PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CIVIL PARTNERSHIPS, MARRIAGES AND DEATHS (REGISTRATION ETC.) BILL

First Sitting

Wednesday 18 July 2018

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Sunday 22 July 2018

The Committee consisted of the following Members:

Chair: Mr Virendra Sharma

† Atkins, Victoria *(Parliamentary Under-Secretary of State for the Home Department)*
† Brady, Sir Graham *(Altrincham and Sale West)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Carmichael, Mr Alistair *(Orkney and Shetland)* (LD)
† Drew, Dr David *(Stroud)* (Lab/Co-op)
† Foster, Kevin *(Torbay)* (Con)
Greenwood, Lilian *(Nottingham South)* (Lab)
† Harris, Carolyn *(Swansea East)* (Lab)
† Hodgson, Mrs Sharon *(Washington and Sunderland West)* (Lab)
† Huddleston, Nigel *(Mid Worcestershire)* (Con)
† Loughton, Tim *(East Worthing and Shoreham)* (Con)
McCabe, Steve *(Birmingham, Selly Oak)* (Lab)
† Maclean, Rachel *(Redditch)* (Con)
† Mann, Scott *(North Cornwall)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Spelman, Dame Caroline *(Second Church Estates Commissioner)*
† Thomas, Gareth *(Harrow West)* (Lab/Co-op)
† Wragg, Mr William *(Hazel Grove)* (Con)

Adam Mellows-Facer, Gail Poulton, *Committee Clerks*

† attended the Committee

Public Bill Committee

Wednesday 18 July 2018

[Mr Virendra Sharma *in the Chair*]

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

2.30 pm

The Chair: Welcome to the Public Bill Committee on the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill.

Tim Loughton (East Worthing and Shoreham) (Con): On a point of order, Mr Sharma. May we remove our jackets, given the heat?

The Chair: Yes. Before we begin proceedings, I have a few announcements. Please switch electronic devices to silent. Tea and coffee are not allowed during the sitting. Thank you, Tim, for the point of order about removing jackets.

Ordered,

That the Bill be considered in the following order, namely, new Clause 2, Clause 1, new Clause 1, Clauses 2 to 5, remaining new Clauses, remaining proceedings on the Bill.—(*Tim Loughton.*)

New Clause 2

Marriage registration

"(1) The Secretary of State may, by regulations, amend the Marriage Act 1949 ('the 1949 Act') to provide for a system whereby details relating to marriages in England and Wales are recorded in documents used as part of the procedure for marriage, and entered into and held in a central register which is accessible in electronic form.

(2) The regulations may, in particular—

(a) provide that a Part 3 marriage may be solemnized on the authority of a single document (a 'marriage schedule') issued by the superintendent registrar for the district in which the marriage is to be solemnized (instead of on the authority of two certificates of a superintendent registrar);

(b) provide that a member of the clergy who is to solemnize a marriage authorised by ecclesiastical preliminaries must, before doing so, issue a document to enable the marriage to be registered (a 'marriage document') or ensure that a marriage document is issued;

(c) make provision in relation to the signing of a marriage schedule or marriage document following the solemnization of the marriage;

(d) make provision in relation to the delivery of a signed marriage schedule or signed marriage document to a registrar;

(e) require the Registrar General to maintain a register of marriages in England and Wales, which is accessible in electronic form ('the marriage register');

(f) make provision in relation to the entering in the marriage register of the particulars set out in a signed marriage schedule or signed marriage document;

(g) remove existing provision in relation to the registration of marriages which is not to form part of the system provided for under this section.

(3) Where provision made by virtue of subsection (2)(d) gives power to a registrar to require a person to attend personally at the office of a superintendent registrar for the purpose of delivering a signed marriage schedule or signed marriage document, the regulations may provide that a person who fails to comply with such a requirement—

(a) commits an offence, and

(b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) The regulations may give the Registrar General power to make regulations under section 74(1) of the 1949 Act—

(a) prescribing the form or content of a marriage schedule, marriage document or any other document specified in the regulations;

(b) making provision in relation to corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;

(c) making provision in relation to the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;

(d) making provision in relation to corrections to entries in the marriage register or a pre-commencement marriage register book;

(e) making provision in relation to the keeping of pre-commencement marriage register books;

(f) making provision in relation to the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England or the Church in Wales in the church or chapel.

(5) For the purposes of subsection (4), provision in relation to the keeping of a book, document or other record includes, in particular, provision about—

(a) who is to be responsible for keeping the book, document or other record and how it is to be stored;

(b) the circumstances in which the book, document or other record must or may be annotated;

(c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.

(6) No regulations may be made by the Secretary of State under this section after a period of three years beginning with the day on which regulations are first so made.

(7) In this section—

'ecclesiastical preliminaries' means the methods of authorisation described in section 5(1)(a), (b) or (c) of the 1949 Act;

'marriage document', 'marriage register' and 'marriage schedule' have the meanings given by subsection (2)(b), (e) and (a) respectively;

'member of the clergy' means a clerk in Holy Orders of the Church of England or a clerk in Holy Orders of the Church in Wales;

'Part 3 marriage' means a marriage falling within section 26(1), 26A(1) or 26B(2), (4) or (6) of the 1949 Act;

'pre-commencement marriage register book' means any marriage register book in which the particulars of a marriage have been entered under that Act;

'registrar' means a registrar of marriages;

'Registrar General' means the Registrar General for England and Wales;

'superintendent registrar' means a superintendent registrar of births, deaths and marriages."—*(Tim Loughton.)*

This new clause allows the Secretary of State to introduce a central, electronic system of marriage registration in England and Wales.

Brought up, and read the First time.

Tim Loughton: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

Clause 1 stand part.

Amendment 12, in the title, line 2, leave out from first "of" to "to" in line 3 and insert "marriage;".

This amendment reflects the changes proposed by Amendment 2 and NC2.

Tim Loughton: It is a pleasure to serve under your chairmanship, Mr Sharma, I think for the first time—as this is the first private Member's Bill I have introduced in my 21 years in the House, I hope that you will be gentle with me. I thank right hon. and hon. Members who have agreed to serve on the Committee. There was a lot of interest in the Bill. I particularly welcome interest from those so young in the Public Gallery. I also welcome the Minister, who I know is not exactly idling at the moment, given that she is in the midst of the Offensive Weapons Bill and her other duties in the Home Office. Hopefully she will focus resolutely on this Bill for the next few hours.

I will make some introductory comments before speaking to the amendments. I do not want to replicate the many excellent speeches we had on Second Reading on 2 February. Many of the Members who contributed at that stage are on the Committee. I am keen that we should keep proceedings short. It is a complicated Bill of four parts. As I said on Second Reading, I have not made it easy for myself by having such a multifaceted Bill that cuts across at least four different Government Departments and four different Secretaries of State, all of whom have changed since the Bill started its passage.

Many of today's amendments are formal drafting amendments agreed between the Government and me. Others are—I hope—probing amendments from hon. Members, to which I will be delighted to respond. I want to keep the Bill as intact as possible, and the deliberations as tight, because the Bill is a work in progress. The Bill comprises a number of obligations for Government Ministers to review changes in the law that we would like to see and to report on how they can be brought about, and, in some cases, enabling clauses subject to sunset limitations, so that Ministers can bring the changes to legislation into effect at some stage in the not-too-distant future.

Much has happened over the past five and a half months since Second Reading, with working groups having already been established. They have started their business in various Departments. I will probe the Minister for updates on what progress they have made, when they are likely to report, and how and when their deliberations will translate into changes in legislation and whether that can be speeded up.

A lot in the Bill hinges on its consideration on Report, which is anticipated for 26 October, for those who want to get the date in their diary. I will challenge the Government further on why amendments cannot be added at that stage, when we have more than three months to prepare for it.

So, eyes down—let us get on with the amendments. New clause 2 deals with marriage registration and would amend the Marriage Act 1949, with the underlying intent of addressing the extraordinary anomaly that the names of the mothers of those getting married still do not appear on marriage certificates. The clause is an enabling clause, to enable the Secretary of State to bring about those changes, which have huge amounts of support across the whole House. Numerous attempts to change the law have so far come to nothing, but this time it is going to happen.

New clause 2 seeks to remove the marker provision that is the current clause 1 and replace it with the provisions in new clause 2 of the Registration of Marriage (No. 2) Bill, as per the commitment made on Second Reading on 2 February. In addition, the amendments aim to improve those provisions by limiting the scope of delegated powers in the Bill. For example, any regulations made by the Secretary of State under clause 1(1) will now be limited to amending the Marriage Act 1949. The regulations that amend that Act would be subject to the affirmative procedure and require the approval of both Houses of Parliament, providing ample parliamentary oversight.

Subsection (6) of the new clause inserts a sunset clause that limits the use of the power of the Secretary of State to amend primary legislation to a period of three years beginning on the day on which the regulations are first made. I know that this point—that it could be an open-ended power—has been a bone of some contention, and has hampered the progress of similar private Members' Bills and legislation in the past. By inserting this sunset clause, and specifically limiting the power to the Marriage Act 1949, the Bill has a very clear intent.

The new clause would reform how marriages are registered in the future, to enable the updating of the marriage entry to include the names of the mothers of the couple, instead of just the names of the fathers, as is extraordinarily currently the case. That is the biggest reform of how marriages are registered since 1837. It is incredible that it has taken 181 years to include the mothers' details, especially as the arrangements for civil partnerships, when they came in, allowed for both parents.

The new clause aims to introduce a schedule-based system, replacing the current paper registers. That is the most cost-effective way to introduce the change. With the introduction of a schedule system, all civil and religious marriages will be held in a single electronic register, rather than in more than 80,000 paper register books scattered around churches and religious institutions up and down the country. It will make the system more secure and efficient, and it will make it simpler to amend the content of the marriage entry, both now and in the future. The new clause enables the Secretary of State to make the required changes to the Marriage Act by regulations, and to move a schedule-based system for registering marriages. The regulations would change the current procedures in part III of the Marriage Act—Marriage under Superintendent Registrar's Certificate—to provide that a marriage can be solemnized on the authority of a single schedule for the couple instead of two superintendent registrar's certificates of marriage, one for each of the couple, which is currently the case.

The regulations would also provide for a member of the clergy to issue the equivalent of a marriage schedule, which is a marriage document, for marriages that have been preceded by ecclesiastical preliminaries, for example

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the calling of the banns or the granting of a common licence. Once a marriage ceremony has taken place, the signed marriage schedule or marriage document will be returned to the local registry office for entry in the electronic register.

Where a registrar is present at a marriage ceremony, the signed schedule will be retained by the registrar for entry in the electronic register. In all other cases, it will be the responsibility of the couple to ensure that the marriage schedule is returned to the registry office. However, they will be able to ask a representative to take it for them, or they could send it by post. Apparently, in Scotland it is traditionally a family member or the best man—if you can trust him—who returns the signed document.

If a signed marriage schedule or marriage document is not returned within the specified timescale, and after reminders have been sent, the person commits an offence in accordance with subsection (3) of the new clause. My understanding is that in Scotland there are no issues with signed documents not being returned to the registry office. Once the marriage is registered in the electronic register, the couple will be able to have a copy of their marriage certificate.

Subsection (4) of the new clause gives the Registrar General power to make regulations under section 74(1) of the Marriage Act 1949 to prescribe the content of a marriage schedule or document, to make provision to reissue or correct the information contained in the marriage schedule or document prior to the marriage taking place, and to make provision for the keeping and maintenance of the existing paper registers. It is as simple as that.

Dame Caroline Spelman (Meriden) (Con): My hon. Friend briefly mentioned the role of the clergy. For the avoidance of doubt, I make it clear to the Committee that the Church of England consulted on the matter some time ago, and is fully in favour of these practical and equitable changes, which deal with a difficult pastoral situation. At the moment, the clergy often have to break the bad news to a mother that she cannot put her name on the marriage certificate at the ceremony, which causes great distress. The Church of England would like to see this change achieved. The amendments that my hon. Friend referred to are the amendments that the Bishop of St Albans tabled to the identical Bill in the Lords, which is about to return to our House.

Tim Loughton: I am grateful to my right hon. Friend, because that is exactly what I was about to say. She has been assiduous in pursuing this cause, and I pay tribute to her. She has her own private Member's Bill to that effect in this House that is mirrored by the Registration of Marriage Bill, which was introduced by the Bishop of St Albans and which completed its Committee stage in the House of Lords last month. That Bill also met with widespread support. Everybody supports the measure and has done a lot of work on the detail, so we just need to make it happen. Introducing new clause 2 to replace clause 1 will do that, and it is completely complementary with the detail of the Bill that the Bishop of St Albans has progressed through the House of Lords.

The final amendment in the group is amendment 12. Changes to long titles are a common theme—I have spent many hours in Committee debating the details of long titles as well as short titles, rather than the substance of the Bill, but apparently they are terribly important. The amendment would change the words,

"to make provision about the registration of the names of the mother of each party to a marriage or civil partnership"

to simply,

"to make provision about the registration of marriage".

That is apparently what needs to happen.

That is the purpose of the changes we propose to the first of the subjects in the Bill, namely having the names of both parents on marriage certificates. I am sure that all hon. Members present will want to take the opportunity to support them without further delay. The Minister will throw her entire weight behind them too, so we will be able to move swiftly on.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Sharma. I thank my hon. Friend the Member for East Worthing and Shoreham for introducing these many and varied important issues in his private Member's Bill. He has done a great deal of work with several Departments in the preceding months to get the Bill into the shape in which we hope to find it in Committee. I thank him for that hard work. I thank hon. Members from both sides of the House for their hard work on the Bill, and for their contributions, no doubt, in Committee.

As agreed with my hon. Friend on Second Reading, the marker provision in clause 1 has been replaced with a new marriage registration clause that contains the provisions of the Registration of Marriage (No. 2) Bill that was introduced by my right hon. Friend the Member for Meriden. For several years, she has been a consistent, effective and, dare I say, staunch campaigner for changes to marriage registration. She has done much work alongside the Lord Bishop of St Albans, who introduced an identical Bill to hers in the House of Lords. I formally record my thanks to them for their hard work.

2.45 pm

As the Registration of Marriage (No. 2) Bill contained broad delegated powers, some adjustments to those provisions have been made, as my hon. Friend the Member for East Worthing and Shoreham set out, to limit the use of the delegated powers and to include a sunset clause, which places a time limit of three years on the Secretary of State's use of the power to amend primary legislation, beginning on the day on which the regulations are made. I confirm that these amendments do not in any way affect the policy proposals of the Bill.

The new secure and efficient system of registering marriages will facilitate the updating of the marriage entry to include the names of both sets of parents, instead of just the fathers' details as is currently the case. I am mindful of the observation by my right hon. Friend the Member for Meriden that it is often the clergy who, on a day of celebration, bear the terrible burden of having to break the news to mums who do not know the state of the law. I am delighted that we are removing that awkwardness, and that wedding days can continue to be days of joy and happiness.

The provisions in the Bill introduce a schedule system for the registration of marriages that will remove the requirement for paper registers to be held in register offices and about 30,000 religious buildings. It is important that an adaptable system is in place. In making these changes, we must ensure that they allow for all the different family circumstances in society, including, for example, same-sex parents. It is a much-wanted and much-needed change in the law, and I am pleased to confirm the Government's support for it.

Tim Loughton: Without further ado—that sums it up. Nobody is objecting to this; we have all wanted it for ages. With this enabling clause, when the Bill passes, the Minister will be able to bring to an end 181 years of an extraordinary injustice, so that the name of the mother of those getting married is shown on the wedding certificate.

As we said on Second Reading, we have all heard examples of mothers who have single-handedly brought up children, perhaps because the father has deserted them or they have been the subject of domestic violence, and the father may even be in jail as a result, yet only his name is entitled to be on that certificate. The person who has done all the heavy lifting and all the legwork, and who has given all the care and love for so many years, does not get that recognition on the formal wedding document. It seems absurd, but it will no longer be absurd when the Bill passes.

Question put and agreed to.

New clause 2 accordingly read a Second time, and added to the Bill.

Clause 1 disagreed to.

The Chair: We now come to new clause 1. I inform the Committee that, following the debate on new clause 1, I will not be able to put the question that clause 2 stand part of the Bill. That clause will be omitted from the Bill, as it is not covered by the money resolution.

New Clause 1

REPORT ON CIVIL PARTNERSHIP

"(1) The Secretary of State must make arrangements for a report to be prepared—

(a) assessing how the law ought to be changed to bring about equality between same-sex couples and other couples in terms of their future ability or otherwise to form civil partnerships, and

(b) setting out the Government's plans for achieving that aim.

(2) The arrangements must provide for public consultation.

(3) The Secretary of State must lay the report before Parliament."—*(Tim Loughton.)*

This new clause provides for a report to be prepared on the changes which ought to be made to bring about equality between same-sex and other couples in terms of their future ability or otherwise to form civil partnerships. It replaces the current Clause 2 (see Amendment 1).

Brought up, and read the First time.

Tim Loughton: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

Amendment (a) to new clause 1, line 5, after "partnerships" insert—

"(aa) how the law could be changed in Scotland to achieve that aim,

(ab) how the law could be changed in Northern Ireland to achieve that aim,".

Amendment (b) to new clause 1, line 6, at end insert—

"(1A) In considering the matter specified in paragraph (1)(ab), the Secretary of State shall also consider the implications for equality in civil partnerships of the difference in legislation on marriage in Northern Ireland compared with the rest of the United Kingdom."

Amendment (c) to new clause 1, line 8, at end insert—

"(3A) The Secretary of State must also consult—

(a) Scottish Ministers,

(b) Northern Ireland Ministers."

Amendment 16, in clause 5, page 3, line 13, leave out subsection (1) and insert—

"(1) Sections 1, 3 and 4 extend to England and Wales,

(2) Section (Report on civil partnership) extends to England and Wales, Scotland and Northern Ireland."

See explanatory statement for Amendment (a) to NC1.

Amendment 11, in the title, line 1, leave out from beginning to "make".

This amendment, together with Amendment 13, reflects the changes proposed by Amendment 1 and NC1.

Amendment 13, in the title, line 3, after "partnership;" insert

"to make provision for a report on civil partnerships;".

See the explanatory statement for Amendment 11.

Tim Loughton: I shall speak to new clause 1 and amendments 16, 11 and 13, which are in my name and that of the Minister. No doubt the hon. Member for Harrow West will then want to speak to his amendments (a) to (c) to new clause 1, and I will be happy to comment on them after he has done so.

New clause 1 replaces clause 2, but of course it still only obliges the Secretary of State—the Minister for Women and Equalities, who is now my right hon. Friend the Member for Portsmouth North (Penny Mordaunt)—to prepare a report on how to bring about civil partnership equality, which is perhaps the meatiest part of the Bill. We know that there are two ways to achieve equal civil partnerships. One is to abolish existing civil partnerships for same-sex couples. That would leave just straightforward marriage, which is now available to all couples. The other—I hope the Government take this route, in accordance with the clear will expressed by the House in our many debates on this issue—is to extend civil partnerships to all, so they are available to same-sex and opposite-sex couples equally. By doing that, we would achieve equality in marriage and civil partnerships.

That is the unfinished business left over from the Marriage (Same Sex Couples) Act 2013, which I tried to amend while it was still a Bill and subsequently through two private Members' Bills—a ten-minute rule Bill and a presentation Bill. I am pleased that the Government agreed on Second Reading to look at this issue again, and I was pleased with the urgency the Minister showed at the Dispatch Box. Indeed, she actually issued a letter to hon. Members, announcing that she would start the consultation she said was required straightaway, before she had said that at the Dispatch Box, and she had to quickly reel that in again. She might like to give us some details about that.

I was also pleased that the Prime Minister appeared to support my Bill and endorse a change in the law when I challenged her at Prime Minister's Question Time on 27 June, although I gather there was some

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hasty backtracking at the subsequent press conference about what she actually said. I was less pleased with the Command Paper, "The Future Operation of Civil Partnership: Gathering Further Information," which was issued back in May and gave details about how consultation would take place. In particular, paragraph 17 states that questions about consultation

"will be included initially in the May 2018 ONS survey and will be repeated in subsequent surveys for approximately 10 months to secure a big enough sample,"

and that the Government intended to analyse findings no sooner than summer 2019 and, at some stage after that, come back with suggestions.

That rather kicked the issue into the long grass, so I was relieved that the new Minister for Women and Equalities indicated that we will not have such a long-drawn-out consultation, and that whatever work she thinks still needs to be done could be completed no later than this autumn. I will suggest how that work might be brought forward even further. I am particularly pleased that she indicated publicly that she is in favour of achieving equalisation by extending civil partnerships for all, and that she does not support scrapping existing civil partnerships to achieve equality through marriage only.

The Minister for Women and Equalities confirmed that—it is on the record—in an interview with Stonewall. I was pleased to see Stonewall support the extension of civil partnerships. In so doing, it followed in the footsteps of many others, including the Church of England, as the Second Church Estates Commissioner, my right hon. Friend the Member for Meriden, will confirm. The Church announced as long ago as April 2014 that it did not want same-sex civil partnerships to be abolished and it supported equalisation by extension. And as of this morning's count, 139,593 people have signed the petition, organised by the Equal Civil Partnerships group, in support of extending civil partnerships. This measure has huge support.

Of course, things have moved on considerably with the unanimous ruling of the Supreme Court on 27 June 2018 in the case of Steinfeld and Keidan, of whom one and a mini one are not far from our proceedings today. I attended the opening of that hearing on 14 May and also went to the judgment. It was a unanimous five-nil judgment, and the terms used in the judgment were absolutely categorical; it was absolutely clear.

Let me pull out some quotes. The judges stated that

"to create a situation of inequality and then ask for…time—in this case several years—"

which is what happened by creating same-sex marriage but not equalising civil partnerships at the same time—to determine

"how that inequality is to be cured is…less obviously deserving of a margin of discretion."

That is their lordships' discreet way of saying, "Get the heck on with it." They also said in the judgment that there was no end point "in sight" for the present inequality of treatment, and therefore they found in favour of Steinfeld and Keidan, because the situation was incompatible with article 14, taken in conjunction with article 8, of the ECHR. They could not have been clearer than that.

The written findings refer to my Bill in paragraph 8. In fact, there is a whole chronology of the various Bills that I have brought forward on this subject in that paragraph. Towards the end of the judgment, it says:

"The amendment to Mr Loughton's Bill which the government has agreed does no more than formalise the consultation process to which it was already committed. It does not herald any imminent change in the law to remove the admitted inequality of treatment."

Basically, the judges are saying that this Bill, or Government action in lieu of this Bill, needs to go a lot further.

The Government have not yet by any means discharged their duties, according to the findings of the Supreme Court, so it will be interesting to hear the Minister's take on those findings. They came out three weeks ago, but so far we have had no detailed statement from the Government as to what their response is likely to be. Clearly, work needs to be done; preparations need to be made, but the Government have had several years. This was not a bolt out of the blue. Most people thought that the judgment would find as it did—I do not think most people thought it would find quite as forcefully as it did—so the ball is very much in the Government's court to change the law and, crucially, to get on with it.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The hon. Gentleman is making a very powerful case. May I remind him and others of the genesis of the current inequality? It was not a point of great principle; it was essentially a point of raw politics. At the point when the marriage equality measure was going through the House of Lords, there arose within No. 10 Downing Street a certain nervousness, shall we say. It was felt at the time that it was more important than anything else that we should preserve marriage equality, and it was for that reason, and that reason alone, that the defect that we seek to rectify today was allowed to go ahead. I do not know what is in the judgment, but I suspect that that would have weighed very heavily with their lordships in their consideration of the Steinfeld case.

3 pm

Tim Loughton: I am grateful to the right hon. Gentleman. Wherever that nervousness came from and on account of what, now is the time to be bold and to comply with the highest court in the land. The Secretary of State ruled out the abolition of civil partnerships. If that had happened, it would have left the 63,966 same-sex couples who at the end of 2016 had been through a civil partnership and still have one—the net figure will be slightly higher or lower now—high and dry. It would also deny the opportunity for the stability of cementing a partnership to 3.3 million opposite-sex cohabiting couples, many of whom would want to take advantage of a formal recognition of their status. Like it or not, that is the fastest-growing form of family unit. Therefore, the only option for them, and everyone else, is to extend civil partnerships to all.

Unless the Minister has a cunning wheeze up her sleeve—she has no sleeves, so that is unlikely—a commitment from her now to use my private Member's Bill as a vehicle to bring about equality is a bit of a no-brainer. Will she signal an intent to go ahead with this change? The Bill may well be the vehicle for that, but if she has a quicker way of doing it we would all embrace that and rejoice.

Speed is of the essence. Examples have been given in the Supreme Court, and in many social posts and blogs, and in everything we have seen of couples who would like a civil partnership—for whatever reason of their own choice they do not want to enter into a marriage—where one of them is terminally ill. If a civil partnership is not available to them in a matter of months, they may be denied the opportunity ever to take advantage of one. We have spent several years talking about this and doing nothing; the Supreme Court has said those days are over.

If the Minister were to signal her intent, that would indicate a further move forward in the Government's equality agenda and win her many friends among the equal civil partnerships movement, the 139,000 people who signed the petition and well beyond that. This change is part of the bigger jigsaw of family law reform that we must look at, on which there are many moves in particular from their lordships at the moment. It would also make me very happy.

We would be doing a bit of catching up with many other countries throughout the world for whom civil partnerships have been part of their fabric for many years. That includes Gibraltar and the Isle of Man, which brought them in in 2016. Someone not a million miles from this Committee Room was the first UK citizen to take advantage of a civil partnership in the Isle of Man; the only trouble is, that partnership is not recognised by the Government when he and his partner set foot back on the mainland. The Falklands also recognises civil partnerships for opposite-sex couples, having brought them in in 2017. However, they do not happen in England or in the United Kingdom.

Gareth Thomas (Harrow West) (Lab/Co-op): I find myself in a deeply unusual situation, as it has been difficult to disagree with anything the hon. Gentleman has said thus far. Nevertheless, specifically on new clause 1 and geographical reach, will the Secretary of State's report cover Northern Ireland and Scotland, or will it not?

Tim Loughton: I see the point the hon. Gentleman is getting to. My earlier, cruder attempts were to amend the Civil Partnerships Act 2004, which is UK-wide. We have civil partnerships in all parts of the United Kingdom, including Northern Ireland, but we do not have same-sex marriage in Northern Ireland. That is the point of his amendments, and we will come to that. Absolutely, I want to extend civil partnerships to all same-sex couples in Northern Ireland, Scotland, Wales and England; it is a UK-wide measure.

I appreciate that the Minister is not in a position to table amendments in Committee, so soon after the Supreme Court judgment. I absolutely appreciate that the process is perhaps a little more complex than the one-line amendment to the 2004 Act that formed the basis of my previous, very short, Bills. I also appreciate that the Minister stated, as did the Secretary of State before her, that she wanted to carry out a further consultation to gauge the demand for extending civil partnerships, despite their having been two previous consultations on it, both before and after the same-sex marriage Bill.

However, I can help the Minister on that score, thanks to Professor Anne Barlow, professor of family law and policy at the University of Exeter—an excellent university, which I shall attend tomorrow for the graduation of my elder daughter. She has surveyed extensively using the NatCen panel survey technique, which is a probability-based online and telephone survey that robustly selects its panel to ensure that it is as nationally representative as possible. She commissioned that work in February 2018, around the time of my Bill's Second Reading but ahead of the Supreme Court judgment.

That format can turn around surveys within eight weeks of their being commissioned. The professor's survey had a sample of more than 2,000, which I gather is double the amount the Government intended to survey, and which they were to take at least 10 months to do. I am sure it is much cheaper to do it Professor Barlow's way. Her survey posed the question, "How much do you agree or disagree that a man and woman should be able to form a civil partnership as an alternative to getting married?" It found that 35.3% agreed strongly, 36%.7 agreed, 21.1% neither agreed nor disagreed, only 4.5% disagreed and only 2.5% disagreed strongly. More than 70%—even better than the Brexit referendum—of those 2,000 people absolutely thought that civil partnerships should be made available to all.

The work has been done for the Minister, and for free. Perhaps she can tell me what surveying has already taken place—we were promised it would start in May—what further surveying the Government think is necessary and what they will produce at the end of it. The ball is in the Government's court. How and when will they comply with the Supreme Court's clear ruling, particularly given the absolute clarity of their lordships' statements about the delay that has already taken place?

It is perfectly feasible for us to amend on Report the terms of the Bill as it now stands. I will propose the amendments and the new clause as they are on the Order Paper, but with a view to the possibility of revisiting them at the end of October, if that is when Report takes place. That gives the Government more than three months to decide their course of action. I will work constructively with the Minister to bring about that change, and then lots of people can be very happy rather sooner than the Government had perhaps intended.

I will comment on the amendments tabled by the hon. Member for Harrow West when we discuss them. Amendments 11 and 13 would amend the long title of the Bill, so that it would say

"to make provision for a report on civil partnerships".

That is the crux of these technical amendments, but there is very much a piece of work overhanging it. We know what we want to do and the Supreme Court has told the Government what they need to do. We need to hear from the Government how they will do it.

Victoria Atkins: Civil partnerships were introduced in 2004 to enable same-sex couples to formalise their relationships, at a time when same-sex marriage was not available to them. Since then, we are proud to be the Government who introduced marriage for same-sex couples. At last, same-sex couples are able to celebrate their relationships in the same way that other couples have for centuries.

However, putting right this obvious inequality has meant that we now have a situation in England and Wales where same-sex couples can enter into either a

[Victoria Atkins]

marriage or a civil partnership while opposite-sex couples can only get married. Therefore, earlier this year we announced a plan of work to address that inequality, including a research programme which was to run until 2019, assessing the demand for, and impact of, the various options.

The recent Supreme Court judgment in the Steinfeld case, however, emphasises the need to address the issue. In response, my right hon. Friend the Minister for Women and Equalities recently announced that, in the interest of making good progress, we would bring forward elements of our research on the future of civil partnerships, with a view to concluding it later this year. We recognise the sensitive and personal issues involved in the Steinfeld case, and we acknowledge—as the Supreme Court does—the genuine convictions of the couple involved and those who have campaigned alongside them.

Clause two, as amended, will place a duty on the Government to prepare and present before Parliament a report setting out how the law on civil partnerships should change and how we plan to achieve that. It will also ensure that the voice of those affected is taken into account during the decision-making process, by providing for a public consultation.

Gareth Thomas: Does the Minister expect the report to cover Northern Ireland?

Victoria Atkins: I am extremely grateful to the hon. Gentleman for his intervention. He knows that the Civil Partnership Act 2004 covers both Scotland and Northern Ireland, but both civil partnership and marriage are devolved matters. It would, therefore, be up to the relevant Administrations in Scotland and Northern Ireland as to how civil partnership and marriage should be regulated and administered, just as it was their decision to be included in the 2004 Act. He also knows the particular issues in Northern Ireland at the moment, and the Government do not feel that this private Member's Bill is the place to resolve those issues. It has to be a matter for the Northern Ireland Assembly and I am sure that he will join me in wishing that it will reconfigure as soon as possible.

To return to the issue of progress, much work has already been done and we were very much spurred on by the Bill's Second Reading, but of course even more urgency has been added by the Supreme Court judgment. The Government proposed to conduct four research measures. The reason the original deadline was 2019 was that there was going to be five years' worth of research on the numbers of marriages and civil partnerships. We now propose to bring forward that deadline, so there will be four years of research instead of five.

We have also started the Office for National Statistics lifestyle survey—that is happening now—to calculate the projected number of opposite-sex couples who would wish to enter into civil partnerships. The third strand of research in on how other countries have dealt with civil partnerships and marriages, as my hon. Friend the Member for East Worthing and Shoreham has set out. The fourth category is a qualitative survey of same-sex couples in civil partnerships, because we are very conscious of the need to tread carefully for those couples who are already in civil partnerships.

That was all wrapped up in the Command Paper, which was presented in May. As the Secretary of State has said, the clause will shorten the research programme so that it can report to Parliament with urgency, and we will include a public consultation so that members of the public can also contribute their views.

My hon. Friend urged on me that this private Member's Bill should be the vehicle to drive forward civil partnerships. He makes a very important point. We know we need to move quickly. At the moment, the Bill is the immediate vehicle to do that, but we are also considering other options and we want to reach a conclusion that creates equality as soon as is viable. We acknowledged, even in advance of the Supreme Court judgment, that the law needs to change, so a great deal of work is being done and the Bill will help with that.

3.15 pm

Andy Slaughter (Hammersmith) (Lab): I am encouraged by what the Minister has said. If the Government are committed to equality on this issue, and if they have separately given undertakings that they will not withdraw the option of same-sex civil partnerships, there appears to be a certain logic that we are moving in a particular direction. Although I appreciate that the timetable has been advanced, perhaps the Minister could reiterate that that is the position. It would give comfort if she could give as much guidance as possible on what the vehicle will be following the consultation and tell us how quickly the change in the law is likely to come about.

Victoria Atkins: I regret that I cannot offer such assistance at the moment. I feel a sense of impatience with many parts of my ministerial portfolio but, as the hon. Gentleman knows, the Government have to act on evidence: we have to commit to a public consultation and review the evidence. As I have said, we are working closely on the issue. I hope my hon. Friend the Member for East Worthing and Shoreham agrees with him on shortening the length of our research programme. We must ensure that we observe the Supreme Court guidance in the important Steinfeld case and that we follow not only the letter but the spirit of the law. I am delighted that the Bill provides us with a platform not only to report to Parliament, but to give the public the opportunity to give their thoughts on how the legislation should develop.

Gareth Thomas: Prior to tabling new clause 1, what discussions did the Minister have with Ministers in Scotland and those who previously served as Ministers in the Northern Ireland Assembly?

Victoria Atkins: I am just looking for guidance. I personally have not had discussions. The hon. Gentleman will appreciate that there is no Assembly at the moment in Northern Ireland, so it is difficult to have discussions with an organisation that does not currently exist. He might be aware of recent litigation in Northern Ireland that questioned the way in which the Government have tried to deal with the conundrum of the Northern Ireland Assembly and how its absence has caused delays in other fields of legislation. There has been a lot of toing and froing on how that will progress.

I am conscious that I have not addressed in detail amendments (a), (b) and (c), which were tabled by the hon. Gentleman. I seek guidance on the procedure.

Gareth Thomas: For the avoidance of doubt, when the Minister sits down I shall speak to the amendments and then I will be delighted to hear her response.

Victoria Atkins: I thank the hon. Gentleman. Procedure is confounding us all on this hot summer's afternoon. In response to his earlier intervention, I am told that Scotland has conducted its own consultation, as one would expect given that it is a devolved matter. Indeed, it was quick to move on civil partnerships and same-sex marriage. I hope that addresses his point. Given that he is going to speak to his own amendments, I am delighted to accept new clause 1 and look forward to further discussions.

Gareth Thomas: As a near neighbour it is a particular privilege for me to serve under your chairmanship, Mr Sharma. It was a weak and vulnerable moment when I agreed to support the amendments tabled by my hon. Friend the Member for St Helens North (Conor McGinn), knowing that he would not be here. I say that because, as all hon. Members will be aware, on 28 March he made an impassioned speech promoting his private Member's Bill to make provision for the marriage of same-sex couples in Northern Ireland and to end an inequality with which we are all familiar and which I suspect, although I do not know for certain, all Committee members want to see an end to as a matter of urgency.

I am, therefore, slightly disappointed by the Minister's response. She rightly alluded to the very difficult situation in Northern Ireland, but as my hon. Friend asked in March, why should the fact that the Northern Ireland Assembly is suspended mean that same-sex couples in Northern Ireland who want to get married are denied that right? New clause 1, in which the Minister has agreed to ensure that the Secretary of State prepares a report, seems to be an opportunity to make progress.

Most political parties in Northern Ireland already support same-sex marriage, and a broad coalition is already very active in campaigning on this issue. Opinion polls in Northern Ireland continue to demonstrate considerable support for allowing same-sex marriage, so I struggle to see why the Secretary of State cannot seek to advance the case for change in Northern Ireland through the report. Why, for example, cannot the Secretary of State and the Home Secretary not consult political parties in Northern Ireland? Why cannot they ensure that there is a consultation with other civil society organisations to continue the process of building support for change? Why cannot the Government commit to saying what they will do if it becomes clear—although we all hope that this will not be the case—that the Northern Ireland Assembly will not be re-established?

I support the report as it stands, as it will make progress in England and Wales, but it represents a missed opportunity for making progress in Northern Ireland. I hope the Minister will reflect on the opportunity that new clause 1 and the report represent in moving forward the agenda in Northern Ireland for same-sex marriage.

Andy Slaughter: I fully support the amendments in the name of my hon. Friend the Member for St Helens North, and I am particularly persuaded by the eloquent speech by my hon. Friend the Member for Harrow West.

I will briefly address the new clause. I pay huge tribute to the way in which the hon. Member for East Worthing and Shoreham has pursued this issue through the many avenues available to us. He has put together the pieces of the jigsaw such that we now have very powerful arguments for this substantial change to legislation, which will enable millions of people across the country to enter into legally binding and protected arrangements, and which will be very good for them and the security of their families. On those grounds alone, the Government should support it.

As the right hon. Member for Orkney and Shetland has said, this anomaly should not have occurred in the first place. We heard from the Minister about the good progress that the Government have made—gradually at first, but now at an accelerated rate. The final piece of the jigsaw should be the Supreme Court judgment. I attended when it was handed down, in part because my constituents Rebecca Steinfeld and Charles Keidan doggedly pursued their case despite the difficulty—and let us not underestimate this—of the four-year process of going through every higher court and getting first of all a knock-back, then a partial encouragement, and then a unanimous decision by the Supreme Court. That decision said to the Government, in judicial language—I have not seen this in a judgment before—"Can you please get a move on here and hurry up?" I think that message has got through to the Minister.

Putting the jigsaw together has been a painstaking process. The pressure is on the Government now, with all the indications given, hopes raised and options ruled out. A consultation is now under way and there must be mechanism—of which the Bill is an important part but not the end—to put the measure into law.

The law will be changed at some point to allow opposite-sex civil partnerships. However long overdue that unfinished business is, we must welcome it. This is an important stage of the process, where the Government have a chance to set out their intentions at length, so it would be helpful if the Minister could set out, as far as possible, the mechanism and timescale involved. Every possible encouragement has been given by the House, the Supreme Court and the public at large, who are hugely supportive. As we have heard, this is a matter of some urgency for some families.

I congratulate all those involved in the process. It has been a good example of successful joint working across many institutions and bodies. We just want the Minister to explain where we go next.

Victoria Atkins: I thank the hon. Members for Harrow West and for Hammersmith for their comments. The hon. Member for Harrow West knows the political situation in Northern Ireland. In fairness, the issues have been devolved to the Northern Ireland Assembly—and to the Scottish Parliament. There are no members of the Scottish National party here, but there is a Scottish Member present, and I am not sure how the Scottish Parliament, the matter having been devolved to it, would take a report from the Secretary of State telling it what to do. Given that it has already held a consultation—perhaps I am speculating here—it might have matters in hand anyway.

Mr Carmichael: I served on the Standing Committee on the Civil Partnership Bill in 2004. It was dealt with here with a legislative consent motion from the Scottish Parliament. The feeling at the time was that that was an

[Mr Carmichael]

easier way of doing it—another pragmatic step along this long road. I am reliably informed that there are fairly good telephone services between London and Edinburgh. It would not be that difficult to work out the Scottish Government's intentions.

Victoria Atkins: Given that this is a private Member's Bill, I am afraid that we feel constrained to observe the political fact—as well as the political courtesy—that the matters are devolved. I understand the motivations of those who want change across the whole UK, but I regret that on this we must observe the fact that the matter is devolved. Not only must we underline our view that the Bill is not the right place in which to grapple with the political situation in Northern Ireland; we must allow it to resolve what are devolved matters.

The hon. Member for Hammersmith made a powerful speech on behalf of his constituents on Second Reading. I understand his wish for a timetable. At the moment, we have the timetable set out by the private Member's Bill. The work is ongoing. Those who assist me and the officials have a great understanding of the urgency of the situation. We want to get to a position where we have the evidence and we have ensured that we have lined up all the other matters connected to an act of civil partnership and the issues that flow from that for other Departments. The Secretary of State is always in listening mode, as am I. I am grateful to the hon. Member for Hammersmith.

3.30 pm

Tim Loughton: Obviously I would like the Minister to go further, but will she at least acknowledge that it is in principle possible to amend the Bill on Report, were that to be at the end of October, to satisfy the findings of the Supreme Court? Alternatively, she alluded to the possibility, without going into detail, of an even faster way of doing it, in which case the Government's priority is to do this as rapidly as possible, but hopefully no later than on Report.

Victoria Atkins: I regret to disappoint my hon. Friend, but I am but a small cog in the Government machinery. Although, as my hon. Friend knows, the Secretary of State is very much seized of the matter and concerned by it, I would not want to take the risk, respecting this Committee and colleagues from all parts of the House as I do, of speculating at this stage.

Mr Carmichael: I very much endorse the views of the hon. Member for East Worthing and Shoreham. Given the terms of the Supreme Court judgment, I encourage the Minister to represent to those whose agreement she will need within Government that at the very least we should be entitled to some sort of timetable, so that we know the Government's intentions in bringing UK law back into compliance with the European Court of Human Rights.

Victoria Atkins: Very much so, and these discussions will assist others who are perhaps not intimately involved in these matters in understanding the concern that Members from all parts of the House have on the urgency of the situation.

I regret that I have to resist strongly the amendments put forward in the name of the hon. Member for St Helens North, which were spoken to with great eloquence by the hon. Member for Harrow West. The Government support new clause 1, as proposed by my hon. Friend the Member for East Worthing and Shoreham.

Tim Loughton: I rise to respond to the amendments that the hon. Member for Harrow West spoke to. In principle, I am very supportive of them. That may be a slight surprise, as I was not the biggest fan of the Marriage (Same Sex Couples) Act 2013 for reasons at the time, but it has become law and the world has not fallen in. It will remain law, and I certainly would not vote to change it.

I believe in law for the United Kingdom. We have the present dilemma over the availability of abortion, but I support the rights for women to be able to access abortion in just the same way as the United States—crikey, not the United States; that is a whole different ball game. I support the rights for women to be able to access abortion in Northern Ireland in just the same way as in any other part of the United Kingdom. Similarly, if we are to have equality in civil partnership and same-sex marriage, they should be available to every citizen or subject in Northern Ireland in the same way as they are for someone in London, Edinburgh or Cardiff.

I have no problem in principle with supporting what the hon. Member for Harrow West is trying to do. If his hon. Friend the Member for St Helens North had needed to take his ten-minute rule Bill on the subject to a vote, I would have happily voted for that, but I just request that this is not the Bill to do it—I have enough work on my hands as it is trying to get the Bill through both Houses without adding a whole dimension that involves the Democratic Unionist party and certain other forces in Northern Ireland. It could kibosh the entire Bill. The Minister has given her view, and we can have a separate debate about what happens about making law in Northern Ireland in the absence of its Assembly. I will continue to support the Bill proposed by the hon. Member for St Helens North, but I would ask that the amendments to this Bill in his name, which have been well and truly probed, are not pressed to a vote. They might cause ruptures in this Bill, which I do not want. I hope that the hon. Member for Harrow West will see my reasoning for that.

The Minister is certainly not just a cog in the Government machine; she is a substantial part of the winding mechanism and is going places, as we all know. The problem here is that she is not in the Department that now has responsibility for equalities legislation, which part of the Bill relates to. Frustrating though that might be at this stage, there are conversations going on behind the scenes, and I know that she is constrained in what she can say, although I sense that she would like to be able to say more. The key point, however, is that the Government Minister responsible has made it very clear that abolishing civil partnerships is not an option to achieve equality, so the only option is to extend civil partnerships.

It has also been made clear that time is of the essence and too much delay has already taken place. That was the basis of the Supreme Court's ruling. I do not see what additional research, surveying or opinion polling is going to bring to the party. Frankly, it is academic,

because this is a matter of equality. If the number of the 3.3 million cohabiting couples who came back and said, "Yes, we want to enter into a civil partnership" were a smaller proportion than anticipated, it would still be a proportion to whom the option of equality is not available, and it has not been since 2014, and that is in contravention of the European convention, as has been set out very clearly.

If the Minister wants numbers, one number that I would certainly like to repeat is that up to the end of 2016, 71,017 same-sex couples had entered into a civil partnership. Of those, just over 7,000 have been dissolved and 7,732 have been converted into a marriage. That is just 12% of civil partnerships, so the vast majority of those entering into same-sex civil partnerships who were then given the option of converting that into a marriage under the 2004 legislation chose not to. That suggests that there is a very significant demand for civil partnerships from those people who undertook them; for them, that is what they wanted to achieve. Although the numbers entering into new same-sex civil partnerships have fallen back substantially because there is now another choice, the number did go up last year. A substantial number of people would be left in a very exclusive and rather awkward little grouping of people if civil partnerships were to be abolished, and that is why it is not a victimless option.

If we come back to Northern Ireland, there is another dimension. If civil partnerships were to be abolished, nothing would be available in Northern Ireland—civil partnerships are available in Northern Ireland, but equal marriage is not—so same-sex couples in Northern Ireland would have absolutely no route to have their partnerships recognised with all the protections that the state brings, either through civil partnerships or through marriage. That would create a huge problem.

We need to make it clear that civil partnerships are here to stay. The sooner the Government say that on the record, in support of what the Secretary of State has already said—and the sooner that they say we are going to extend civil partnerships and have consulted—the better. I hope that the Minister and I can work closely together over the summer to see that whatever procedures need to happen, happen at pace, and that there is the intent and ambition to try to reconcile the matter in time for the Bill to be amended at a later stage. I am open to even speedier ways of achieving equality, if that is possible.

I just wanted to put those points on the record. The Minister is nodding to indicate that she has heard them, if not necessarily that she will agree to execute them. On that basis, I ask Members to support new clause 1 and the accompanying amendments 16, 11 and 13, and I respectfully ask the hon. Member for Harrow West not to press amendments (a) to (c) to new clause 1 to a vote.

Gareth Thomas: Having once successfully promoted a private Member's Bill, I understand the difficulties that the hon. Gentleman faces, and I will not press the amendments.

Tim Loughton: I am exceedingly grateful to the hon. Gentleman. On that basis, I will sit down—let's get on with it.

Question put and agreed to.

New clause 1 accordingly read a Second time, and added to the Bill.

Clause 3

REPORT ON REGISTRATION OF PREGNANCY LOSS

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

The Chair: With this it will be convenient to discuss amendment 14, in the title, line 3, leave out

"about the registration of stillborn deaths"

and insert

"for a report on the registration of pregnancy loss".

This amendment adjusts the long title so as better to reflect the contents of Clause 3.

Tim Loughton: We come to the subject of pregnancy loss. On Second Reading, many Committee members spoke with extraordinary passion and eloquence about stillbirth. I am sure that no one will object to me singling out the hon. Member for Washington and Sunderland West. I said at the time that Labour MPs often reduce Government Members to tears, but in that case she did so for the right reasons. That was a highly emotional part of the debate, in which we heard some really brave personal testimonies. The work that hon. Members have done—including the work of my hon. Friend the Member for Colchester and others through the all-party group on baby loss—has rightly raised the profile of this subject. The Government have done a lot as a result, but there is much more to do.

The Second Reading debate gave extra oxygen to the cause and generated great publicity. Celebrities such as Kym Marsh of "Coronation Street" should be applauded for lending their voices to the cause. The previous Health Secretary was greatly moved by that debate and, as a result, set up a working party. I will come back to that, but let me turn first to the guts of what the clause does and why it is necessary.

The Births and Deaths Registration Act 1953 provides for the registration of stillborn babies after 24 weeks' gestation, which is considered to be the clinical age of viability. Parents of babies who are stillborn after 24 weeks' gestation receive a medical certificate certifying the stillbirth and, upon registration, can register the baby's name and receive a certificate of registration of stillbirth. When a pregnancy loss occurs before 24 weeks' gestation, the hospital may, if the parents want it to, enter the baby's name in a local book of remembrance or issue a local certificate to commemorate the pregnancy loss. That does not happen universally, and of course it does not carry any weight officially. Crucially, for many, that understandably just does not go far enough.

That was the case with my constituent Hayley Petts, who instigated my bringing the issue forward several years ago via a ten-minute rule Bill. I and many other hon. Members made it clear that we believe there should be official acknowledgement of pregnancy losses before 24 weeks' gestation, which would otherwise be classified as stillbirths. It is only a simple matter of chronology that prevents them from being registered and, crucially, recognised by the state. We should therefore explore whether parents should be given the opportunity or the right to register such a loss. Clause 3 would require the Government to prepare a report on whether the law should be changed—and, if so, how—to require or permit the registration of pregnancy losses that cannot be registered as stillbirths under the 1953 Act.

3.45 pm

Many parents who have faced the tragedy of losing a baby before the 24 weeks gestation threshold want a recognition that their baby actually existed. We heard cases of mothers who had been through long, painful labours, knowing in many cases that they will give birth to a child who is not alive. They held the child in their arms, had photos, took footprints and had formal funerals, yet in the eyes of the state the child never existed. At a particularly vulnerable time in those parents' lives, to be effectively told, "Your child did not exist," exacerbates the hurt and injury that has already been caused.

The Department of Health and Social Care has begun considering the issue and has commissioned a review to be carried out on behalf of the Secretary of State. The review will also look at how the NHS can improve the support it gives to families who have experienced pregnancy loss prior to 24 weeks' gestation. The most important thing the Department of Health and Social Care can do—and it is doing this—is ensure that we prevent pregnancy loss in the first place. The figures for this country remain worryingly high, but they are coming down. A comprehensive package of measures has been announced, and that is to be welcomed. I am a member of the advisory panel, as are the hon. Member for Washington and Sunderland West and my constituent, Hayley Petts. I look forward to progressing the important work that will help bereaved parents get the rightful recognition of their loss. That is why this clause is so important.

There is a problem with the work that is going on. The hon. Member for Washington and Sunderland West and I were able to attend only the third meeting, because the officials who set up the working group were so urgent about their business that they forgot that we were supposed to be on it. I am afraid that the focus is not sufficiently on stillbirths. Virtually all the women on the working group attached to the main group who have had personal experiences have had miscarriages, rather than stillbirths. In fact, my constituent is the only one who actually had what would unofficially be termed a stillbirth—before 24 weeks. I have some reservations about where that group is going, but my Bill commits only to set up a review to come up with suggestions on how the law can be changed. In many respects, its terminology has already been achieved, and it is now for the Department of Health and Social Care to progress the findings.

I am very clear that we need to do something specifically for women who have given birth but it happens to be before 24 weeks. We probably need to do more for the many more women who have had pregnancy loss through miscarriage, at whatever stage. I know that other measures are being looked at—there is a separate private Member's Bill in the House of Lords—but I am focusing on the experiences of women who have given birth to children who, alas, are not alive when they are born. That is a different experience. Having a baby loss at any stage is hugely traumatic. I am not in any way trying to undermine the tragedy of everybody's loss. The problem here is that, simply because of the way the law is figured and the chronology, which is part of the law, many children who would otherwise have been registered and acknowledged do not exist in the eyes of the state. That cannot be right, so I urge hon. Members to support this clause.

Amendment 14 seeks to amend the long title of the Bill. It would provide for

"a report on the registration of pregnancy loss".

I would prefer to include the term "stillbirth" rather than "pregnancy loss", but the term "stillbirth" cannot, as the law stands, be applied to births before the 24-week threshold. I urge hon. Members to support clause 3 and amendment 14.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): It is a pleasure to serve under your chairmanship, Mr Sharma. I am happy to be able to respond on this issue again and support the private Member's Bill promoted by the hon. Member for East Worthing and Shoreham and his efforts to secure this change.

How we feel about the issue will be born out of our own lived experiences for those of us who have lived experiences of baby loss and, in this case, pre-24-weeks baby loss. Those who were present at Second Reading or who have followed the Bill's progress will know what my lived experience is, as I relived it on the Floor of the House, with lots of tears along the way. That was a very painful experience for me, and I do not intend to relive it again today, for which I am sure everyone will be grateful. However, for the benefit of the Committee and those who may not know, I will just briefly say that I had a stillborn baby girl at 23 and a half weeks. We called her Lucy, and she would have been 20 years old on 19 May this year. We had a naming ceremony for her in a room in the hospital—it was not a bereavement suite, because this was 20 years ago—and that was because of the thoughtfulness of the hospital chaplain, who went on to arrange Lucy's burial with the Co-op funeral service, which did not charge anything. I know that my hon. Friend the Member for Swansea East has campaigned for burial fees and funeral costs to be waived in such cases, and the Government have committed to that, which is great, so things do move on—things are getting better—and that is what we are hoping to see here today.

As some hon. Members will know from the Second Reading debate, Lucy was buried in the same grave as my nana and grandad. When we got the deeds back, that was the start of me realising that Lucy formally did not exist, because I was horrified to see that it was my name on the deeds for the burial plot. I realised that that was because, legally, Lucy did not exist; it was a bit of me that was in the plot. I still cannot quite come to terms with that. I hope that it does not confuse whoever is burying someone in that plot next; will they think, "Oh, is Sharon Hodgson in here?" Hopefully I will not be.

I am not sure whether what we are proposing with this Bill would change any of what I have described, but I hope that it would change the feeling that I had nothing other than Lucy's grave and a couple of photos to prove that she had existed. Also, I do not think that the Bill would change the fact that she is recorded in my medical notes as a miscarriage. Even while I was holding her in my arms—she was a fully formed baby—she was classed as a miscarriage, because she had not taken a breath. If she had, she would have been rushed to the special care baby unit at the Royal Victoria Infirmary, and, because it is one of the best in the country, she probably would indeed have celebrated her 20th birthday earlier this year.

The Bill will not change the miscarriage-recording fact, because we are not discussing viability, as we know where that would lead, and none of us wants to go down that path or open up the abortion debate with this Bill. However, I hope that the Bill will ensure that sensitivity about language and the use of language when the worst happens— especially in the pre-24-weeks period, for all the reasons that I have explained—is improved.

On the subject of what we hope that the Bill will do, I note that the review that the Bill instigated and which the hon. Member for East Worthing and Shoreham spoke about is still under way and has not yet reported. I also share his concern that we have managed to take part in only one of the three sessions so far, so lots of debate would already have happened in the review without the hon. Gentleman or me attending.

I have read through the policy statement from the Miscarriage Association that it probably has submitted to the review, and evidence submitted by the all-party parliamentary group on baby loss. I am proud to be one of vice-chairs of that group. Both groups make the case that any registration or certificate given should be on a voluntary not mandatory basis. I refer to page 4 of the all-party group's evidence to the review, which states that there were 2,586 respondents to the survey that the Miscarriage Association carried out, and 93% of those responded said they had had experience of pregnancy loss themselves.

It will become clear where I am going with this: the overwhelming majority—74%—were in favour of permitting voluntary registration for pre-24 week loss, miscarriage, ectopic or molar pregnancy at any gestation, and 23% said that they felt that that option should be for only a certain gestation, the cut-off points varying from four to 23 weeks. Just under half of the 23%—11% of all respondents—suggested that that cut-off point should be 12 weeks. In summary, among the respondents there is overwhelming majority support for allowing registration for pre-24 week pregnancy loss. Some form of registration for pre-24 weeks is agreed, and it seems to be agreed from those respondents that it should be voluntary.

The hon. Gentleman's constituent, Hayley, who first approached him about the issue with her twins, feels that it should not be a matter of voluntary or mandatory—I agree, because I do not like "mandatory"; I prefer "automatic"—for late-term miscarriage or very early stillbirths, whatever they are called. If it happened at over 24 weeks, it would not be, "You must have a death certificate", it would just happen. I would not necessarily have liked to have been asked at that stage whether I wanted to have some sort of certificate of registration. It was bad enough that this awful trauma had just happened, without being asked to make a decision that I probably was not in a strong enough position to make. I understand that the Government say that people would have 42 days to make that decision, but I come back to it being automatic at a certain stage.

I have looked at the survey questions in detail—I am not an expert on surveys or questionnaires, although I am pulling apart my clinical commissioning group questionnaire at the moment—and I think it is a fair set of questions. But by the rules of mathematics, it will have been weighted to receive more responses from people who may have suffered, or are connected to someone who had had, a miscarriage from conception to pre-20 weeks, rather than those from 20 weeks to pre-24 weeks. Among the 2,586 people, the latter group will have been smaller than the nought to 20 weeks group. Of the survey respondents, 93% had suffered a pregnancy loss, but I do not think they were asked when that pregnancy loss was. I hazard that if a further survey were done that separated those two groups we might be able to see a difference in the answers. That is something the review should do when it is trying to form an opinion about whether it should be automatic—I will not use the term "mandatory", because people automatically get a birth certificate or a death certificate after 24 weeks—rather than voluntary.

4 pm

The all-party group report looked at some really good examples from around the world, which I hope the review will look at. The ones that stand out are Queensland, Australia, which registers post-20 weeks and families can apply for an early pregnancy loss recognition certificate. If that cannot all be done under the Bill, the bit about registration from 20 weeks could be, and we could look at having a voluntary scheme for earlier losses. British Columbia, Canada does a similar thing and registers from 20 weeks, but families can apply for a still-birth certificate of remembrance. Similarly, the USA registers from 20 weeks, and France registers at the gestational age of 22 weeks.

Queensland, Australia seems to be the one that ticks both boxes, as far as I am concerned. A survey of 2,500 people is not huge in a country with a population of 70 million, but people who have been affected by baby loss before 24 weeks are a very important sector of that population. Again, it would be interesting to see how that separated out among the two groups I identified, and how they would have felt if they had been given some of those examples.

The review still has a long way to go, and I hope we have more chances to engage with it. Perhaps it will seek further thoughts from people who have suffered the post-20 weeks experience. I hope that that does not stand in the way of the Bill progressing on to the statute book, but that something can stay in the Bill and make it through. I would give that my full support—we will support whatever we can get into the Bill in that regard—because it would be a positive step forward. Again, I thank the hon. Member for East Worthing and Shoreham for introducing the Bill.

Victoria Atkins: I apologise for my voice, Mr Sharma; I am suffering from end-of-term lurgy. I hope hon. Members can hear me. I thank my hon. Friend the Member for East Worthing and Shoreham again for this part of his Bill, and I emphasise that the Government are committed to ensuring that the NHS provides the safest and highest quality care. That is particularly true for maternity services.

Sadly, some pregnancies will end in the death of a much-loved and wanted baby. Although the care considerations for still births and pre-24 weeks pregnancy losses may be similar, in practice, local factors may have an impact on the support parents receive, depending on the gestation stage of the loss. Registration and certification can be an important part of acknowledging a pregnancy loss, and that is why the Government fully support the need to look into the issue more closely.

[Victoria Atkins]

Pregnancy loss is more common than people realise, and I thank all hon. Friends and hon. Members who have spoken in this place about their experiences, and who have educated those of us who have not had to endure the agony of losing a baby. I am bound to thank the hon. Member for Washington and Sunderland West for her contribution to the wider debate and in Committee, and my hon. Friend the Member for Colchester, who has done so much work on the issue across the House. That is why the Government have already committed to looking at whether the legislation should be changed to allow for the registration and certification of pregnancy losses before 24 weeks gestation.

We support the requirement in this clause that a report is prepared before we consider any changes, because of the obvious sensitivities involved. In conducting this review, the Government are engaging closely with health practitioners, registrars and charities. Most importantly, the review is speaking to parents who have lost a baby before 24 weeks, to learn about their experiences and how to ensure that they receive the best care and support possible when such a tragedy takes place.

I am delighted that my hon. Friend the Member for East Worthing and Shoreham and the hon. Member for Washington and Sunderland West are on that panel. If I may say, the hon. Member for Washington and Sunderland West has demonstrated the considerable weight of experience and the value that she will contribute to that panel. I know that hon. Members were not invited to the first meeting. I understand that it had already taken place before the Secretary of State insisted that both hon. Members sit on the panel. I know that the officials sitting behind me will ensure that future sessions of the panel are communicated properly to both hon. Members, so that they are able to contribute, as they clearly should. The work of the panel will inform the report that the clause requires the Secretary of State to prepare and publish.

Tim Loughton: I am grateful for the great support from the hon. Member for Washington and Sunderland West. She shares my reservations about the way the committee is going. But with the comments we have made, and the support of the Minister and the new Health Minister, I think we will achieve a satisfactory conclusion in due course.

The hon. Lady also mentioned her daughter Lucy. It was mentioned on Second Reading that if this becomes law, it should be known as Lucy's law. There was great agreement on that at the time. This affects too many women, and fathers too. It would cost nothing to put it right. A little effort would prevent an awful lot more angst for parents who have already been through this traumatic situation.

The clause only commits to having a report at this stage, but there is an expectation that the Government will want to turn that report into legislative change—into action—to complement the good work that is going on to prevent anybody from being in the iniquitous position of realising that their child is not officially recognised by the state, by substantially reducing the number of stillbirths and miscarriages.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4

CORONERS' INVESTIGATIONS INTO STILL-BIRTHS

Gareth Thomas: I beg to move amendment 17, in clause 4, page 2, line 18, leave out "whether, and if so how," and insert "how".

This amendment would mean that the Secretary of State's report would examine how the law should be changed, and not whether it should be changed.

The Chair: With this it will be convenient to discuss the following:

Amendment 18, in clause 4, page 2, line 22, after "must" insert ", within six months of the passing of this Act,".

This amendment would mean that the Secretary of State's report must be published within six months of the Bill receiving Royal Assent.

Clause stand part.

Amendment 15, in the title, line 4, leave out "give coroners the power to investigate stillborn deaths" and insert "make provision about the investigation of still-births".

This amendment adjusts the long title so as better to reflect the contents of Clause 4.

Gareth Thomas: Again, it was a moment of weakness when I agreed, in the absence of my hon. Friend the Member for Nottingham South, to speak to her amendments, because I had not realised quite how much commitment she had already shown to the subjects in these amendments. As hon. Members, will know, she has had personal experience, through her constituency, of these issues. She had secured from the previous Secretary of State for Health a commitment that the law would be changed. She is, therefore, anxious to use these probing amendments to explore whether the Government have slightly changed their mind or are going slow, and what the timescale is for the Government to move on the previous Secretary of State's commitment in his maternity safety strategy. In that strategy, he said that he would work with the Ministry of Justice to produce a report on the issues before full-term stillbirths could be classed as neonatal deaths. That report was published in *Hansard*.

The constituents of my hon. Friend the Member for Nottingham South who motivated her to table this amendment—Jack and Sarah—lost their daughter, Harriet, in labour. I understand that Sarah had a scan at 38 weeks and the baby appeared to be doing well. Sarah was in labour for six days and Harriet died during that time. The death was classified as a stillbirth and, according to the current law, because Harriet was not born alive her death could not be investigated.

Both Harriet's parents are medical professionals and they knew that something was wrong with the care that they had received. When the internal review found no fault with the care that they had been given, they fought extremely hard to get an external review. That external review found that Harriet's death was almost certainly preventable. Following that review, Harriet's parents have campaigned extensively to change the law, so that coroners can investigate stillbirths that occur past 37 weeks.

I press the point that surely a baby's death should be treated no differently from any other death. In that sense, the coroner represents an independent judicial office, and therefore any inquest into the death would be truly independent and transparent. A coroner would be able to address local issues at a particular hospital or unit where there were concerns about the care arrangements, by making references to other statutory bodies.

As I say, it had appeared that the former Secretary of State for Health was committed to making changes, but the caveat in clause 4(1)—the reference to

"whether…the law ought to be changed"—

has raised some concerns about whether there has been any slowing-down of commitment or even—I hesitate to say it—backtracking. In the spirit of a probing amendment, I hope that the Minister will reassure us and commit to a timescale for moving things forward.

I apologise to you, Mr Sharma, and the Committee because I have a long-standing commitment and if the debate on this amendment goes beyond 4.30 pm, I will have to read the comments of the Minister and the hon. Member for East Worthing and Shoreham, who promoted this Bill, in *Hansard*. However, I hope that the Minister will give us the response that we need.

Tim Loughton: On that basis, we will do things very quickly. I will comment on amendments 17 and 18, which the hon. Gentleman has moved. However, I will just need to speak to clause 4 stand part and amendment 15, which has been tabled in my name and that of the Minister.

Amendment 17 addresses the issue of coroners having the power to investigate. Currently, under the Coroners and Justice Act 2009, coroners have a duty to investigate deaths in certain circumstances, such as where the death is violent or unnatural, or where the cause of death is unknown. Of course, that duty extends to the deaths of newborns of any age, including those who die immediately after birth, but there the duty stops.

So coroners do not have jurisdiction to investigate if a baby showed no signs of life independent of the mother, including if the baby died during labour. The reason for this is that coroners can only investigate deaths where there has first been life and that is obviously not the case for a stillborn child. However, as it says in the title of the clause, they were still born. Nevertheless, the coroner, under the current legislation, does not have the power to investigate stillbirths, however difficult the circumstances might be. The coroner can investigate when there is doubt about whether a baby was stillborn or was born alive, but they cannot investigate the circumstances of why a baby was stillborn if that is what they find.

4.15 pm

That is wrong. Coroners should have powers to investigate when a baby dies during labour, just as they can when a baby dies immediately after delivery. I applaud the Department for Health and Social Care's work to improve maternity safety, including instructing the Healthcare Safety Investigation Branch to conduct independent investigations into all English cases of term stillbirth occurring during labour, as defined by the Royal College of Obstetricians and Gynaecologists' Each Baby Counts criteria. A lot of good work is going on in this area to prevent this whole thing from happening in the first place. The national perinatal mortality review tool, rolled out in January this year, will ensure that learning is captured from all cases of perinatal mortality.

I support the Government's ambition to halve the national rate of stillbirth, neonatal and maternal deaths and birth-related brain injuries by 2025, and the parallel ambition to reduce rates of premature birth from 8% to 6%, as a starting point. In the spirit of those ambitions, I believe that coroners have an important role to play in delivering confidence that what happened in individual stillbirth cases is understood and reassurance that lessons will be learned, with fewer stillbirths therefore taking place over time.

The clause provides the opportunity to do just that. It requires the Government to review fully whether, and if so, how, coroners should investigate stillbirths, and then, I hope, to do something about it. I certainly agree with the Government that we need to explore thoroughly the full range of issues involved in such a change. We must act on this in a considered manner. The clause ensures that the Government will give the issue the consideration that I and many others believe it deserves. However, once it is clear what needs to be done to enable coroners to investigate these deaths, the Government should act quickly. The clause allows for that, too, which partly addresses the point made by the hon. Member for Harrow West.

The clause gives the Lord Chancellor the power to make regulations that would amend part 1 of the 2009 Act to enable or require coroners to conduct investigations into stillbirths. It also allows for regulations to provide for the purpose of those coroners' investigations into stillbirths, which is necessary because, for example, it may be appropriate to investigate a stillbirth even when it was caused by a natural process; coroners rightly do not do so when other deaths are caused by a natural process. I want coroners to have the right and proper duties to investigate stillbirths and do not want to restrict the power to make regulations in a way that prevents that.

The clause also provides for regulations that could limit the circumstances in which investigations are to take place. For example, regulations could provide for a power or a duty to investigate only stillbirths of more than a specified gestation. It may not be necessary for every stillbirth to be in the scope of a coroner's investigation, such as those that occur when the pregnancy has reached full term. The clause provides that regulations may not create criminal offences, other than by applying or making an equivalent or similar provision to a provision already contained in part 1 of the 2009 Act. That allows the offences in schedule 6 of the Act to apply to investigations into stillbirths, but ensures that the power will not be used too widely.

I know that there are often concerns, both here and in the other place, about giving powers to Ministers to make regulations that directly amend primary legislation. We have heard a lot about that in relation to Brexit recently. However, I believe that my clause, as well as making supplementary provisions for regulations, which I will speak about shortly, contains the right safeguards to ensure that the power is used appropriately. First, any regulation that will amend primary legislation must be voted on by both Houses. Secondly, I have provided a sunset clause that provides that the power to make

investigation regulations will cease if it has not been exercised within five years of publication of the Government's report, which the clause requires.

I consider that the delegated power to make regulations is necessary, and I know that the Government supports that. It enables detailed provisions to be made in a timely manner after the Government have published their report of the review required by the clause. That report will necessarily consider the views of stakeholders and a broad range of issues that need to be thought through and properly considered before any changes are made. It will enable us to be sure that, if regulations are made, they are the right ones.

I understand that the Ministry of Justice and the Department of Health and Social Care have together already begun to consider this issue in some detail, and that they have engaged with a wide range of people with an interest and expertise in this area. I have already had some preliminary reports on that.

Any change involving coroners' investigations will not replace the important role that the NHS plays here already. It will supplement and support it, and will ensure that coroners can contribute to the learning and to playing a role in reducing the stillbirth rate. I urge the Committee to allow the clause to stand part of the Bill.

Dr David Drew (Stroud) (Lab/Co-op): Just so I am absolutely clear, is the hon. Gentleman saying that the matter can be handled through regulation, and the whole matter will be clarified? Or will we have to revisit it?

Tim Loughton: The clause is an enabling clause. It gives Ministers the power to give authority to coroners to investigate stillbirths. It empowers them to do that by amending the 2009 Act; the matter would not need to be revisited. The exact terms on which Ministers will give the power is subject to the report that is being prepared.

To return to the hon. Gentleman's amendments, the work is happening now and a number of coroners have contributed to it, including the West Sussex coroner, Penelope Schofield, who brought the issue to me and asked me to include it in the Bill in the first place. She has been impressed by the input of the officials involved, and by the progress that the group preparing the report is making. For example, there seems to be a consensus for giving coroners powers to investigate full-term stillbirths—at 37 weeks onwards. Those are the ones that might be considered least likely, in comparison to those closer to 24 weeks, when the position is more delicate, and therefore more questions need to be asked. In some cases it might require a coroner to ask those questions.

That is probably a good starting point, and if, with experience of coroners investigations, it appears that the term in question should be brought forward, the issue can be revisited later. However, an important starting point is set out, which will give confidence to parents who have suffered a stillbirth that in a small number of cases—it is not a question of flooding coroners with an awful lot of additional work—if the questions have not been answered, the full independence and weight of open inquiry that a coroner can bring to bear will be available to them.

Coroners have made it clear to me that they are sufficiently resourced to deal with the likely demand. As well as being important for parents, the change could mean a financial saving, because getting to the bottom of why many stillbirths happen would make it possible to learn more. We might avoid some long drawn-out and contentious legal cases, on which the NHS pays out a lot of money.

For the reasons I have set out, I urge hon. Members to support the clause—and amendment 15 to the long title. I hope that my assurances will enable the hon. Member for Harrow West to withdraw what he says, because the intention is for coroners to do the work. I think that there was a worry that it would not be coroners, but the measure is all about coroners.

There has been good progress with the report, and I hope that more information may come back even before Report, to be confirmed in the Bill. However, the clause is an enabling clause that would give the Secretary of State the power to allow coroners to investigate stillbirths.

Victoria Atkins: I shall speed through, in view of the time. I assure the Committee that the Government agree completely that there is a need to look at the role coroners could play in investigating stillbirths. A great deal is already being done. For example, improvements are already under way in the NHS, including the newly-established Healthcare Safety Investigation Branch, which investigates full-term intrapartum stillbirths, neonatal and maternal deaths, and severe brain injuries that occur during labour. The improvements meet the Royal College of Obstetricians and Gynaecologists criteria for the Each Baby Counts programme. However, we agree that we should look at how coroners may add to that learning and to prevention of stillbirths in the future.

The Government have already committed to looking into the question of coroners investigating full-term stillbirths and support the requirement in the clause that a report is prepared before we make any changes. There are important and sensitive issues to explore, including what powers a coroner should have to undertake any investigation such as the ordering of post-mortems and when any duty to investigate should apply. We also need to consider how we can maximise the learning from each coroner's investigation.

Our concern is that amendment 17 would prejudge the findings of the report and the discussions that the Government are having with the many stakeholders in this area. We would not be able to look at whether there should be a role for coroners; it rather assumes that there should be one. We submit respectfully that that is not the correct approach. While many bereaved parents who may have had difficult experiences will want a coroner to carry out an investigation into stillbirths, we need to consider alternative experiences. Some parents may find the formal coronial process too distressing—it may be too much for them on top of the investigation the NHS would carry out—and they may want the official processes to be over so they can find the wherewithal to deal with their grief. They may not want to go through an additional official process before they begin to mourn.

On amendment 18, while the Government agree that we should move quickly, we must not be constrained in time to reach the right conclusions, which are what every member of the Committee is concerned to achieve. It is important that the report is thorough and all views are considered carefully. We want to explore in detail whether and in what circumstances a coroner may investigate stillbirths, and that will take some time. We are not dragging our feet. We have already begun the review on which my hon. Friend the Member for East Worthing and Shoreham has given some details. That demonstrates our commitment to making progress as quickly as possible and, if change should be made, to make it in a timely manner. While I cannot commit to timescales, I consider that good progress is being made.

Officials have already engaged with a number of stakeholders, including bereaved parents, the Chief Coroner and senior coroners, medical professional bodies and organisations involved in research and support to those who have experienced stillbirth. I thank all those who have given their time for that. Once the report has been published, clause 4 will provide the Lord Chancellor with a power to amend part 1 of the 2009 Act to enable or require coroners to conduct investigations into stillbirths. The Government support the clause and invite the hon. Member for Harrow West to withdraw his amendment.

Gareth Thomas: As I said in my opening remarks, these are probing amendments. I hope that before we get to Report the Minister might be willing to brief my hon. Friend the Member for Nottingham South on the progress of the review and where the Government's initial thinking is on that. That would be helpful and would give confidence to the hon. Member for East Worthing and Shoreham that the Opposition, who support my hon. Friend's work in this area, would not want to delay the Bill further.

Victoria Atkins: I am happy to make that commitment.

Gareth Thomas: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

4.30 pm

Tim Loughton: I beg to move amendment 3, in clause 4, page 2, line 23, leave out subsection (4).

This amendment and Amendment 4 make a drafting change in response to Amendments 5 and 7 and NC3.

The Chair: With this it will be convenient to discuss the following:

Amendment 4, in clause 4, page 2, line 26, leave out "Investigation regulations may" and insert

'After the report has been published, the Lord Chancellor may by regulations'.

See the explanatory statement for Amendment 3.

Amendment 5, in clause 4, page 2, line 36, leave out subsection (6).

This amendment is consequential on NC3.

Amendment 6, in clause 4, page 2, line 43, leave out "Investigation" and insert "The".

This amendment is consequential on Amendments 3 and 4.

Amendment 7, in clause 4, page 3, line 6, leave out subsections (8) and (9)

This amendment is consequential on NC3.

Amendment 8, in clause 4, page 3, line 10, leave out "investigation regulations may be made" and insert

'regulations may be made under this section'.

This amendment is consequential on Amendments 3 and 4.

New clause 3—*Supplementary provision about regulations*—

'(1) The Secretary of State may by regulations—

(a) amend the Marriage of British Subjects (Facilities) Acts 1915 and 1916 so that they no longer apply in England and Wales;

(b) make other provision in consequence of regulations under section (Marriage registration).

(2) The Lord Chancellor may by regulations make provision in consequence of regulations under section 4.

(3) Regulations under subsection (1) or (2) may include provision amending, repealing or revoking provision made by or under primary legislation (whenever passed or made).

(4) Regulations under this Act may make—

(a) different provision for different purposes;

(b) provision generally or for specific cases;

(c) provision subject to exceptions;

(d) incidental, supplementary, transitional, transitory or saving provision.

(5) Regulations under this Act are to be made by statutory instrument.

(6) A statutory instrument that contains (with or without other provision) regulations under this Act that amend, repeal or revoke any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section—

"primary legislation" means—

(a) an Act of Parliament;

(b) an Act of the Scottish Parliament;

(c) an Act or Measure of the National Assembly for Wales;

(d) Northern Ireland legislation;

(e) a Measure of the Church Assembly or of the General Synod of the Church of England;

"Registrar General" has the meaning given by section (Marriage registration)(7).'.

This new clause makes supplementary provision about regulations under the Act.

Amendment 9, in clause 5, page 3, line 13, at end insert

'only, subject to subsection (1A).

'(1A) Section (Supplementary provision about regulations) and this section extend to England and Wales, Scotland and Northern Ireland.'.

The amendment enables consequential amendments to be made to UK-wide legislation (even though the substantive changes to the law will relate to England and Wales only).

Tim Loughton: We are almost there. Amendments 3 to 7 are minor technical amendments to clause 4 to improve the drafting in light of the amendments to clause 1, although those do not materially affect the operation of the provisions. Amendments 9 and 10 amend clause 5: Extent, commencement and short title. Amendment 9 enables consequential amendments to be

[Tim Loughton]

made to UK-wide legislation, although the substantive changes to legislation relate to England and Wales. Amendment 10 makes provision for the Bill to come into force two months after the Bill receives Royal Assent, which is pretty good.

New clause 3 makes supplementary provision about regulations under the Act. Paragraph (1)(b) of the new clause enables the Secretary of State to make consequential provision in respect of regulations amending the Marriage Act 1949 made under clause 1 of the Bill. Paragraph (1)(a) of the new clause contains the power to make a consequential amendment that enables the Secretary of State to amend by regulations the rarely used Marriage of British Subjects (Facilities) Acts 1915 and 1916 so that they no longer apply in England and Wales.

Subsection (2) of the new clause is a technical measure to make an equivalent power in clause 4(6) of the Bill to the new clause for the sake of good drafting. The power enables the Lord Chancellor to make consequential provision in respect of regulations amending part 1 of the Coroners and Justice Act 2009 made under clause 4. Regulations made under subsections (1) or (2) may include provision to amend, repeal or revoke provisions made under primary legislation. Hon. Members may wish to note that the amendment changes the Henry VIII power, limiting the power to consequential amendments rather than incidental or supplemental ones. This is in line with the marriage registration powers. It limits powers to those that in practice are likely to be used, rather than allowing a wider power. It also amends the parliamentary procedure so that only regulations that amend, repeal or revoke any provision in primary legislation will be subject to the affirmative resolution procedure, ensuring oversight in both Houses of Parliament by virtue of subsection (6) of the new clause. It is as simple as that, Mr Sharma, with apologies to *Hansard*. *[Laughter.]*

Amendment 3 agreed to.

Amendments made: 4, in clause 4, page 2, line 26, leave out "Investigation regulations may" and insert

"After the report has been published, the Lord Chancellor may by regulations"

See the explanatory statement for Amendment 3.

Amendment 5, in clause 4, page 2, line 36, leave out subsection (6)

This amendment is consequential on NC3.

Amendment 6, in clause 4, page 2, line 43, leave out "Investigation" and insert "The"

This amendment is consequential on Amendments 3 and 4.

Amendment 7, in clause 4, page 3, line 6, leave out subsections (8) and (9)

This amendment is consequential on NC3.

Amendment 8, in clause 4, page 3, line 10, leave out "investigation regulations may be made" and insert 'regulations may be made under this section'.

This amendment is consequential on Amendments 3 and 4.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5

EXTENT, COMMENCEMENT AND SHORT TITLE

Amendment made: 9, in clause 5, page 3, line 13, at end insert

"only, subject to subsection (1A).

(1A) Section (Supplementary provision about regulations) and this section extend to England and Wales, Scotland and Northern Ireland."

The amendment enables consequential amendments to be made to UK-wide legislation (even though the substantive changes to the law will relate to England and Wales only).—(Tim Loughton.)

Tim Loughton: I beg to move amendment 10, in clause 5, page 3, line 14, leave out subsections (2) and (3) and insert—

'( ) This Act comes into force at the end of the period of two months beginning with the day on which it is passed."

The amendment provides for the Bill to come into force two months after it receives Royal Assent.

The Chair: With this it will be convenient to discuss clause stand part.

Tim Loughton: This is just the fiddly bit at the end of the Bill, which I am sure hon. Members will not want to be detained much longer on. The amendment deals with the extent, commencement and short title. It comes into force when the Secretary of State decides and is tied down to two months after the Act is passed. The rest of the clause is absolutely self-explanatory. I therefore propose that the clause stand part of the Bill and I hope that the amendment is accepted by the Committee. I am sure no one will argue with that.

Clause 5, as amended, ordered to stand part of the Bill.

New Clause 3

SUPPLEMENTARY PROVISION ABOUT REGULATIONS

"(1) The Secretary of State may by regulations—

(a) amend the Marriage of British Subjects (Facilities) Acts 1915 and 1916 so that they no longer apply in England and Wales;

(b) make other provision in consequence of regulations under section (Marriage registration).

(2) The Lord Chancellor may by regulations make provision in consequence of regulations under section 4.

(3) Regulations under subsection (1) or (2) may include provision amending, repealing or revoking provision made by or under primary legislation (whenever passed or made).

(4) Regulations under this Act may make—

(a) different provision for different purposes;

(b) provision generally or for specific cases;

(c) provision subject to exceptions;

(d) incidental, supplementary, transitional, transitory or saving provision.

(5) Regulations under this Act are to be made by statutory instrument.

(6) A statutory instrument that contains (with or without other provision) regulations under this Act that amend, repeal or revoke any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section—

'primary legislation' means—

(a) an Act of Parliament;

(b) an Act of the Scottish Parliament;

(c) an Act or Measure of the National Assembly for Wales;

(d) Northern Ireland legislation;

(e) a Measure of the Church Assembly or of the General Synod of the Church of England;

'Registrar General' has the meaning given by section (Marriage registration)(7).''—*(Tim Loughton.)*

This new clause makes supplementary provision about regulations under the Act.

Brought up, read the First and Second time, and added to the Bill.

Title

Amendments made: 11, in the title, line 1, leave out from beginning to "make".

This amendment, together with Amendment 13, reflects the changes proposed by Amendment 1 and NC1.

Amendment 12, in the title, line 2, leave out from first "of" to "to" in line 3 and insert "marriage;".

This amendment reflects the changes proposed by Amendment 2 and NC2.

Amendment 13, in the title, line 3, after "partnership;" insert

"to make provision for a report on civil partnerships;".

See the explanatory statement for Amendment 11.

Amendment 14, in the title, line 3, leave out

"about the registration of stillborn deaths"

and insert

"for a report on the registration of pregnancy loss".

This amendment adjusts the long title so as better to reflect the contents of Clause 3.

Amendment 15, in the title, line 4, leave out

"give coroners the power to investigate stillborn deaths"

and insert

"make provision about the investigation of still-births".—*(Tim Loughton.)*

This amendment adjusts the long title so as better to reflect the contents of Clause 4.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Tim Loughton: On a point of order, Mr Sharma. May I thank you for expertly chairing all the technical bits in particular of proceedings? I thank right hon. and hon. Members for attending, staying here in this heat and agreeing with so much of the Bill, and for all their contributions. I also thank the Minister, and I will particularly thank her when she produces the goods on civil partnerships, as we hope she will do in the next few months.

I also thank Linda Edwards in the Home Office who has worked tirelessly to advise not just the Minister but me, at all times of the day and night, to try to bring clarity to very technical procedures. We have got through them today in two hours and six minutes, which is no mean feat.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

4.36 pm

Committee rose.