprive somebody else of the ability to become one.

Clause 1(1)(f) talks about an indication that a person “has threatened, abused or insulted another person”.

I think that would rule out anybody who has been in the Whips Office, either in opposition or government. I speak as somebody who has never been granted such a privilege, but what person who has served in the Whips Office can say hand on heart that they have never threatened, abused or insulted another person?

**Mr Deputy Speaker (Sir Lindsay Hoyle)**: Order. I think we are drifting a bit from where we should be in talking about the Whips Office. I do not want to concentrate too much on the Whips. They are getting rather perplexed down here.

**Sir Christopher Chope**: I will not press the point about the Whips, because there is actually no requirement of proof. All one needs is an indication.

**Matt Warman:** My hon. Friend is making some very relevant points, but they might, of course, be raised about an individual licensing authority. What this Bill does is provide an opportunity to tidy that up and provide a national structure that fixes the problems that he is talking about. I wonder whether he is actually making an application to serve on the Bill Committee.

**Sir Christopher Chope:** As you know, Mr Deputy Speaker, I am assiduous in my membership of Committees—I think I am a member of five Select Committees at the moment—so I am happy to take on additional responsibilities and burdens. With the greatest respect to my hon. Friend, I think that he misunderstands the Bill. We are not talking about a national system, although there might be good arguments for introducing a national system, so that somebody who was licensed to be a taxi driver or a private hire vehicle driver in London could also be such a person in Christchurch, or vice versa.

The Bill, however, says that if the licensing committee in one local authority decides that there is an indication that someone

“has caused physical or psychological harm to another person”, that indication, which is then used by that local authority to deprive the person who has caused the harm of the right to keep or obtain such a licence, must be transferred to another authority and could be used as evidence in that other authority against a similar application, although the raw material on the basis of which the conclusion was reached may not also be transferred.

There may well be a strong case for a national licensing system in the context of the Bill, although in my experience small councils—and I speak as a great defender of a small council, Christchurch Borough Council—are very jealous of their right to have licensing regimes, whether for taxis and private hire vehicles or for other purposes linked to their particular circumstances.

Clause 1(1) refers to

“relevant information...indicating that the person...poses a risk to road safety when driving”.

As you will know, Mr Deputy Speaker, this is a subject close to my heart, because I used to be a Minister for road safety. When I looked at the explanatory notes, it became clear to me that someone who had convictions for speeding or careless driving would not be regarded as posing a risk to road safety. Why not? We must not belittle the offence of driving with excess speed. I do not know whether the hon. Member for Cambridge, like me, has the privilege of being a member of the Institute of Advanced Motorists, but he will know that members of the institute must declare every year whether or not they have been convicted of a driving offence, which includes speeding. Why should the Bill provide a relaxed test in relation to such behaviour by someone who wishes to be a professional driver, while saying that if there is an indication that that person may have caused psychological harm to another person—although not proven—that will count against him or her?

Clause 1(1)(h) refers to another test of “relevant information”: an indication that the person concerned “may be unsuitable to hold a driver’s licence for other reasons relating to...the safeguarding of passengers, or...road safety.”

So the clause is a catch-all. There would be no protection under the rule of law for anyone who made an application. They would be vulnerable to prejudice, petty vendettas

and all the rest of it. It seems to me that the core of the Bill, which is contained in clause 1, is fundamentally flawed. It moves a million miles away from the current provision that if someone can establish that he or she is a fit and proper person, he or she can, *prima facie*, become a licensed driver.

Clause 1(2) states:

“A reference in subsection (1) to an offence includes a reference to the following offences”.

I have no problem with attempts to commit offences, conspiracies to commit offences, aiding and abetting, or incitement, which are listed in that subsection. I do, however, have a strong objection to clause 1(3), which states:

“A reference in subsection (1) to an offence (including a reference having effect by virtue of subsection (2)) includes a reference to conduct that would have constituted the offence if it had been done in England and Wales.”

In other words, we are not talking about offences; we are talking about conduct that could, if there had been a prosecution, have amounted to an offence. How oppressive is that? It strikes me as incredibly oppressive and potentially unfair and unjust.

Clause 1(4) gives definitions of “sexual offence”; you may be pleased to know, Mr Deputy Speaker, that I have no objection to that part of the clause. However, we then get on to clause 2, which would set up a new licensing information database. I do not know the extent to which that would be compliant with the Data Protection Act 1998, but it would basically mean that false information provided to one licensing authority on the basis of which that licensing authority has refused somebody a licence can then be transferred—

2.30 pm

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

*Ordered,* That the debate be resumed on Friday 26 October.

## **Business without Debate**

### **FOOD INSECURITY BILL**

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

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 26 October.*

### **KEW GARDENS (LEASES) (NO. 2) BILL**

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

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 23 February.*

### **PETITION**

#### **Thrapston Library**

2.31 pm

**Tom Pursglove (Corby) (Con):** I am presenting this petition today on the future of Thrapston library on behalf of the people of Thrapston and the surrounding area, who rely on this vital facility that provides a range of important services for the community. They want the library to remain open, and a similar petition has received 975 signatures.

[Tom Pursglove]

The petition states:

The petition of residents of the United Kingdom,  
Declares that Thrapston Library should remain open.

The petitioners therefore request that the House of Commons  
urges the Government to compel Northamptonshire County  
Council to ensure Thrapston Library remains open.

And the petitioners remain, etc.

[P002107]

## East of England Ambulance Service NHS Trust

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

2.31 pm

**Norman Lamb** (North Norfolk) (LD): I want to start by making it clear that I recognise absolutely that there is intolerable pressure generally across the emergency care system, and there are serious issues that have to be addressed particularly around handover delays, and I include within that the sense that there is quite a variation from one hospital to another and we need to understand why it appears as though some hospitals are more successful than others in addressing this.

I also want to make it clear that it is not my intention to focus on the adequacy of funding of the NHS in this debate; that is for another occasion. The question I want to address here is whether the East of England Ambulance Service NHS Trust is doing all it can with the resources it has.

I also want to place on record my understanding that we have incredibly committed clinical staff in this trust, and I want to express my gratitude to them; they are often working under intense strain, frequently dealing with extraordinarily distressing and sensitive personal situations, and they do so admirably. I should also express my gratitude to the Minister for meeting me this morning to hear more about my concerns, and for the seriousness with which he listened to them.

My reason for calling this debate is that I met a senior employee of the trust, who is a whistleblower in effect, and who came to me with deep concerns about what is going on in his service. I found the testimony to be very credible and I took the concerns extremely seriously. I have seen a list of 40 cases of potential patient harm associated with delays in response times, including 19 cases where patients lost their lives.

**Fiona Onasanya** (Peterborough) (Lab): Simon and Michelle came to see me about this very issue. Their 999 call was downgraded, and as an unintended consequence, they lost their baby girl, Darcey, in what appears to be one of a catalogue of failures in the interaction between the ambulance trust in the hospital.

**Norman Lamb**: I am grateful for that intervention, and the hon. Lady is doing exactly the right thing in pursuing that matter on behalf of her constituents. They deserve answers to the concerns that they have expressed over that tragic case.

Beyond the list of 40 cases, I understand that a further 120 incidents of potential patient harm and a potential 81 patient deaths have been associated with delays over this period of time. One case, which is not on the list of 40 that I have seen, concerns a constituent who does not want her family's name to be mentioned. She has written to me as follows:

“My Mum had been ill from Boxing Day and finally on New Year's Day she deteriorated to such a level that I had to call an ambulance. When I first logged the call they advised me that as she was still breathing we would have to wait an hour before a team could get to us. Mum's health deteriorated further to a point that I had to place another call to the ambulance call centre as she had suffered a stroke and then a heart attack and had stopped

breathing. My sister and I had to perform CPR whilst waiting for the crew. When they finally arrived, although they tried, they said that there was nothing they could do and she was pronounced dead.”

I should say that my constituent commends the crews that attended for the work that they did.

**Clive Lewis** (Norwich South) (Lab): I have great respect for the right hon. Gentleman for bringing this debate to the House today. Does he agree that this is due to a systemic crisis, rather than to individual failings? Since publicising this issue in the Chamber some weeks ago, I have been inundated by cases of people from across the country, not just the east of England, who have experienced similar failings in the ambulance service. We must make it clear that this is not just about blaming managers at the East of England Ambulance Service NHS Trust; it is also about accepting that the Chancellor of the Exchequer and the Secretary of State for Health bear responsibility for what is happening to ambulance services across the country.

**Norman Lamb:** I thank the hon. Gentleman for his intervention. Ultimately, the Government are responsible for keeping the people of this country safe, with emergency services that work effectively. That is ultimately what we are debating.

This is not something that just happened over the Christmas and new year period. Just last Friday, the 91-year-old mother-in-law of some close friends of ours in south Norfolk fell on to a cold stone floor. They called 999 at 8.45 pm, but the ambulance did not arrive until 4 am. It left at 4.45 to go to the hospital, but she had to wait in the ambulance until 6 am. She then had to wait on a trolley for two more hours. That is intolerable; she is 91 years old. This could happen to a family member of any of us; we all have a stake in this. We have to recognise that it is intolerable. Another constituent has told me about his 92-year-old mother who broke her leg. She had a nine-hour wait, during which she developed hypothermia. Then a car arrived, rather than an ambulance, and she had to wait another 40 minutes for the ambulance. That is simply intolerable.

I am told that, according to the assessment of many people internally, the service over that period was unsafe, and that no assurances have been given that the trust would be able to provide a safe service in the future, if there were to be a period of very cold weather or a flu epidemic, for example. That is a matter of serious concern to the people of the east of England. On several occasions during the period, there were more than 200 999 calls that could not be responded to at the moment they came in, because no crews or ambulances were available.

The Care Quality Commission told me this morning: “This is a service that is in crisis”.

It also said:

“Patients are at risk”.

However, the CQC appears to have confidence in the leadership of the trust. I fear that it is being complacent in its attitude, and that it is not taking seriously enough the number of patient harm incidents that I have referred to. I have deep concerns about whether any family member of mine, any constituent, or anyone else across the east of England who has to rely on the service will get a service that will protect and safeguard them in

their hour of need. I am told response times in North Norfolk are dire—not just that the trust is not meeting the target but that the long tail beyond the target is deeply concerning. I do not have the assurance that we need.

The concerns appear to have been recognised because a risk summit was convened. According to the official guidance, a risk summit is normally triggered “if there are significant and serious concerns that there are, or could be, quality failings in a provider or system.”

The guidance further states that a risk summit should be called

“only as a last resort”.

Well, we clearly have a last resort here.

My central plea to the Minister is that we need an independent governance review, and I would like a specific response to that because I genuinely believe it is needed, but I would like to raise the following specific concerns. I understand there was a £2.8 million underspend in the trust in month nine of the financial year. How can that be justified? Is the Minister satisfied with that?

I am told that more than 100 staff have been recruited but are currently on a waiting list to start. Some have been on the list for more than a year. I am told there has been no recruitment in Norfolk, which is where response times are at their worst. Staff have left without being replaced.

There was an independent assessment in August 2016, never published, by Operational Research in Health, which said that hundreds more staff are needed across the region to run a safe service. Why has that never been implemented? The only area where there has been recruitment of late, according to adverts online, is in Bedfordshire and Hertfordshire, the best-performing areas. The impression I am left with is that it is all about hitting the national target, rather than ensuring that all parts of the region are safe.

Interestingly, the online job advert has just been changed to include other counties, but the public board papers say there are no vacancies in those other counties. At the same time, lots of additional management posts have been created. There is a new deputy director of human resources, an associate director of HR, a deputy director of strategy and sustainability and other deputy director posts.

The trust has also doubled its spend on lease cars, which in November 2017 was up from just under £500,000 to nearly £1 million, with directors and deputy directors making no contribution. I am told that directors and deputy directors drive around in Jaguars, Range Rovers, Mercedes and Audi A5s. Is the Minister comfortable with that? The policy allows discretion by the director but, with a service that is under such strain, for me it is a question of judgment and culture in this organisation.

I am told there was a very late sign-off of the plan for the Christmas and new year period following the letter from Professor Keith Willett, so the trust was not better prepared than ever, which is the Government’s mantra. Did meetings take place between the trust’s chief executive and the chief executives of hospitals where the delays were at their worst in the run-up to the Christmas and new year period? We have a right to know.

The trust issued a statement that it had not been made aware of any patient safety issues internally, but that is not true. I have a copy of an email from a constituent to the chair of the trust on 9 January

[Norman Lamb]

specifically referring to the fact that someone in the trust had come forward to raise patient safety concerns. Is that acceptable? It is a wholly misleading statement to the public. Does the Minister feel comfortable with that?

Is it acceptable that neither the chief executive nor the chair of the trust has been prepared to be interviewed publicly since the new year? When there have been so many patient safety incidents, surely they should be being held to account for that service on television and radio.

There has been a big issue about director presence over Christmas and new year, with claims and counter-claims having been made, and we need to get to the bottom of it. Will the Minister ensure that we are told who was actually on duty all the way through the Christmas and new year period? By that, I mean on duty and in the region—not at home in some foreign country—leading the service in this region. It was new year's eve before REAP 4—Resource Escalation Action Plan 4—was declared. That is the highest level. Many people in the organisation felt it should have happened before that, so that mutual assistance could have been secured from surrounding trusts. Why did that not happen?

A report was commissioned last year from SSG Health—a “phase 2 report”—on how the trust can save money. It has never been published. I have tried to get hold of it under freedom of information but my request has been refused. Will the Minister ensure that it is now put into the public domain? Given the scale of the crisis, which the Care Quality Commission has acknowledged, we have a right to know what that report says and what is being done about it. It cost more than £500,000 for this report on how to save money. That shows the scale of the culture problems that we face.

On late finishes, staff regularly work 14-hour to 15-hour shifts, but no data has been available from the trust to the staff side since February last year. In September, the trust removed the staff support desk, which was there to provide support to staff who were working very long shifts. No data has been made available by the trust to the staff side on “tail breaches”—these very long delays in getting to patients. The trust claims an exemption under FOI. That is symptomatic of a trust that fails to be open with staff representatives and with the public it is supposed to be serving. A constituent of mine who has worked for the trust has been declared “vexatious” for making FOI requests about patient safety issues, for goodness' sake. How about that for the culture of this organisation! The matter is now with the Information Commissioner.

I believe, and I think the Government believe, that trusts should be entirely open; there should be an open culture, encouraging staff to speak out about patient safety issues. Will the Minister send a clear message to end the embargo on FOI requests, so that we can find out what is going on in this trust, rather than have it being kept from the public gaze? This is an issue of the utmost concern to the people of the east of England. People in this region need reassurance that they will be cared for and that the response will be there when they need it. It is frightening for anyone, but particularly for older people, to wait interminably for an ambulance to arrive when a loved one is very ill and potentially dying.

This is intolerable in a civilised society and ultimately it is the Government's responsibility to ensure that there is a service there to serve the people of this country.

2.48 pm

**The Minister of State, Department of Health and Social Care (Stephen Barclay):** First, I wish to thank the right hon. Member for North Norfolk (Norman Lamb) for securing this debate. I recognise the concerns raised about the East of England Ambulance Service, including questions about whether delays to ambulance responses have caused additional harm to patients over the Christmas period, and his concerns about the leadership of the trust and the role of the CQC. I assure him that I am taking these allegations seriously, both as a Minister and, as he knows, as a constituency Member of Parliament in the East of England. I have put in place a number of actions to immediately ensure improvements to services are put in place by the trust.

As the right hon. Gentleman will be aware, a risk summit was held this week, on Tuesday 30 January, which examined whether the service is operating effectively now and sought to put in place any required actions to improve it going forward. I have spoken personally to the chief executives of NHS England and NHS Improvement, and to the chair of the risk summit. I will expand on the findings further, but I wish to emphasise that a wide-ranging plan of immediate actions has been put in place to address the issues that were identified. Details of the action plan have been published today and a progress meeting in two weeks will be led by NHS Improvement and NHS England. I agree with the right hon. Gentleman about the accessibility of the trust leadership in respect of the chief executive and the chair making themselves available for media bids. I have communicated that to the trust.

I recognise that the right hon. Gentleman is concerned about the overall approach of the trust's senior management and about the level of external assurance from the CQC. In addition to the action plan identified at the risk summit, which was attended by other external parties including NHS England and NHS Improvement, I have gone further by asking NHS Improvement's executive medical director, Kathy McLean, to provide her own assurance to Ministers in the coming week. That will assess the immediate steps taken to address the concerns expressed in the House and whether actions suggested in the earlier external reports have been implemented. Alongside that, I am happy to have further discussions with the right hon. Gentleman about his specific point about the Association of Ambulance Chief Executives.

I am assured that, where there were serious delays in response times, the trust has identified all potential causes. Following an initial investigation, it is examining 22 such cases through the serious incident procedure. That will ensure that individual cases are properly investigated. The hon. Member for Peterborough (Fiona Onasanya) mentioned a specific case and we are determined to ensure that that is addressed. I am happy to discuss that with her further.

In terms of the report mentioned by the right hon. Member for North Norfolk, which was previously commissioned for the trust, I am happy to update the House and say that the report should be published as soon as possible. Again, that is an issue I will follow up.

Let me turn to the specific actions arising from the risk summit. I am advised that actions to deliver immediate service improvements are being taken forward under the following themes: ensuring that the trust has sufficient capacity for the rest of winter; the effective implementation of handover delay policy with hospitals; the proper execution of REAP level measures; staff access to executive leadership; sound escalation procedures; bringing in independent assurance around the serious incident investigation procedures; working with CCGs and other stakeholders to manage demand for ambulance services; and the full exploitation of emergency service collaboration with police and fire. As a result of those actions, to help to manage winter demand the trust will put eight additional vehicles on the road each day until Easter, with immediate effect.

Improvements will also be made to the trust's adherence to the national REAP guidelines, and actions will be taken to moderate service pressures, which will allow the trust to de-escalate to REAP level 2. The trust is also working with hospitals to ensure adherence to the national guidance on handover delays, particularly where ambulances waiting to hand patients over receive a new 999 call, which was a specific point that the right hon. Gentleman raised. I also assure him that we will work closely to monitor the outcomes of the work to ensure that safe, high-quality ambulance services continue to be provided to his constituents.

The right hon. Gentleman has also raised concerns that the trust has underspent on its funding while putting in place a hiring freeze. The trust has worked to grow its frontline workforce, fielding 700 more staff since 2014-15, and has achieved a low rate of staff turnover. However, like the right hon. Gentleman, I want further assurance that the trust's staff plans are sufficient to meet the demands facing the city. I will raise that in my discussions with NHS Improvement.

Substantial local initiatives are under way to improve the trust's performance. Importantly, more money is being invested in the service: its funding was increased by £90 million this year—an increase of 10%—and it will further increase by £27 million over the next two years. Other significant actions include the deployment of hospital ambulance liaison officers in emergency departments to help reduce the incidence of handover delays, and an independent review of the trust to ensure that it has the appropriate resources and processes to deliver against its performance standards. I will expand on these measures further, but it is worth considering them in the context of wider national initiatives to improve ambulance performance more generally.

As I stated in the House on 22 January, the NHS is busier than ever and the ambulance service is experiencing unprecedented demand, dealing with more than 11 million calls every year. There were almost 7 million face-to-face responses from the ambulance service in 2016-17, which is a 14% increase over the past five years. Under Sir Bruce Keogh's review of the NHS urgent and emergency care system, ambulance services are being transferred into mobile treatment centres, making much greater use of "hear and treat", which is treating patients over the phone, and "see and treat", which is treating and discharging patients on the scene. In December, the East of England Ambulance Service NHS Trust resolved three out of 10 incidents on the scene without transporting a patient to A&E, freeing up resources to respond quickly to the patients with the most urgent needs.

Additionally, in July last year the Secretary of State approved a revision of operational and performance standards for ambulances following the ambulance response programme. These improvements have now been rolled out to all mainland ambulance trusts in England. The evidence behind this new framework is extensive, covering data collected from more than 14 million emergency 999 calls. The evaluation considered a number of key issues for the east of England, including prioritising responses to the sickest patients while helping to reduce long waits for ambulance responses, and ensuring that patients receive the most appropriate response for their condition. That being said, I do recognise that the trust's performance against these standards needs to improve.

As I mentioned earlier, NHS England and NHS Improvement are working with the trust to help it to adapt to the new performance framework, and have also undertaken an independent service review of its operations. This review covers the trust's demand and capacity modelling, staff recruitment and training, and its approach to pricing and contracting in order to enable it to meet the new ambulance response standards. The detail of this work is being finalised and will be presented to the trust board meeting in March.

With respect to the ambulance workforce, we are taking significant steps across the country to support staff. Compared to 2010, there are over 3,000 more paramedics in England. We agreed in December 2016 that NHS paramedics will be re-banded from band 5 to band 6 on the NHS pay scale. This moves paramedics significantly up the NHS salary structure, and helps to ensure that we are better able to recruit and retain staff in the future.

We are also working to support the trust in addressing issues with patient handovers to hospital trusts, which have been an issue in parts of the east of England. We are clear that handovers must take place within agreed timeframes, and we are supporting hospitals to ensure that improvements are made. As I noted earlier, the trust is working with hospitals to ensure adherence to the national guidance on handover delays. It has also deployed patient safety intervention teams to hospitals to undertake patient cohorting where significant hospital delays arise, as well as placing hospital ambulance liaison officers in emergency departments to help ambulance crews to respond more quickly to incoming calls.

**Norman Lamb:** I am conscious that the Minister is coming to the end of his contribution and that he is not able to respond, here and now, to all the issues I mentioned. Will he undertake to write to me on each and every one of the specific concerns that I raised, including the call for an independent governance review, so that we can get to the bottom of exactly what is happening?

**Stephen Barclay:** I am very happy to give the right hon. Gentleman that commitment. Like me, the right hon. Gentleman wants to get a grip of this issue to ensure that it is addressed. I very much hear the concerns that he and other Members have raised. I hope that he can take some comfort from the series of actions that have already been put in place, including the risk assurance and the commission to Ministers, that signal the seriousness with which this issue is being addressed.

[*Stephen Barclay*]

I would like to restate that we are taking the right hon. Gentleman's concerns seriously. I have outlined the measures already taken as a result of the risk summit, and I will closely monitor the situation to ensure that these actions are delivered on. We have also discussed the wider initiatives that we are undertaking to improve ambulance services nationally, as well as specific local actions to ensure that patients receive the highest quality of care.

Again, I thank the right hon. Gentleman for introducing this debate. I hope that he, and indeed other Members who have serious concerns about this issue, will continue to work with me on a cross-party basis to ensure that all our constituents get the service that they rightly expect.

*Question put and agreed to.*

2.59 pm

*House adjourned.*





# Written Statements

Friday 2 February 2018

## BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

### Energy Policy

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington):** I hereby give notice of the Department of Business, Energy and Industrial Strategy's intention to seek an advance from the Contingencies Fund in the amount of £2,275,000 for FY 2017-18 to provide financial cover to the Office for Nuclear Regulation (ONR).

This cash advance from the Contingencies Fund is required in order to enable ONR to establish a new domestic civil nuclear safeguards regime ahead of the UK's withdrawal from the European Union and Euratom on 29 March 2019. This is in line with the written ministerial statements made by the Secretary of State for Business, Energy and Industrial Strategy on 14 September 2017 and 11 January 2018. The work necessary includes recruitment and training of additional safeguards officers and installation of a new safeguards IT system.

ONR has already begun some preparatory work to deliver the regime but requires this cash advance to move to its next phase of project implementation which includes financial commitments towards recruitment and asset purchases, to be able to deliver the regime ahead of day one of exit.

Parliamentary approval for additional resources of £2,275,000 for this new service will be sought in an estimate for the Department of Business, Energy and Industrial Strategy. Pending that approval, urgent expenditure estimated at £2,275,000 will be met via repayable cash advances from the Contingencies Fund.

The cash advance will be repaid upon receiving Royal Assent for the Nuclear Safeguards Bill and the Supply and Appropriation Bill.

[HCWS445]

## INTERNATIONAL DEVELOPMENT

### Global Education

**The Secretary of State for International Development (Penny Mordaunt):** Developing countries have made huge strides in expanding schooling in recent decades, so that most children are now able to access primary education. The UK has contributed to this impressive achievement: between 2015 and 2017, we supported over 7 million children, including in some of the toughest places in the world.

However, the world is still facing a learning crisis—half of the world's children are expected to finish primary school without learning basic numeracy and literacy. This amounts to around 387 million children who will not be able to fulfil their potential.

We have a moral obligation to help every child get a decent education—but it is also firmly in the UK's national interest. Educated populations are an essential element of prosperous and stable countries which will be the UK's future trading partners.

The UK is a world leader in support for education in developing countries and, together with France, we have designated 2018 as the global year of learning.

DFID's new education policy, which I am launching today, sets out my three priorities for action to ensure more children are learning the basics:

We will support efforts to drive up the quality of teaching in developing countries. Skilled, reliable teachers need to be the norm everywhere.

We will support education systems to stand on their own two feet, using resources effectively to ensure children learn.

We will prioritise children with disabilities, children affected by crises and hard-to-reach girls. During this global year of learning, I will also be drawing attention to other aspects of the learning crisis. At the disability summit in July I will highlight the plight of children with disabilities; at UNGA in September, I will call on Governments to stamp out violence against children in school; and at the World Bank annual meetings in October, I will focus on the role that education plays in driving human capital and prosperity.

Today I can confirm that the UK will boost its contribution to £75 million per year for each of the next three years to the Global Partnership for Education (GPE). This will be an almost 50% increase in our annual contribution to the GPE and demonstrates our determination to show leadership internationally to get children learning. This funding will provide quality education to 880,000 children each year. Our investment will be used to drive improved performance and efficiency and we have capped our investment at 15% of the overall GPE budget. This new commitment comes in addition to the vital work of DFID directly through its sizeable bilateral programmes on education.

I am proud too of the role the UK is playing globally and proud to lead a Department which is dedicated to making a difference in children's lives.

A copy of the policy document will be placed in the Library of the House for the availability of Members.

[HCWS446]

## TRANSPORT

### Maritime Training

**The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani):** I am proud that the United Kingdom has one of the most vibrant and competitive maritime sectors in the world. We are an outward-looking, global trading maritime nation proud of our maritime history but forward looking and ambitious for our future.

Our success though, relies above all else on our workforce. The United Kingdom is recognised all over the world for its leading maritime education and training and for the very best seafarers that are produced. Our well-trained and skilled cadets are responsible for many of our vital needs bringing them efficiently and safely to our shores.

I am therefore pleased to announce that we will be doubling the Government's financial support for maritime training, the so-called SMarT fund, from £15 million to £30 million to introduce a new SMarT Plus option. I am committed to continue building capacity and diversity within our maritime workforce so it can capitalise on every opportunity the market provides. I recognise the importance of transferable skills and the essential role

seafarers play in supporting the wider maritime sector when they return from sea to shore-based careers. Increasing our support for maritime training is essential in order for our great maritime nation to maintain its global position as a market leader. This is never more important than it is today as we prepare to leave the EU and take an even more global outlook.

Seafarers are highly skilled professionals entering STEM related careers. smart plus funding will be available from April 2018 and will also support the year of engineering though stimulating the availability of training opportunities for deck, engine and electro-technical cadets. The 2018-19 cohort of SMarT Plus cadets will begin their on-ship training in the months before we leave the EU.

A key strength of the UK's maritime sector is our strong relationship with industry. I value the work of the UK Chamber of Shipping, Nautilus International and the Merchant Navy Training Board in developing and refining the SMarT Plus proposal in conjunction with my Department's officials. An opportunity was clearly identified to create a resurgence in maritime training and increase the competitiveness of SMarT.

There is no shortage of people applying for cadetships and it is only right that we capitalise on this momentum and create the conditions for more UK training and employment opportunities within the maritime sector. I am delighted to be working with the maritime industry and trade unions and together we will build a stronger UK maritime workforce.

*Notes:*

SMarT Plus is a package that will see SMarT funding doubled, over a 7 year period, from £15 million to £30 million per year.

This will enable the cadet intake to increase from 750 to 1,200 each year.

In return, shipping companies will create additional UK training positions and commit to employ newly qualified SMarT Plus officers.

This will enable SMarT Plus officers to gain the 12 months sea time experience that is required to enable them to progress to their 2nd Certificate of Competency.

UK officers holding a 2nd Certificate of Competency are particularly valued throughout industry. Their quality, leadership and training makes them highly employable.

[HCWS444]





# WRITTEN STATEMENTS

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<b>INTERNATIONAL DEVELOPMENT</b> .....	33WS		
Global Education.....	33WS		

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**not later than  
Friday 9 February 2018**

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