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**HOUSE OF COMMONS**  
**OFFICIAL REPORT**

**PARLIAMENTARY**  
**DEBATES**

**(HANSARD)**

**Monday 3 December 2018**

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# House of Commons

*Monday 3 December 2018*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### HOME DEPARTMENT

*The Secretary of State was asked—*

#### Online Child Grooming

1. **James Duddridge** (Rochford and Southend East) (Con): What steps he is taking to tackle online child grooming. [907951]

**The Secretary of State for the Home Department (Sajid Javid):** Tackling online grooming is one of our highest priorities. We are increasing our investment in law enforcement and legislating on online harms to bear down on the threat. In November, I also co-hosted a hackathon in the United States, where tech companies developed an artificial intelligence product to detect online grooming, which will be sent out licence-free for all technology companies to use worldwide.

**James Duddridge:** I was particularly impressed by the hackathon and the tools used. Will my right hon. Friend explain in more detail how what he saw in the US can be used here in the United Kingdom?

**Sajid Javid:** I gladly will. The hackathon event that I attended in the US involved the giant tech companies that we all know of. They worked together to develop a new artificial intelligence product that will detect online grooming; that is the intention. The technology showed the industry at its best and most creative, and it will help change people's lives.

**Vicky Foxcroft** (Lewisham, Deptford) (Lab): The Home Secretary will be aware that next Thursday we have a debate on the public health model to reduce youth violence. A key aspect of the public health approach is cross-departmental working, so will the Minister commit to inviting other relevant Departments next week so that they can listen, if not respond, to this important debate?

**Sajid Javid:** The hon. Lady makes a good point about serious violence. It is important to look carefully at this public health approach, which is why I have talked of it at length in the last couple of months and have already

set out the Government's intention to have a statutory duty on public bodies and agencies to work together on it.

**Mark Pritchard** (The Wrekin) (Con): On the wider issue of child grooming, does the Home Secretary agree that the delays by Telford and Wrekin Council in setting up an independent inquiry into the child grooming that has gone on in that borough is completely unacceptable and that it needs to get on with it for the victims and the victims' families?

**Sajid Javid:** I strongly agree with my hon. Friend. It is very unfortunate that the inquiry has been delayed; it is very important in the interests of justice and especially for those victims and their families, and I hope the council just gets on with it.

**Chris Elmore** (Ogmore) (Lab): I know that the Home Secretary takes child grooming online extremely seriously. I am sure he agrees, however, that there is a need to have better education for, and understanding among, young people so that they can see the signs and feel free to report when they are uncomfortable and concerned about what is happening, particularly on social media platforms. Will the Secretary of State set out what more he can do to make sure young people have that understanding and feel free to report when they are worried about what could be happening online?

**Sajid Javid:** The hon. Gentleman is absolutely right to raise that point, and the companies can do more to help young people to help themselves when online. When I was recently in the US, I met all the tech giants, and there are tools that they can roll out and they have promised to do just that, but there is also a role for parents in helping their children to be much more aware online.

**Mr Philip Hollobone** (Kettering) (Con): What is the maximum penalty for online child grooming and how many convictions have been secured?

**Sajid Javid:** Sadly, the amount of abuse that we are seeing is increasing year by year. There was a 23% increase in all child sex offences in the year to March 2018 and a 206% increase since 2013. The good news is that much more work and effort is going into this; each month there are around 400 arrests and 500 children safeguarded.

**Nick Thomas-Symonds** (Torfaen) (Lab): Tackling online crime needs to be cross-border, yet the Government have failed to get the Schengen information system, or SIS II, and the European Criminal Records Information System included in the political declaration. They have also not identified exactly what our relationship with Europol and Eurojust will be going forward, and we have only vague promises on maintaining the benefits of the European arrest warrant. When will the Government act to stop this diminishing of our ability to tackle crime?

**Sajid Javid:** The hon. Gentleman will know from the information we have already published that we have reached a good agreement with Europe on future security co-operation, for example on passenger name records, DNA and other important databases. He mentioned

the SIS II database, and there is also the criminal records database; we will continue to work together on those issues, and I am sure we can reach an agreement.

### Child Sexual Exploitation

**2. Toby Perkins** (Chesterfield) (Lab): What assessment he has made of the adequacy of police resources to investigate historical cases of child sexual exploitation. [907952]

**The Minister for Policing and the Fire Service (Mr Nick Hurd)**: As the Home Secretary has made clear, tackling the abhorrent crime of child sexual abuse is a priority for the Government, and this is reflected in the fact that it is one of six national threats in the strategic policing requirement.

**Toby Perkins**: For victims of historical child sexual exploitation to come forward, they have to have confidence that their claims will be not only taken seriously but tackled with due urgency. A constituent of mine tells me that South Yorkshire police have recently merged their historical child sexual exploitation department with their violent crime department. This means that whenever a new violent crime comes in, victims of child sexual exploitation have to wait for their case to be dealt with. What can the Minister do to ensure that specialism and due urgency are brought to these cases?

**Mr Hurd**: I accept the hon. Gentleman's point that victims need to have confidence in the police system. That is why we have agreed to provide grants for specialist operations in a number of forces, including South Yorkshire police. Just as critically, we are investing in prevention and technology to identify online abuse.

**Michael Fabricant** (Lichfield) (Con): The hon. Member for Chesterfield (Toby Perkins) is absolutely right to make that point, but is the Minister aware that the chief constable of Staffordshire, Gareth Morgan, who chairs the committee of chief constables regarding this sort of offence, has told me that there is a growing trend for people accused of such crimes subsequently to wrongly accuse others of such a crime, so that that can be used as mitigation? In other words, they are saying, "Don't blame me. I've already been attacked in this way."

**Mr Hurd**: I thank my hon. Friend, but I cannot comment on the truth or otherwise of his contribution. However, I want to press on the House the Government's commitment to bear down on this abhorrent crime, not least by providing the police with the support and resources they need in terms of investment and powers.

**Sarah Champion** (Rotherham) (Lab): I commend the Home Secretary for his commitment to preventing all forms of child abuse, but he knows that it is not just the police who need resources; it is survivors as well. Many people come forward only in adulthood to report child abuse, but statutory support stops at the age of 18. Will the Minister make a commitment to provide support to victims and survivors regardless of their age?

**Mr Hurd**: The hon. Lady has represented her constituents extremely well, and she has extremely brave constituents who have stood up in this context. We already provide support for victims and survivors of child sexual abuse,

but I certainly take on board the point that she has made and I will be happy to discuss it with her personally.

**Louise Haigh** (Sheffield, Heeley) (Lab): If the leaks over the weekend are to be believed, the Government intend to deliver a real-terms cut in Government funding to our overstretched police for the ninth year running. Does the Minister not agree that passing the buck to local ratepayers is unfair to those forces that have cut the most and can raise the least and that it fundamentally fails to meet the demand from legacy and current child sexual exploitation and the enormous demand from cyber-crime and soaring violent crime?

**Mr Hurd**: The hon. Lady knows that I will not comment on leaks, but I would simply point out that this Government took the steps that resulted in an increase of £460 million of public investment in our police system this year, in a settlement that she and her colleagues voted against.

### EU Settlement Scheme

**3. Stephen Kerr** (Stirling) (Con): What support he is providing to EU citizens applying to the EU settlement scheme. [907953]

**12. Antoinette Sandbach** (Eddisbury) (Con): What support he is providing to EU citizens applying to the EU settlement scheme. [907962]

**The Minister for Immigration (Caroline Nokes)**: The Home Office is putting in place a range of support for EU citizens applying to the EU settlement scheme, particularly for those who are most vulnerable. This includes assisted digital support for those unable to make online applications, a new customer contact centre and indirect support to be provided through organisations such as community groups and charities.

**Stephen Kerr**: I am of course pleased that the Minister has made clear the Government's commitment to European Union citizens living here, particularly because there are parties in this House who have spread fear and alarm among EU citizens by questioning the Government's commitment to their status. Does the Minister agree that those Members who spread fear and alarm should set the record straight and reassure those in our communities who are from the EU that their rights are guaranteed?

**Caroline Nokes**: My hon. Friend is right to point out the importance of sending a message of reassurance to EU citizens living here not only that they can stay but that we want them to stay and are taking steps through our settled status scheme to enable them to do so through a straightforward online digital process. I am sure my hon. Friend will welcome the fact that 95% of the people who have been through the first phase of beta testing of the settled status scheme found it very straightforward to use.

**Antoinette Sandbach**: Some EU countries, including the Netherlands, have restrictions on holding dual nationality, which is leading to some Dutch citizens here having to choose between a UK or Dutch passport. What can the Minister do to reassure the Dutch diaspora in the UK that Brexit will not have an impact on their

rights? Is she reaching out to her European counterparts to see what progress can be made in persuading other member states to loosen their restrictions?

**Caroline Nokes:** The UK allows individuals to hold other nationalities alongside their British citizenship, and those with dual nationality already have the right of abode here and do not need to do anything. EU citizens do not need to obtain British citizenship to protect their status and can remain here indefinitely by applying to the settled status scheme, so there is no need for them to relinquish their current nationality. However, my hon. Friend makes a good point about reaching out to other EU member states. It is important that we continue that work, because they are vital partners when it comes to spreading the message to the diaspora communities about their right to stay.

**Kate Green (Stretford and Urmston) (Lab):** The Roma are still among the most marginalised EU citizens in this country. Will the Minister say what special steps the Government are taking to reach out to Roma support groups to encourage their citizens to apply for settled status and to support those who have digital or English-language difficulties?

**Caroline Nokes:** In October, we announced £9 million of grant funding to charities and other organisations so that they may assist people, particularly those in vulnerable groups, through the process of applying for settled status in this country. We want to ensure that the maximum number of people apply and that those requiring the most support can access it easily via assisted digital services or, in exceptional cases, face-to-face support. It is important that we acknowledge that many groups may face challenges, which is why the Government have made £9 million available to help.

**John Cryer (Leyton and Wanstead) (Lab):** Given the likely large number of applicants, has the Minister considered allocating specific funding to Citizens Advice?

**Caroline Nokes:** As I mentioned in my previous answer, we are providing up to £9 million of grant funding, which will be made available to civil society organisations to mobilise services targeted at vulnerable EU citizens. We already work with a group of organisations, including local councils, to help them to help their residents, but the scheme will be open to applications from bodies exactly like Citizens Advice, and I hope that many such organisations will be prepared to play their part in helping citizens.

**Daniel Kawczynski (Shrewsbury and Atcham) (Con):** This country benefits enormously from the one million Poles who have settled on our island. Will the Minister assure me that she will do everything possible to engage with the Polish community in London? Perhaps she will join me at one of the Polish clubs, such as Ognisko or POSK, to take the message directly to the citizens?

**Caroline Nokes:** Interestingly, one of my first meetings after becoming Immigration Minister was with the Polish ambassador. We recognise that many Polish citizens live in this country, and working through the embassy and with the diaspora community is one of the best ways of

reaching out to them. I would be delighted to take up my hon. Friend's invitation and shall very much look forward to it.

**Gavin Newlands (Paisley and Renfrewshire North) (SNP):** Statistics from the British Medical Association suggest that nearly four in 10 NHS doctors from the EU are blissfully unaware of the Government's settled status scheme. Does the Department not need drastically to up its game in raising awareness and ensuring that as many of those who need to apply do apply?

**Caroline Nokes:** We are already piloting the settled status scheme, and we have established a significant database of EU nationals with whom we correspond regularly via email through Home Office communications channels. Employers also have an enormous role to play. The hon. Gentleman highlights people working in the NHS, so I am delighted to inform him that NHS trusts are reaching out to their employees and working hand in hand with us through the second phase of piloting the settled status scheme.

### Domestic Abuse

4. **Conor McGinn (St Helens North) (Lab):** What assessment he has made of the implications for his policies of the November 2018 Office for National Statistics report on domestic abuse in England and Wales. [907954]

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** We know that high-quality, insightful data is critical to tackling domestic abuse. We are using the domestic abuse statistical bulletin and the 3,200 responses to the domestic abuse consultation to develop an ambitious package of action to transform the Government's response to domestic abuse, which will include the publication of the draft domestic abuse Bill in this Session.

**Conor McGinn:** Last week, in St Helens, a mother of two young children was stabbed to death in her own home. Although domestic abuse-related crime recorded by the police has increased by 23% in the last year, worryingly, in the same period, the number of prosecutions pursued has fallen not insignificantly. What is the Minister doing to ensure that the increasing number of victims who come forward, showing incredible bravery, can be confident that, in doing so, it will lead to their perpetrator's conviction?

**Victoria Atkins:** I thank the hon. Gentleman for raising this. We are, of course, pleased that more victims are trusting the system and coming forward to report abuse. I am obviously very sorry to hear of the terrible case in his constituency. Interestingly, from the bulletin, we know that 77% of all referrals made to the CPS by his local constabulary have resulted in charges, which is higher than the national average, and 80% of all such prosecutions resulted in a conviction, which is again higher than the national average. But, of course, part of the purpose of the draft domestic violence and abuse Bill and the package of non-legislative measures is to ensure that everyone, both inside and outside the criminal justice system, knows what domestic abuse is and how we should tackle it.

### Police Funding

5. **Mr Gavin Shuker** (Luton South) (Lab/Co-op): What recent assessment he has made of the adequacy of funding for the police in Bedfordshire. [907955]

6. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): What recent assessment he has made of the adequacy of the level of police funding. [907956]

7. **Kerry McCarthy** (Bristol East) (Lab): What recent assessment he has made of the adequacy of the level of funding for police forces. [907957]

8. **Shabana Mahmood** (Birmingham, Ladywood) (Lab): Whether he plans to increase the level of funding for West Midlands police. [907958]

14. **Bridget Phillipson** (Houghton and Sunderland South) (Lab): What assessment he has made of the adequacy of the level of police funding. [907964]

**The Minister for Policing and the Fire Service (Mr Nick Hurd)**: The Government understand that police demand has changed and that there is increased pressure from changing crime. Taxpayers are investing an additional £460 million this year in the police system, including income from council tax precepts. We are reviewing police spending power ahead of the provisional funding settlement to be announced later in December.

**Mr Shuker**: I am surprised that the Minister has grouped these questions together, as my question is about Bedfordshire. I am sure he will point to the additional funding provided for Operation Boson in this financial year, but does not the fact that the Home Office had to make that award demonstrate the scale of the problem of funding an urban area as a rural force? I have worked on a cross-party basis for the last eight years to try to get the funding formula fixed. Does he agree that the test of any future police settlement is whether it increases funding for Bedfordshire?

**Mr Hurd**: I am not entirely sure about that, and I think other MPs would also disagree. There is a clear Bedfordshire issue, which has been reflected in representations from MPs on both sides of the House. In recognition of some of the exceptional pressures it faces, not least through gang activity, Bedfordshire police has, as the hon. Gentleman notes, received an exceptional grant of £4.6 million. The funding settlement for next year will come shortly, and following that will be the comprehensive spending review.

**Debbie Abrahams**: I spent a night shift with Oldham police officers Josh and Ryan the other week, and our first call was to a threatened suicide. With Greater Manchester police's budget cut by £215 million since 2010, and with 2,000 fewer officers, how sustainable is it for the police to be the default service in such cases because mental health and social services do not have the resources?

**Mr Hurd**: I hope the hon. Lady will welcome the £10.7 million increased investment in Greater Manchester policing this year. I hope she also welcomes the increased funding for mental health services in the Budget. I am

absolutely determined, and I hope she shares that determination, that part of the dividend from that increased investment is reduced demand on the police.

**Kerry McCarthy**: In the past four years, recorded crime in Avon and Somerset has risen by 40%, with violent crime rising by over 75%. By contrast, the number of charges brought has fallen by 26%. When is the Minister going to listen to police and crime commissioners and chief constables and give the forces the funding they need so they can actually tackle crime in our constituencies?

**Mr Hurd**: I was in Bristol last week talking to the police and crime commissioner and the chief constable, as well as visiting the Home Secretary's former manor. I hope the hon. Lady will welcome, although she voted against it, the additional £8 million that has gone into Avon and Somerset policing, and I am sure she will look forward to the police funding settlement shortly.

**Shabana Mahmood**: West Midlands police have had the second highest funding cut in the country. Our chief constable has said:

"I think criminals are well aware now how stretched we are."

And we have the rising levels of violent crime to prove it. Will the Minister now confirm that he will give our police the funding they need from our national Budget and spending settlement and not push the pressure downstream to local budgets, which will hit the poorest hardest and will not provide all the money that is needed?

**Mr Hurd**: With respect to the hon. Lady, I am not going to take any lessons on progressive taxation from the party that doubled council tax when it was in power. I am sure that, even though she voted against it, she will welcome the almost £10 million of additional investment in west midlands policing this year and will look forward to the funding settlement, which is imminent.

**Bridget Phillipson**: Northumbria's police force has had its funding cut by more than a quarter since 2010 and has lost more than 100 officers in the past year alone. This is the largest cut of any force in England, yet crime and antisocial behaviour are on the rise. Why will the Minister not accept any responsibility for this situation, which is making it harder for police officers to do their jobs and keep our communities safe?

**Mr Hurd**: I am not sure the hon. Lady was listening; the Government absolutely accept that there is increased pressure on the police, as demand rises and crime becomes increasingly complex. That is why we took the steps in the police funding settlement for 2018-19 that resulted in an increased investment of £5.2 million in Northumbria police, with more to come, I hope, in the police funding settlement.

**Andrew Selous** (South West Bedfordshire) (Con): First, let me thank the Minister for the extra £4.6 million that he gave us last week. But does he agree that Bedfordshire has been underfunded since damping was introduced in 2004 and that part of what we need to do is refocus the police's priorities on the bread and butter crime issues,

which perhaps involves getting others to take more responsibility for missing children and mental health issues?

**Mr Hurd:** I thank my hon. Friend for his assiduous campaigning on behalf of Bedfordshire police, and I am delighted that we were in a position to make that exceptional grant. He will know that there is a lot more to do in the funding settlement and the comprehensive spending review to come. I also entirely agree with him that we need to do more, working with our NHS partners, to help reduce the demand on the police.

**Ben Bradley (Mansfield) (Con):** Funding has rightly been directed towards cyber-crime, counter-terrorism and other new threats, but I know the Minister recognises the importance of neighbourhood policing. What plans does he have to support the police in managing crimes such as theft, antisocial behaviour and drug use, which can make residents feel unsafe in their communities?

**Mr Hurd:** One of the Home Secretary's and my priorities is increasing activity in relation to crime prevention, and good neighbourhood policing is at the core of that. More investment is going into the police system. Just as importantly, the police are developing guidelines on best practice on good neighbourhood policing, which is being rolled out across the country.

**Derek Thomas (St Ives) (Con):** I represent the furthest south-west constituency in the country, and what I hear from people is that they just do not feel we are getting a fair share of the money available. So what can the Minister do to make sure that funds are available and that they are evenly distributed across the country so that my constituents have the safety and security they need?

**Mr Hurd:** The Government recognise that there is additional pressure on the police and we recognise the need to increase their capacity. Additional money has been put into Cornwall police this year, which I hope my hon. Friend welcomes. I am sure he will look forward, like the rest of the House, to the details of the police funding settlement, which is imminent.

**Tim Loughton (East Worthing and Shoreham) (Con):** Like Bedfordshire, Oldham and other force areas, Sussex has faced severe pressures in funding its police numbers, so our police and crime commissioner bravely urged a high increase in the police precept in order to recruit 200 additional officers each year for the next four years. That amount has been wiped out by the reassessment of the pension requirement over the next few years, such that we will not be able to recruit any more without digging into reduced funds. How are we going to get extra police officers?

**Mr Hurd:** I join my hon. Friend in saluting the leadership of Katy Bourne, who, like most PCCs, is either protecting or increasing the number of police officers as a result of the settlement we took through Parliament this year. We have debated the issue of the increase in pension costs. The Treasury has made it clear that it is going to contribute to part of the cost. The rest of the solution will be evident in the police funding settlement.

**Henry Smith (Crawley) (Con):** I, too, pay tribute to the Sussex PCC, Katy Bourne, who has successfully recently bid for almost £1 million of youth intervention funding. That is really important for my Crawley constituency, which has seen an increase in drug and knife-related crime. May I have an assurance that this partnership working with the Home Office will continue to tackle this issue?

**Mr Hurd:** I assure my hon. Friend that partnership working is absolutely at the heart of this Government's approach to tackling serious violent crime and the running of drugs outside our major cities. Everything we have learnt from the examples elsewhere shows that effective multi-agency partnership works, and the Government are actively supporting that through funds such as the early intervention fund.

**Ms Diane Abbott (Hackney North and Stoke Newington) (Lab):** The Minister deliberately and consistently confuses money raised locally by the precept with money from central Government, but he will be aware that the Select Committee on Home Affairs, the National Audit Office and the Public Accounts Committee have all sounded the alarm about inadequate central Government funding. Most recently, the Mayor of London has said that London police numbers will plummet without increased funding. When will the Minister stop blurring the facts and make sure our police get the money they need?

**Mr Hurd:** I am not blurring any facts. What I am doing is challenging a deception carried out by the Labour party on the British public: that somehow someone else will always pay. The Government have no money: every pound that we spend is raised in tax or borrowed, meaning that the taxpayer pays interest on it. That is the fact. If we want more investment in policing—and we do—we have to pay.

**Sir Vince Cable (Twickenham) (LD):** Further to the Minister's answer on police pensions, does he accept the estimate by Chief Constable Thornton that the changes will cost the police service more than £420 million, or the equivalent of 10,000 police officers? Will he explain why that will not be met in full?

**Mr Hurd:** We will set out the details in the funding settlement, later. The Treasury has made quite clear its intention to fund most of those costs. The rest will be clear in the police funding settlement.

### Police Numbers

**9. Siobhain McDonagh (Mitcham and Morden) (Lab):** What recent assessment he has made of the adequacy of police numbers; and if he will make a statement.

[907959]

**The Minister for Policing and the Fire Service (Mr Nick Hurd):** This year, the Government took through a police funding settlement that resulted in an additional £460 million of public investment in policing. Most police and crime commissioners are either maintaining or increasing the number of police officers.

**Siobhain McDonagh:** One of the casualties resulting from the cut of 21,000 police officers since 2010 has been the safer neighbourhood team in Mitcham town centre. The consequence has been an increase in drug

dealing, street drinking, fighting, antisocial behaviour and men urinating in the street, which has meant that women do not want to take their children into the town centre. When will the Home Office accept the correlation between visible policing and crime, so that we can afford to have enough police to put more bobbies back on the beat in Mitcham and every town centre?

**Mr Hurd:** Speaking as a London MP and the Minister for London, I hope the hon. Lady will welcome the fact that the Met commissioner is actively recruiting an additional 1,000 officers, on top of the 1,000 the Met needs to recruit to stand still.

22. [907973] **Robert Neill** (Bromley and Chislehurst) (Con): Lack of visibility is made worse when the police do not use the resources they currently have to follow up crime. That is a particular concern to residents in Bickley in my constituency, where a 29% spike, largely in burglary and theft, has not resulted in victims being contacted in a timely manner, even when in many cases they have been able to hand over CCTV footage. Will the Minister meet me to discuss this?

**Mr Hurd:** I shall certainly do that, not least as I have had similar experiences in my own constituency.

**Gloria De Piero** (Ashfield) (Lab): This morning, I learned that a café in my constituency had been broken into for the third time this year. This is not an isolated incident: burglary in Nottinghamshire is up this year, as it was up last year. How much more evidence do we need to get more police on the streets?

**Mr Hurd:** In the police settlement that the hon. Lady voted against, additional funding has gone into policing, and, as I said, most police and crime commissioners are actively recruiting additional officers. I hope she welcomes that.

**Matt Warman** (Boston and Skegness) (Con): Police numbers depend, of course, on the entry routes. Does the Minister agree that it is right that we not only encourage more graduates to become police officers but preserve the entry route for non-graduates? Does he further agree that it is important that that is a ministerial decision, not one for the College of Policing?

**Mr Hurd:** I thank my hon. Friend for raising an extremely important point. At a time when we are increasing investment in policing and the police are actively recruiting additional officers, who comes into the police force is critical. The police apprenticeship route, to which my hon. Friend refers, is a hugely important introduction and a hugely attractive opportunity for young people to learn and earn in a valuable and exciting job, without the burden of student fees on their neck.

### Rent for Sex

10. **Peter Kyle** (Hove) (Lab): What steps he is taking to tackle web platforms that publish advertisements offering to provide rent-free accommodation in return for sex; and if he will make a statement. [907960]

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** Offering accommodation in return for sex is illegal, and those who do so can face

up to seven years in prison. The Minister for Policing has committed to engage with technology companies, including craigslist, and to press them to meet their responsibility to provide their services safely and to prevent them from being used for criminal activity.

**Peter Kyle:** When sexual exploitation occurs on the streets of this country, the police act, yet craigslist is facilitating and profiting from sexual exploitation through sex for rent, and nothing is happening whatsoever. They are acting like pimps; why are we not treating them like pimps?

**Victoria Atkins:** That is a very strong message to craigslist and one that the Government are happy to engage with it on and ask what is going on with its website. One only has to look at some of the adverts to see the coded and yet all too obvious messages they contain. I thank the hon. Gentleman for the work that he is doing on this, but the difficulty, as he knows, is that the evidence for victims is pretty difficult to get hold of because, understandably, people can be reluctant to give evidence. One of the first jobs on our to do list is to speak to craigslist and other tech companies to tackle this.

**Carolyn Harris** (Swansea East) (Lab): Earlier today, Housing Women Cymru launched its “not a landlord” campaign, which aims to end the growing problem of sex for rent in Wales. Offering free and reduced accommodation in return for sex is illegal, and it is facilitated by online platforms. Those advertising are not landlords; they are criminals. What more will the Government do to review the laws around this to ensure better enforcement and to put an end to this sickening exploitation?

**Victoria Atkins:** First and foremost, we should look at what is happening on the online platforms, which is why the conversations with craigslist and others are so important. As the hon. Lady knows, we are investing £150,000 in research into what prostitution in the 21st century looks like, and I very much hope that that research will look at this important subject, because we know that, sometimes, people who are extremely vulnerable are being exploited by their landlords, and that is simply unacceptable in this day and age.

### Immigration System

11. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What plans he has for the UK’s future immigration system. [907961]

**The Secretary of State for the Home Department (Sajid Javid):** The Government are considering a range of options for a future immigration system. Any decisions taken in respect of our future system will be based on evidence and extensive engagement. We will publish a White Paper on the future border and immigration system soon.

**Stephen Metcalfe:** As my right hon. Friend will know, the science and research community thrives on international collaboration, which brings great benefits to the UK and helps us to maintain our position as a science superpower. However, technicians, scientists and researchers

are not always the most highly paid individuals who visit the UK. Will he therefore confirm that any future immigration system will recognise the skills that an individual brings, not just their level of pay?

**Sajid Javid:** Britain is at its best when we are open to talent from across the world. I can confirm to my hon. Friend that we will take into account what he has said. I agree that mobility is vital for research and innovation in particular, and I want Britain to remain at the forefront of these vital industries.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): The Home Secretary told the Home Affairs Committee that the immigration White Paper would be published certainly in December. He will know that there is obviously concern about the delays to the White Paper. Will he tell us now whether it will still be published in December and, if so, why it will be published after the meaningful vote?

**Sajid Javid:** All I can say at this point is that the White Paper will be published soon—I wish that I could say more than that. It is worth keeping in mind that this is the biggest change in our immigration system in four decades. It is important that we take the time and that we get it right.

**Tom Pursglove** (Corby) (Con): As well as control, fairness as a principle and treating people equally regardless of where they come from in the world was right at the heart of why so many people voted to leave. What consideration is being given to that principle of fairness as we design a new immigration system?

**Sajid Javid:** One of the lessons from the Brexit vote was that people wanted to see control of our immigration system—one that is designed in Britain for our national interest, and that is certainly what we will be setting out. We want a system that is based on an individual's skills and on what they have to contribute, not on their nationality.

**Mr Speaker:** Question 13 in the name of the hon. Member for Lanark and Hamilton East (Angela Crawley) is certainly germane to the question with which we are dealing and therefore—it is not obligatory—if she wishes to rise to her feet now and give the House the benefit of her thoughts we will be happy to hear them.

13. [907963] **Angela Crawley** (Lanark and Hamilton East) (SNP): The UK detains more migrants than the majority of European countries and is alone in detaining indefinitely without a time limit. Does the Minister accept the findings of the Shaw review that detention is harmful to mental health and will he end indefinite detention?

**Sajid Javid:** I recently made a statement to this House where I accepted much of what was in the Shaw review, including alternatives to detention, particularly detention of women. We are looking at piloting different approaches. We are in discussions at the moment, but we will be setting out more shortly to the House.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is it not time that the Home Secretary showed some leadership and that he joined the Secretary of State for

Housing, Communities and Local Government in his endeavours—the two Ministers working together to show the innovation, skills and creativity that immigrants bring to this country? Would not the Mayflower's 400th anniversary celebration in 2020 be a wonderful hook to hang that on—celebrating what immigrants bring to this country?

**Sajid Javid:** I very much agree with hon. Gentleman's sentiments about the importance of immigration. We are a much stronger country because of immigration and immigrants have contributed to every part of British life—not just our economy, but our families and communities. We should always be looking for opportunities to celebrate just that.

**Sir Edward Davey** (Kingston and Surbiton) (LD): The Prime Minister is selling her Brexit deal by telling the country that it ends free movement of labour. Does the Home Secretary realise that it is completely unacceptable to have the meaningful vote without the White Paper having been published?

**Sajid Javid:** The right hon. Gentleman will know that, deal or no deal, there will be an end to free movement of labour.

**Joanna Cherry** (Edinburgh South West) (SNP): At last Tuesday's Select Committee on Home Affairs, the Home Secretary said that it was correct for colleagues from Northern Ireland to highlight particular regional concerns about immigration, and stated:

"It is still possible to design a system that takes into account some regional difference."

Does he agree that the same is true for Scotland?

**Sajid Javid:** I am a little surprised by that question, on the basis that under the current immigration system, regional difference regarding Scotland is recognised, with the shortage occupation list, for example. I agree with the premise of the hon. and learned Lady's question—that, although the immigration system will be a national one, we should look at any regional requirements.

**Joanna Cherry:** I am delighted to hear that the Home Secretary accepts that the need for regional variation in Northern Ireland is mirrored by a similar need in Scotland, although I would underline that Scotland is a nation, not a region. If he is prepared to accept that, will he give me an undertaking that when the White Paper comes out, he will consult with all stakeholders in Scotland—including the Scottish Government and Scottish employers—and be open to the need for regional variation in Scotland, such as reintroducing the post-study work visa?

**Sajid Javid:** The commitment that I am very happy to make to the hon. and learned Lady is that we will consult extensively when the White Paper is published, and that of course includes with our friends in Scotland.

**Afzal Khan** (Manchester, Gorton) (Lab): In a week's time, MPs will be asked to make a decision in potentially the most important vote on our country's future. Are we to do so without any idea of what our post-Brexit immigration system will be?

**Sajid Javid:** The hon. Gentleman said “without any idea”. We have already set out the principles of what a post-Brexit immigration system will look like; for example, there will be no freedom of movement and it will be a skills-based system. As I made clear in response to an earlier question, whether there is a deal or no deal, there will be a new immigration system.

#### Asia Bibi: Asylum

15. **Mike Kane** (Wythenshawe and Sale East) (Lab): Whether the Government plan to offer Asia Bibi asylum. [907966]

**The Secretary of State for the Home Department (Sajid Javid):** Our primary concern is for the safety and security of Asia Bibi and her family, and we welcome a swift resolution to the situation. A number of countries are in discussions about providing a safe destination once the legal process is complete, and it would not be right for me to comment further at this stage.

**Mike Kane:** May I congratulate the Home Secretary on his very brave personal testimony about what happened to him at school years back?

The Catholic Church in England and Wales, and the Catholic Church in Scotland, have both said that they will contribute to secure Asia Bibi's safety. As I chair the Catholic Legislators Network, will the Home Secretary meet me and other colleagues to discuss the issue?

**Sajid Javid:** The hon. Gentleman is right to raise concerns about Asia Bibi, and I am sure that those concerns are shared by all Members of the House. It is not appropriate for me to talk about a particular case, especially if there is a risk that it might put the individual or their family in some kind of further risk, but I assure him that my first concern is the safety of Asia and her family. We are working with a number of countries, and I will do anything I can to keep her safe. I will happily meet the hon. Gentleman to discuss the matter.

**Clive Lewis** (Norwich South) (Lab): Will the Minister meet me to discuss the case of my constituent Mohammed Al-Maily, a Saudi national with indefinite leave to remain who has been told that he is liable for removal from the UK despite living in the UK for 28 years with his wife? The reason the Home Office has stated is that it shredded the archives detailing whom it had granted indefinite leave to remain to, and the Saudi embassy claims to have lost his passport evidencing his right to leave to remain in the UK.

**Mr Speaker:** That is what I would describe as illegitimate shoehorning. It is quite common for colleagues to seek to shoehorn into another question their own preoccupation. To do so so nakedly by advertising another case is a trifle cheeky on the part of the hon. Gentleman, but in observation of and tribute to his ingenuity, as well as to his cheek, perhaps the Secretary of State can be allowed to answer.

**Sajid Javid:** The Home Office will take a closer look at that case.

**Mr Speaker:** I think the hon. Member for Norwich South (Clive Lewis) should be well satisfied with that.

**Carol Monaghan** (Glasgow North West) (SNP): I appreciate the comments that the Home Secretary has already made about Asia Bibi, but of course there are many, many Christians in Pakistan who live under constant threat of persecution. Will the he work with his Home Office colleagues to make sure that their cases for asylum are treated in a sympathetic manner?

**Sajid Javid:** The hon. Lady is quite right to draw attention to that. We believe that there are currently some 40 individuals in Pakistan on death row because of blasphemy offences. That highlights perfectly her concerns. I am sure that the whole House shares those; we will always do what we can to help.

#### Disclosure and Barring Service

16. **Mary Glendon** (North Tyneside) (Lab): What recent assessment he has made of progress on the Disclosure and Barring Service modernisation programme. [907967]

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** The Disclosure and Barring Service is undertaking a major change in its IT services and has concluded that its R1—release one—system is not suitable for further roll-out. The DBS will be procuring a new supplier to deliver these IT services and has agreed a short contract extension with the current provider to enable a smooth transition so that all operational services are protected.

**Mary Glendon:** Does the Minister believe it is appropriate to waste yet more public money by continuing to outsource that vital project? Does she agree with the Public and Commercial Services Union that it should be brought in-house, providing proper accountability and better value for money?

**Victoria Atkins:** I do not agree with the idea that it should be taken, wholesale, in-house. The DBS has taken full account of the findings and recommendations of the National Audit Office and Public Accounts Committee reports earlier this year, and, using its review, has decided to procure new providers to ensure delivery of services. We want to do this in as short and as frictionless a way as possible, which is why a short extension has been granted.

#### Topical Questions

T1. [907976] **Helen Whately** (Faversham and Mid Kent) (Con): If he will make a statement on his departmental responsibilities.

**The Secretary of State for the Home Department (Sajid Javid):** I recently announced that 29 projects endorsed by police and crime commissioners across England and Wales will receive £17.7 million of funding to divert children and young people away from violent crime. I published the Government's new strategy for tackling serious and organised crime and pledged at least £48 million for 2019-20 to target illicit finance. I have been to America to convene a hackathon where industry experts work together to develop tools to detect online child grooming. All this work is designed to keep our people safe.

**Helen Whately:** Fruit growers in my constituency welcome the seasonal agricultural workers scheme pilot, although they are concerned that 2,500 workers will not be enough. Will my right hon. Friend confirm that during the implementation period under the proposed withdrawal agreement, EU workers will be able to continue to come to the UK to work on fruit farms in my constituency? Will he advise on whether he has plans to expand the pilot?

**Sajid Javid:** I welcome my hon. Friend's interest in this pilot scheme for agricultural workers. I can assure her, first, that it will be carefully evaluated, and if we need to expand it, we will do that. I can also confirm that workers from the EU will still be able to come and work in the UK during the implementation period.

**Karen Lee (Lincoln) (Lab):** The Prime Minister has told us that austerity is over and that we are going to save millions from her Brexit deal, and the Minister regularly blames Labour for austerity. We should remember, though, that the Government have given tax cuts to the very wealthy and big corporations: it would seem that the country can afford those. The evidence of cuts is clear—12,000 fewer firefighters and rising response times. The blame cannot be put on local government and fire services. In the light of the Prime Minister's comments, and if austerity really is over, when will the Minister commission a review of fire service funding—and will he recognise, rather than ignore, the difference between allocated, as opposed to unallocated, reserves?

**The Minister for Policing and the Fire Service (Mr Nick Hurd):** Our firefighters do an incredibly important job. They have been well supported by the Government, with stable funding over the last comprehensive spending review period, in return for efficiency plans. We are conducting a demand review, to ensure that as we go into the next comprehensive spending review, our fire service gets the support it needs.

**Several hon. Members** *rose*—

**Mr Speaker:** The hon. Member for Harrow East (Bob Blackman) is looking remarkably stoical, in the light of his team's two-goal defeat by four goals to two at Arsenal yesterday.

T4. [907979] **Bob Blackman (Harrow East) (Con):** I will not be tempted by your tormenting me to comment on the annual ritual, Mr Speaker.

During the recent al-Quds march, the police were once again powerless to take action against people displaying flags of Hezbollah and Hamas, on the grounds that they are the political wings of those illegal terrorist organisations. When will my right hon. Friend proscribe both Hamas and Hezbollah, so that we can take action to prevent those terrorist groups from displaying their flags on our streets?

**Sajid Javid:** I could suggest that we proscribe Arsenal, Mr Speaker, but I am not sure how well you would take that.

It is clear that Hezbollah has engaged in and promoted terrorist activity around the world. That is why we have already proscribed its military wing, but I am aware that

Hezbollah leaders have themselves cast doubt on the distinction between the military and political activities, so I understand why my hon. Friend asks that question. It is not Government policy to comment on proscription without coming properly to the House, but I assure him that we are keeping this under review.

T2. [907977] **Mike Amesbury (Weaver Vale) (Lab):** According to figures provided to me by the Fire Brigades Union, the Government have cut funding to the fire service by 30% since 2010. The FBU also informs me that a further cut of 20% is planned during the course of this Parliament. How can the Minister credibly claim that austerity is over for the firefighters of Cheshire and the UK?

**Mr Hurd:** I thank the FBU for both questions. The truth—and it is always ignored in questions about firefighters from those on the Labour Front Bench—is that the underlying demand for the fire service has fallen, in terms of the number of primary fires and fatalities arising from fires. Under those circumstances, stable funding over the last CSR period was a good deal for the fire service. We are very serious about ensuring that the fire service has the resources it needs, with a proper understanding of the demand and risks it faces over the next few years.

T5. [907980] **Antoinette Sandbach (Eddisbury) (Con):** What steps is the Minister taking to give security and law enforcement organisations the tools they need to counter terrorism?

**The Minister for Security and Economic Crime (Mr Ben Wallace):** *rose*— [HON. MEMBERS: "Hear, hear."] Seen but not heard is the role of the Security Minister.

The Counter-Terrorism and Border Security Bill, which is currently transiting through the House of Lords, includes new measures to ensure that our statute book reflects 21st-century threats. That is why we have increased sentencing. New offences around online harm and extraterritorial reach of some existing offences will ensure that our law and order and intelligence services have the tools they need.

T3. [907978] **Anneliese Dodds (Oxford East) (Lab/Co-op):** Will the Home Department act in line with the Prime Minister's commitment in a letter to me last month—namely, that EU settlement scheme applicants will not be required to show that they meet all the requirements of current free movement rules, and in particular will not have to show that they have been exercising EEA treaty rights?

**Sajid Javid:** The hon. Lady raises an important issue. I quite agree that we want to make this scheme as easy and simple as possible. I want all 3.5 million EU citizens to feel that they can stay as easily as possible. I want them to stay, and I can give her that confirmation.

**Vicky Ford (Chelmsford) (Con):** In Chelmsford, the police, the Crown Prosecution Service and youth offender programmes occasionally have recommended that a youth offender has a curfew, to safeguard them from being further targeted by gangs, but the magistrates are often not aware of all the information and overturn

that. Will the Minister's team work with Justice Ministers on the better sharing of information with magistrates, so that the full intelligence picture is taken into account?

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** Very much so; my hon. Friend has hit on the point that the children coming before the youth justice system are very often themselves the victims of horrendous crimes. That is why, in the serious violence taskforce, we are bringing all Departments together to spread the message about data collection and sharing, which will then be disseminated nationally through local agents.

T6. [907981] **Bill Esterson** (Sefton Central) (Lab): A 2% increase in pay and prices will cost Merseyside police £6.2 million extra. I know the Minister for Policing and the Fire Service wants the police precept to double, but that will not come anywhere near covering that £6.2 million figure, so unless the Government fund the increase in police pension costs, it simply will not be possible for Merseyside police to deliver on keeping the public safe. I know he will not tell us what is in the police settlement, but can he perhaps tell us that he is lobbying the Treasury for the funds needed to cover the police pension liabilities?

**Sajid Javid:** We work very closely with the Treasury. That is why the Chancellor has personally turned up to hear the hon. Gentleman's question; the hon. Gentleman must have given him advance notice. He will have to wait for the police settlement, which is not too far off, but he should question why he voted against the police settlement last year.

**David Warburton** (Somerton and Frome) (Con): The Children's Commissioner estimates that at least 46,000 children in England have been targeted by drug gangs and coerced by intimidation, violence and criminal incentives into the so-called county lines system of selling drugs across the country. What work is being done by my right hon. Friend's Department to address this appalling exploitation of children and young people?

**Victoria Atkins:** As my hon. Friend and other colleagues who work so closely on this will know, county lines are the dissemination of violence and drugs from our major urban centres into rural and coastal areas. Just one of the many pieces of work arising out of the serious violence strategy is the setting up of the national co-ordination centre, where law enforcement agencies work together to share intelligence and advice so that we get to the real criminals behind this practice, and also help to support the children who are being exploited.

T7. [907982] **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Home Secretary has rightly commended those employers planning to reimburse EU employees for the cost of their settled status applications, but has he persuaded the Chancellor that taxing such payments would be counterproductive and utterly unfair?

**The Minister for Immigration (Caroline Nokes):** I thank the hon. Gentleman for his question, which I know he raised at the Home Affairs Committee last week and again with me in Westminster Hall last week. Both the

Home Secretary and I have undertaken to raise that with the Chancellor, who is obviously, as the hon. Gentleman will have noticed, on the Front Bench this afternoon.

**Will Quince** (Colchester) (Con): Last month, I attended the Centre for Action on Rape and Abuse "Reclaim the Night" march in Colchester, along with hundreds of my constituents, in protest against sexual violence against women. What steps is my right hon. Friend taking to ensure that the police have the resources they need both to prevent these crimes and to bring those who commit these horrific offences to justice?

**Sajid Javid:** My hon. Friend raises a very important issue. It is about resources—that is why we saw an increase in police resources last year; and there will be a police settlement statement soon, which will look at resources going forward—but it is also about powers, and I remind him that we will shortly be bringing forward a draft domestic abuse Bill.

T8. [907983] **David Hanson** (Delyn) (Lab): I listened carefully to the Home Secretary earlier, but I am still not clear: are we to be a member of Europol in this brave new world, or simply shadowing and co-operating with it?

**Sajid Javid:** We have an agreement with the EU—a draft agreement that this House can vote on—which gives us a very close relationship with the EU on security and co-operation, and it includes considering membership of Europol.

**Several hon. Members rose—**

**Mr Speaker:** Ah, Mr Courts, we have not heard from you. Let us do so.

**Robert Courts** (Witney) (Con): What steps are Ministers taking to create an open and global immigration system?

**Sajid Javid:** It is very important that we remain open and global with our new immigration system and that we also make the best use of new technology. My hon. Friend will have heard the Chancellor announce in the Budget that we will be expanding e-gates to five other countries—the US, Canada, Australia, New Zealand and Japan—and we will now also be adding Singapore and South Korea to that list.

T9. [907984] **Bridget Phillipson** (Houghton and Sunderland South) (Lab): As the Home Secretary cannot confirm that the White Paper on immigration will be published before the meaningful vote and given the total absence of clarity in this area, why on earth should we vote for a blindfold Brexit?

**Sajid Javid:** As I said earlier, the White Paper will be published soon, but it is important for people to keep in mind that this is the biggest change to our immigration system in 45 years, and it is important that we get the detail right; then we can evaluate it together, properly.

**Robert Neill** (Bromley and Chislehurst) (Con): For many victims of burglary, the intrusion into their home, personal space and life is tantamount to an assault. Is it

not time that steps were taken to ensure that domestic burglaries are effectively treated as crimes of violence, in terms of police resourcing and priority, and sentencing?

**Victoria Atkins:** I thank my hon. Friend for his question. He is absolutely right: the intrusion into a person's home in a domestic burglary can completely undermine their feeling of safety at home. That is why we continue to ensure that the police have the resources that they need to cut crime and keep our communities safe, and of course make sure that police and crime commissioners—for example, in London—set the policing priorities for their area.

T10. [907985] **Yvonne Fovargue** (Makerfield) (Lab): I was out on patrol with a police sergeant in Ashton recently, and he told me that he had less than half the number of officers and police community support officers that he had in 2010 to cover the area. With the chief constable of Greater Manchester warning that budget cuts and pension liabilities will reduce the number of officers still further, does the Minister not agree that the public and the police deserve more?

**Mr Hurd:** I hope that the hon. Lady will welcome the additional public investment of just under £11 million that has gone into Greater Manchester police this year, and I hope that she will support us on the police funding settlement, which is imminent.

**Marsha De Cordova** (Battersea) (Lab): Today is the UN International Day of Persons with Disabilities. On this day, we celebrate the contributions made by disabled people and call for our rights to be realised. In the last year, hate crime towards disabled people has risen by 33%. The UN has warned the Government that statements about disabled people have encouraged negative attitudes, which leads to the rise in hate. On this day, what action are the Government taking to tackle the rise in hate crime against disabled people?

**Sajid Javid:** We must of course—all of us, in every Department—do all we can to help vulnerable people, including disabled people. That includes addressing hate crime against disabled people, which is of course completely unacceptable. We refreshed our hate crime action plan recently. We are always looking to see what more we can do.

**Mr Speaker:** Succinctness personified: Mr Gavin Robinson.

**Gavin Robinson** (Belfast East) (DUP): Thank you, Mr Speaker. Will the Home Secretary, in developing a new immigration system, support on Wednesday the

ten-minute rule Bill in the name of the hon. Member for Hampstead and Kilburn (Tulip Siddiq), which would end a ridiculous situation in which terror suspects have better detention rights than those seeking to make the UK their home?

**Sajid Javid:** I thank the hon. Gentleman for raising the issue; I will take a close look at that Bill.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): The Home Office asylum guidance for Afghan Sikhs is in desperate need of updating. I genuinely fear for the life of Afghan Sikhs sent back to Afghanistan because of the dangerous situation facing the Sikh community there. I am sure that the Minister is aware of the murder of 12 Sikh leaders only this July. Will she please meet me and Afghan Sikh representatives to discuss updating the Home Office guidance?

**Caroline Nokes:** I thank the hon. Lady for the question. She makes a really important point, particularly in the light of the murder of 12 Afghan Sikhs back in the summer. I would of course be delighted to meet her, and will make sure that my office makes the necessary arrangements.

**Owen Smith** (Pontypridd) (Lab): Will the Home Secretary intervene personally in the case of my constituent Mariya Kingston, who has been in dispute with the Home Office for two years? Her mother died on Friday, and she would like to attend the funeral in Uzbekistan. Will the Home Secretary please facilitate that?

**Sajid Javid:** I am very sorry to hear about the hon. Gentleman's constituent's family bereavement. I will take a closer look at that case.

**Richard Burden** (Birmingham, Northfield) (Lab): The Home Secretary will be aware that West Midlands police force has lost 2,000 officers since 2010. He may not be aware that last week, a Conservative councillor in my constituency, which is next door to his, suggested that the response to rising crime should be for local communities to have a whip round to fund private security patrols. Does that represent Government thinking?

**Sajid Javid:** Recognising the police's need for resources, we increased funding this year by £460 million in total; that includes almost £10 million for the hon. Gentleman's force. The most interesting question is why he voted against that increased funding.

## G20 Summit

3.34 pm

**The Prime Minister (Mrs Theresa May):** With permission Mr Speaker, I would like to make a statement on the G20 summit in Argentina. Before I do so, I would like to put on record my thanks to President Macri for hosting such a successful summit. This was the first visit to Buenos Aires by a British Prime Minister, and only the second visit to Argentina since 2001. It came at a time of strengthening relations between our two countries, when we are seeking to work constructively with President Macri.

As we leave the European Union, I have always been clear that Britain will play a full and active role on the global stage as a bold and outward-facing trading nation. We will stand up for the rules-based international order; strive to resolve, with others, challenges and tensions in the global economy; work with old allies and new friends for the mutual benefit of all our citizens; and remain steadfast in our determination to tackle the great challenges of our time. At this summit, we showed that the international community is capable of working through its differences constructively, and the leading role the UK will continue to play in addressing shared global challenges. We agreed, along with the other G20 leaders, on the need for important reforms to the World Trade Organisation to ensure it responds to changes in international trade. We pursued our objective of making sure that the global economy works for everyone and that the benefits are felt by all. We called for greater action in the fight against modern slavery and tackling climate change, and I held discussions with international partners on security and economic matters, including on the progress of our exit from the European Union and the good deal an orderly exit will be for the global economy. Let me take each of these in turn.

At this year's summit, I came with the clear message that Britain is open for business and that we are looking forward to future trade agreements. Once we leave the EU, we can and we will strike ambitious trade deals. For the first time in more than 40 years we will have an independent trade policy, and we will continue to be a passionate advocate for the benefits open economies and free markets can bring. We will forge new and ambitious economic partnerships and open up new markets for our goods and services in the fastest growing economies around the world. During the summit, I held meetings with leaders who are keen to reach ambitious free trade agreements with us as soon as possible. This includes Argentina, with whom I discussed boosting bilateral trade and investment, and I announced the appointment of a new UK trade envoy. I also discussed future trade deals with Canada, Australia, Chile and Japan, with whom we want to work quickly to establish a new economic partnership based on the EU-Japan economic partnership agreement.

On the global rules that govern trade, we discussed the importance of ensuring an equal playing field and the need for the rules to keep pace with the changing nature of trade and technology. There is no doubt that the international trading system, to which the United Kingdom attaches such importance, is under significant strain. That is why I have repeatedly called for urgent and ambitious reform of the World Trade Organisation.

At this summit, I did so again. In a significant breakthrough, we agreed on the need for important reforms to boost the effectiveness of the WTO, with a commitment to review progress at next year's G20 summit in Japan.

On the global economy, we recognised the progress made in the past 10 years, with this year seeing the strongest global growth since 2011. However, risks to the global economy are re-emerging. In particular, debt in lower income countries has reached an all-time high of 224% of global GDP. I called on members to implement the G20 guidelines on sustainable finance that we agreed last year and that increase transparency and encourage co-operation. At this year's summit, I continued to pursue our mission to make the global economy work for everyone, and the need to take action, in our own countries and collectively, to ensure that the benefits of economic growth are felt by all.

Around the world, we are on the brink of a new era in technology that will transform lives and change the way we live. This has the potential to bring us huge benefits, but many are anxious about what it means for jobs. That is why in the UK, alongside creating the right environment for tech companies to flourish through our modern industrial strategy, we are investing in the education and skills needed so that people can make the most of the jobs and opportunities that will be created. We made strong commitments to improving women's economic empowerment, and alongside that I called on G20 leaders to take practical action to ensure that by 2030 all girls, not just in our own countries but around the world, get 12 years of quality education.

To build fair economies and inclusive societies, we must tackle injustice wherever we find it. Around the world, we must all do more to end the horrific practice of modern slavery and protect vulnerable men, women and children from being abused and exploited in the name of profit. Two years ago, I put modern slavery on the G20 agenda at my first summit, and this year, I was pleased to give my full support to the G20's strategy to eradicate modern slavery from the world of work. I announced that next year the Government will publish the steps we are taking to identify and prevent slavery in the UK Government's supply chains in our own transparency statement. This is a huge challenge. Last financial year, the UK Government spent £47 billion on public procurement, demonstrating just how important this task is. I urged the other leaders around the G20 table to work with us and ensure that their supply chains are free from slavery, as we work to bring an end to this appalling crime.

On climate change, I made clear the UK's determination to lead the way on the serious threat that this poses to our planet. We need a step change in preparing for temperature rises, to cut the cost and impact of climate-related disasters and to secure food, water and jobs for the future. As a UN champion on climate resilience, the UK will continue to pursue this agenda at next year's UN climate summit. Nineteen of us at the G20 reaffirmed our commitment to the Paris agreement, but it remains a disappointment that the United States continues to opt out. I also announced that the UK will be committing £100 million to the Renewable Energy Performance Platform, which will directly support the private sector in leveraging private finance to fund renewable energy projects in sub-Saharan Africa.

This summit also gave me the opportunity to discuss important matters directly with other leaders and raise concerns openly and frankly. In that context, I met Crown Prince Mohammed bin Salman, first to stress the importance of a full, transparent and credible investigation into the terrible murder of Jamal Khashoggi and of those responsible being held to account—a matter which I also discussed with President Erdogan—and secondly, to urge an end to the conflict in Yemen and relief for those suffering from starvation and to press for progress at the upcoming talks in Stockholm. Our relationship with Saudi Arabia is important to this country, but that does not prevent us from putting forward robust views on these matters of grave concern.

I also discussed the situation in Ukraine with a number of G20 leaders. The UK condemns Russian aggression in the Black sea and calls for the release of the 24 Ukrainian service personnel detained and their three vessels.

At this year's summit, we reached important agreements, demonstrating the continued importance of the G20 and international co-operation. It also demonstrated the role that a global Britain will play on the world's stage as we work with our friends and partners around the world to address shared challenges and bolster global prosperity. I commend this statement to the House.

3.42 pm

**Jeremy Corbyn** (Islington North) (Lab): I thank the Prime Minister for the advance copy of her statement. This G20 summit met 10 years after the global financial crash, and the 20 nations that control 85% of the world's GDP have been too slow to reject the failed neoliberal economic model that caused the crisis in the first place, but there are signs of change. On Saturday, I attended the inauguration of a G20 leader, President López Obrador of Mexico, who has won a significant mandate for change to the corruption, environmental degradation and economic failure of the past.

Of course, some G20 countries have no such democratic mechanisms, so while economics are important, our belief in universal human rights and democratic principles must never be subservient to them. The Prime Minister—*[Interruption.]* The Prime Minister told the media she would—*[Interruption.]*

**Mr Speaker:** Order. Do be quiet; it is awfully boring and terribly juvenile—*[Interruption.]* Order. The Prime Minister was heard, and overwhelmingly with courtesy. The same will apply in respect of the Leader of the Opposition. It does not matter how long it takes; I have all the time in the day. That is what will happen. Please try to grasp this rather simple truth.

**Jeremy Corbyn:** Thank you, Mr Speaker. The Prime Minister told the media she would sit down and be robust with Crown Prince Mohammed bin Salman, the chief architect of the brutal war in Yemen, which has killed 56,000 people and brought 14 million to the brink of famine. The Crown Prince is believed to have ordered the murder of Jamal Khashoggi. Rather than be robust, as she promised, we learn that she told the dictator, "Please don't use the weapons we are selling you in the war you're waging," and asked him nicely to investigate the murder he allegedly ordered. Leaders should not just offer warm words against human rights atrocities;

they should back up their words with action. Germany, the Netherlands, Norway and others have stopped their arms sales to Saudi Arabia. When will the UK do the same?

On Ukraine, as NATO has said, we need both sides to show restraint and to de-escalate the situation, with international law adhered to, including Russia allowing unhindered access to Ukraine's ports on the sea of Azov.

Britain's trade policy must be led by clear principles that do not sacrifice human rights. The International Trade Secretary claimed last summer that a trade deal between the UK and the EU would be easiest in human history, but all we have before us is 26 pages of vague aspirations. It seems that neither has he got very far on the 40 trade deals he said he would be ready to sign on the day we leave next year, unless the Prime Minister can update us in her response. In the light of last week's report from the Foreign Affairs Committee, how does she intend to ensure that the 240 export trade negotiators she promised by Brexit day will be in place, given that the Government have had two years and only 90 are currently in post?

Did the Prime Minister speak again to President Trump at the G20? He seems to have rejected her Brexit agreement because it does not put America first. The International Trade Secretary claimed that bilateral US and UK trade could rise by £40 billion a year by 2030, "if we're able to remove the barriers to trade that we have".

The Prime Minister claims that under her deal we can and will strike ambitious trade deals, but this morning we learned that Britain's top civil servant in charge of these negotiations wrote to her admitting that there was no legal guarantee of being able to end the backstop.

It is clear, however, that some in the Prime Minister's Government do want to remove barriers. Just this weekend, the Environment Secretary said, with regard to the Brexit deal and workers' rights, that

"it allows us to diverge and have flexibility".

Our flexible labour market already means that the UK has the weakest wage growth of all the G20 nations. Did the Prime Minister ask the other leaders how they were faring so much better?

UK capital investment is the second worst in the G20. The previous Chancellor slashed UK corporation tax to the lowest level in the G20, telling us—[HON. MEMBERS: "Hear, hear!"] In doing so, he told us it would boost investment. It did not. Did the Prime Minister ask other G20 leaders why, despite having higher corporation tax, they attracted much higher investment?

Given that the G20 is responsible for 76% of carbon dioxide emissions, I welcome the fact that building a consensus for a fair and sustainable development was a theme of the summit. Why then did her Government vote against Labour's proposal to include the sustainable development goals as a reference point when the Trade Bill was put before Parliament earlier this year? If present trends continue, many G20 nations will not meet their Paris 2015 commitments, so I am glad that the Government will be pursuing this agenda at next year's UN climate summit, and I hope that they will also pursue it this week in the talks in Katowice, Poland.

[Jeremy Corbyn]

Given that climate change is the biggest issue facing our world, it is imperative that a sustainable economic and trade model be put forward that puts people and planet over profit. Our country has the lowest wage growth in the G20, the lowest investment and poor productivity. Ten years on from the global financial crisis, this Prime Minister and too much of the G20 have simply failed to learn the lessons of that crash.

**The Prime Minister:** The right hon. Gentleman ranged over a number of issues. Let me pick out some key ones.

First, as I have made entirely clear in my conversations with Crown Prince Mohammed bin Salman, in the Foreign Secretary's conversations with King Salman himself, in my conversations with King Salman and in other interactions with Saudi Arabia, we have been absolutely robust in our response in relation to the terrible murder of Jamal Khashoggi, and very clear about the need for those responsible to be held to account.

The right hon. Gentleman referred to the war in Yemen. I might remind him that the coalition intervention in Yemen was actually requested by the legitimate Government of Yemen and has been acknowledged by the United Nations Security Council.

The right hon. Gentleman asked whether I had spoken to President Trump. I did speak to President Trump in the margins of the meeting. I was clear with him that we can indeed do a trade deal with the United States of America with the deal that is on the table with the European Union. We recognise that the working group that exists between the UK and the USA, which is looking at trade arrangements for the future, has been making good progress.

The right hon. Gentleman made various other references to issues relating to trade. Yes, I did discuss trade with a number of the other leaders I met. Prime Minister Abe of Japan made it very clear that he looked forward to being able to discuss the United Kingdom's possible membership of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and, indeed, that was echoed by others with whom I spoke at the G20 summit.

I am very interested that the right hon. Gentleman made so many references to trade. Of course, he used to want to do trade deals with other countries, and he put that in his manifesto, but just last week he said that he did not want to do trade deals after all. Trade deals will be important to the economy of this country in the future, and we are certainly committed to those trade deals around the rest of the world.

The right hon. Gentleman then talked about corporation tax. I might remind him that, yes, we have cut corporation tax, which has been of benefit to businesses, employers and jobs in this country, and guess what? We cut corporation tax, and we are raising more money from it. We have employment at record levels, and we are the first choice in Europe for foreign direct investment.

One thing that I omitted from my statement was that during some of the other conversations that I had with leaders of countries in South America, they were reflecting on the migration problem that is being caused by the terrible situation of the economy in Venezuela.

**Mr Kenneth Clarke (Rushcliffe) (Con):** As the Prime Minister apparently did discuss with President Trump the question of future trade arrangements with America, will she tell us whether the President indicated any area of the American market, such as public procurement or financial or other services, that he might be considering opening up to us? If he repeated his request that we should open ourselves up fully to food imports, did she explain to him that we are unwilling to abandon the European standards that we have developed over the years to accept lower standards set by Congress, as he wishes, and that he really must adjust to the fact that we cannot forfeit all our other overseas markets to allow him to export food to this country?

**The Prime Minister:** My right hon. and learned Friend has raised two aspects of a potential trade deal with the United States of America. I have made it very clear to a number of people, in relation to the issue of agricultural products, that this is not a question of our membership of the EU or our adoption of EU standards, but will be a question for everyone in this country about the standards that we want to continue to have in relation to those products in the future.

As for the issue of opening up the American market for public procurement and financial services, the working group that exists between us and the United States is looking at exactly that.

**Ian Blackford (Ross, Skye and Lochaber) (SNP):** I thank the Prime Minister for advance sight of her statement and join her in congratulating President Macri on Argentina's presidency of the G20. It is pleasing to hear that President Macri and the Prime Minister had productive talks on trade and investment; perhaps she will share more details of their content with the House.

Given the current strains on international diplomacy, it is welcome that the G20 was able to come together and deliver a joint statement of endeavour. The communiqué itself is clearly a compromise agreement, but it falls short in a number of areas. In particular, the pledge to look at WTO reform requires further explanation from the Prime Minister on what reform she believes is needed and why. Also, on the refugee crisis and our responsibilities, it seems that the communiqué has the bare minimum commitment rather than real ambition. That is particularly shocking given that this weekend marks the 80th anniversary of the Kindertransport—the journey of children who fled the Nazis. We should still have the same generosity of spirit towards refugees in this country today. I do, however, agree with the Prime Minister's sentiments about the importance of the G20 to international economic co-operation, and I welcome the fact that commitments have been made to work together on economic opportunities and the greatest threat to our generation, climate change.

However, I note that in her press release the Prime Minister exclaimed that the summit gave her the opportunity to update leaders on her Brexit plans. Did the Prime Minister share with world leaders any concern that her deal is a lame duck? There are many questions for her to answer. Will she explain how she was discussing trade agreements when she will not be able to strike any deals until after the transition? Furthermore, can she explain how any of these discussions can take place when the

backstop comes in, as she confirmed in the House last Monday that the UK will not be able to have any independent trade deals?

Does the Prime Minister see the direct contradiction in her claims of working in collaboration and partnership to deliver economic prosperity when her Brexit deal rips economic stability and opportunity from beneath our feet by taking us out of the European Union? I can see her shaking her head, but that is the reality: young people are going to be denied the opportunities that our generations had.

At the summit, did the Prime Minister use her time to discuss pressing human rights issues? What discussions did she have, and did she raise the matter of Khashoggi's death with Mohammed bin Salman?

Finally, will the Prime Minister share with us an update on her Government's actions over the past two years to tackle climate change, or has she been too distracted to get on with the job of government?

**The Prime Minister:** The right hon. Gentleman asked me about WTO reform, so let me give him a couple of the issues I raised in relation to that—I think from conversations with others that it is recognised that it needs to be addressed. One is the dispute resolution mechanism, which everybody recognises is too slow. If people are to be able to have faith in the rules set by the WTO, there needs to be a dispute mechanism in which they can have faith as well. Another key area of concern is the very slow progress the WTO has made on the digital economy and looking at the whole area of e-commerce. Those are just two of the issues that will be referenced in relation to WTO reform.

The right hon. Gentleman talked about trade deals and said—I was listening carefully—that we would not be able to strike trade deals until after the transition or implementation period. That is not correct: during that period we will be able to negotiate, sign and ratify trade deals, which can then come into operation at the end of the implementation period.

I hope we will all welcome the growing and developing bilateral relationship between the UK and Argentina, and when I was there I was pleased to be able to welcome the extra flight that will now take place from the Falkland Islands via Cordoba to São Paulo.

The right hon. Gentleman asked whether any pressing human rights issues had been raised. I specifically referenced in my statement a human rights issue on which this Government have been leading the world: modern slavery.

**Joanna Cherry** (Edinburgh South West) (SNP): Not true.

**The Prime Minister:** It is true, through the Modern Slavery Act 2015, and I am pleased to say that the Australians are now introducing legislation that mirrors ours in relation to supply chains. I encourage other countries around the world to do the same.

**Anna Soubry** (Broxtowe) (Con): What was quite striking for many people when they saw the photograph was that, apart from Christine Lagarde, the chief of the International Monetary Fund, the Prime Minister was the only woman in the photograph, given that Mrs Merkel's plane did not quite make it. The lack of women as

leaders is really striking. The Prime Minister rightly says that since we put modern slavery on the G20 agenda two years ago, part of the purpose of the G20 is to build fair economies and inclusive societies, and in doing that we must tackle injustice. What does she hope to achieve to tackle the injustice of there not being enough women involved at all levels of government in the G20, but especially at the top?

**The Prime Minister:** My right hon. Friend and I share the desire to encourage more women to come into politics, and not just here in the UK. We want to see more women able to take senior positions in the political world in other countries as well. We have a good overall record on women's employment here, but there is still more for us to do to encourage women to see politics as a career that they want to come into. To do that, we need to tackle some of the problems that have arisen, such as the harassment and bullying that women politicians sometimes receive, particularly through social media. Until Chancellor Merkel arrived, I was the only female Head of Government there, and the lack of female leaders sitting around the table was raised not just by Christine Lagarde but by other leaders around the table as well.

**Sir Vince Cable** (Twickenham) (LD): Will the Prime Minister undertake to build on her role as a candid friend to Prince Mohammed and the Saudi regime by making an appeal for clemency on behalf of 12 men who currently face imminent execution, after torture, for the crime of practising a different religion?

**The Prime Minister:** We regularly raise individual cases with the Saudi Arabian Government, and we talk about human rights issues every time I meet them, but I am sure that the Foreign Office will look at the particular case that the right hon. Gentleman has raised.

**Sir Roger Gale** (North Thanet) (Con): Did my right hon. Friend gain the impression from the G20 that beyond the European Union there is a big wide world waiting and wanting to do business with the United Kingdom? Contrary to the impression given by the spokesman for the Scottish National party, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), will it not be perfectly possible under the withdrawal agreement for us to strike and sign deals, ready for immediate implementation at the end of the transition period?

**The Prime Minister:** I am able to give my hon. Friend the confirmation that he seeks in relation to those issues. On his second point, it is absolutely the case that during the implementation period—the transition period—we will be able to negotiate, sign and ratify trade deals with other countries around the world. Indeed, there may be aspects of those trade deals that we will be able to bring into practice.

**Rachel Reeves** (Leeds West) (Lab): As the Prime Minister knows, this year is the 10th anniversary of the Climate Change Act 2008. I welcome what she has said about providing a leadership role at the UN climate summit next year, but our own country is not on track to meet the fourth and fifth carbon budgets, so what are

[Rachel Reeves]

we going to do to provide real leadership on these issues at the G20 and to get back on track to meet those important carbon budgets?

**The Prime Minister:** The first thing is to lead by the example that we have set. As the hon. Lady says, the Climate Change Act came into place 10 years ago, and that was an important step that showed leadership here in the UK. We must continue to do that, but another aspect that we are also leading on is encouraging the greater development of resilience to climate change. As we look around the world, we see many people, particularly in the Pacific islands, who will be significantly affected by climate change. Helping those people and others—in the Caribbean, for example—to build their resilience is also important.

**Sir Nicholas Soames** (Mid Sussex) (Con): Will my right hon. Friend elaborate on what executive actions, beyond condemnation, the G20 partners agreed in response to Russia's blatant and wholly unacceptable piracy in the sea of Azov and the wider Black sea?

**The Prime Minister:** As my right hon. Friend has indicated, the G20 was clear in its condemnation of this action. There was discussion among the G20 leaders on condemnation of the action, but of course one of the G20 leaders is President Putin. That is why the question of executive action is one that I think we will be taking up in other forums. We, the UK, have been one of the leaders in pressing in the European Union for sanctions against Russia for activity in Ukraine, and we will continue to do so.

**Caroline Lucas** (Brighton, Pavilion) (Green): Speaking today at the UN climate summit, Sir David Attenborough told world leaders that the collapse of our civilisations and the extinction of much of the natural world are on the horizon, which is a stark warning. I welcome the Government's contribution to the renewable energy platform, but will the Prime Minister explain why they are refusing to engage in the important fossil fuel subsidy peer review process, which is being led by the G20, despite the UK handing out billions to dirty energy every single year?

**The Prime Minister:** We recognise the significance of climate change, but—the hon. Lady referenced a quote from David Attenborough—we also recognise the importance of action in other areas, such as the protection of species around the world. That is why we held a conference here in October on the international wildlife trade, which is another aspect of the future of our world. As for energy sources, we believe in having a mixed economy, but we are of course a member of the Powering Past Coal Alliance and we are encouraging others to become members.

**Mr John Whittingdale** (Maldon) (Con): I thank my right hon. Friend for the Government's support for Ukraine in the face of increased Russian aggression. Will she look at ways of stepping up pressure on Russia to release not just the 24 sailors, but the 68 other Ukrainian political prisoners held in occupied Crimea and in Russia, and to cease the blockade of Berdyansk and Mariupol in the sea of Azov?

**The Prime Minister:** As my right hon. Friend points out, recent events in Ukraine are not the only example of Russian aggression, and in fact they fit into a pattern of Russian behaviour. We will continue to press for appropriate action to be taken in these matters. As I said in response to a previous question, the UK has been leading in the EU in pressing for sanctions, and we will continue to do so. I look forward to discussing with EU leaders the further steps that can be taken.

**Chris Bryant** (Rhondda) (Lab): Members from across the House campaigned for a Magnitsky Act to deal with human rights abusers in Russia and other countries, and we were delighted when such measures made their way into the Sanctions and Anti-Money Laundering Act 2018. However, the Foreign Office is dragging its heels and has not yet implemented any of them. Will the Prime Minister please chivvy along the Foreign Secretary to ensure that we get them in place as soon as possible? That is something we could do now.

**The Prime Minister:** I will of course ensure that the Foreign Office is looking at this issue. Along with the Dutch, we are encouraging others to take on the concept of a human rights-related Magnitsky Act, but until we leave the European Union there is a limit to what we can do when it comes to the individual imposition of sanctions.

**Vicky Ford** (Chelmsford) (Con): I thank the Prime Minister for pointing out that an orderly exit from the EU will benefit the entire world's economy. In the backstop, the UK will have tariff and quota-free access to the entire single market, but we will not be paying contributions to the EU budget or following EU rules on free movement. Who should be more uncomfortable about that: the UK or the EU?

**The Prime Minister:** It is precisely because, should that circumstance come into place, we would have access without paying and without free movement that the EU is uncomfortable about the prospect of the UK being in the backstop.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): The Prime Minister mentioned that she spoke to President Trump on the margins of the summit about trade policy. Is she aware that the summit did not look that inspirational back home? Did she have any good informal talks with European allies? Did she get any really good bonuses out of those conversations?

**The Prime Minister:** I had a number of discussions with European allies, but I focused my meetings at this G20 summit on those to whom I do not normally get the opportunity to speak. That was why I was pleased to have bilaterals with Prime Minister Trudeau, Prime Minister Abe, President Erdoğan, President Macri of Argentina and the President of Chile, and I have referenced the particular issues taken up with Saudi Arabia.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): The Prime Minister continues to show commitment to the world's poorest nations. In her ongoing discussions with G20 allies, will she urge them to step up to the plate and ensure that next year's replenishment round for the Global Fund to Fight AIDS, Tuberculosis and Malaria is full and effective so that the world can take another step forward in fighting these killer diseases?

**The Prime Minister:** I am very happy to take up the issue my right hon. Friend refers to. There was recognition of the issues around HIV and AIDS, and of course one of the days of the summit was World AIDS Day. This is one of those issues where everybody around the table recognises that there is still work for us to do.

**Mary Creagh** (Wakefield) (Lab): When the Prime Minister was discussing the brave new world of post-Brexit free trade deals with world leaders, did any of them point out the supreme irony that her own Treasury forecasts show those deals can be achieved only by reducing the amount of free trade we do with our nearest market of 500 million people and by losing access to 36 other free trade deals that our membership of the European Union currently gives us?

**The Prime Minister:** As the hon. Lady will know, we are working on the continuity arrangements for the trade deals that currently exist between the EU and various countries around the world. It is not right to say that it is only by not having that trade relationship with the EU that we can have trade relationships around the rest of the world. There is a recognition, both in the political declaration and in the Government's own proposals, that we can have a good trading relationship with the EU and good trading relationships, different from those that currently exist, with other countries around the world.

**Dr Julian Lewis** (New Forest East) (Con): The Prime Minister's mention of the World Trade Organisation reminds me that the Chancellor, in his Budget, wisely allocated £3 billion to £4 billion for practical preparations for exiting the EU on a WTO basis. Has each Department now received its allocated share of those funds? If not, why are they being held back?

**The Prime Minister:** The funds are not being held back, and Departments will receive notification of the allocation of the funds in the next few days.

**Alison Thewliss** (Glasgow Central) (SNP): The Yemen data project has reported that 42 airstrikes happened over the course of 10 days, of which 62% hit civilian targets. Did the Prime Minister discuss with Crown Prince Mohammed bin Salman how the bombs she sold him will be used in the coming months?

**The Prime Minister:** What I discussed with the crown prince was the need to find a political solution to what is happening in the conflict in Yemen. This is very important, and talks are due to take place in Stockholm. I have encouraged all parties to take part in those talks. The way to resolve the issue in Yemen is through a long-term political solution.

**Mrs Anne Main** (St Albans) (Con): The Prime Minister has twice given assurances to the House today that we can, indeed, do trade deals and that those deals can be signed and ratified, but not implemented until we have left the transition period. Can she confirm what the status of those trade deals would be should we go into the backstop period?

**The Prime Minister:** The backstop would require some restrictions in relation to trade deals—notably, we would be applying the common external tariffs—but

there would be some freedom for us in relation to trade with other countries around the world. I am glad my hon. Friend has repeated the confirmation I have given that it would be possible during the transition period to ratify, negotiate and sign up to trade deals. Of course, it is the intention of the Government, and the clearly stated intention of the European Union, that at the end of that implementation period we will be in a position to operate those trade deals.

**Mike Gapes** (Ilford South) (Lab/Co-op): The Prime Minister has referred to a pattern of Russian behaviour, and she has also condemned the Russian aggression in Ukraine. Did she also have an opportunity in her conversations with Crown Prince Mohammed bin Salman or with President Erdoğan to talk about Syria and the continuing crimes being carried out by Russia and its Iranian and Hezbollah allies there?

**The Prime Minister:** We regularly raise the issues around Syria with other partners in a variety of ways. We recognise the continuing problems in relation to Syria. Of course, again, a long-term solution in Syria can only come with a political solution. It is good that we have seen some limitation of the action taking place in certain parts of Syria in recent months, but obviously we have sadly also seen continuing action against people in Syria.

**Maggie Throup** (Erewash) (Con): I welcome my right hon. Friend's announcement that the Government will be taking steps to eradicate slavery in their supply chain, as that was an issue I highlighted in a private Member's Bill a couple of years ago. Does she agree that everyone in this House should be able to be united on this issue?

**The Prime Minister:** It is absolutely the case that this eradication of modern slavery is an issue that everybody across the whole House should be working towards, and they should be supporting the Government's efforts in this area. The Modern Slavery Act 2015 was an important step, but there is much more for us to do, which is why we are continuing to press forward on further action on this.

**Gavin Robinson** (Belfast East) (DUP): The high five between President Putin and Crown Prince bin Salman may have seemed jovial, but the undertone of geopolitically significant relationships comes with it. Did the Prime Minister have any discussions with our NATO allies on supporting the international rules-based order, which she mentioned, not only through encouraging compliance, but perhaps through coercing it?

**The Prime Minister:** I certainly had a number of conversations about exactly the point of maintaining the international rules-based order. We recognise that in a number of different areas this is under significant pressure, but we have been leading in some areas to ensure that it continues, not least, of course, in the work we have done in the Organisation for the Prohibition of Chemical Weapons.

**James Cleverly** (Braintree) (Con): Among the members of the G20 are some countries that were in crushing poverty only a few decades ago. Will the Prime Minister

[James Cleverly]

reject the calls to move away from liberal free market economics and instead promote that as an agenda, removing tariff barriers imposed by wealthy countries and using free trade to lift other poor nations and people around the world out of that poverty?

**The Prime Minister:** My hon. Friend is absolutely right; it is trade that develops economies, helps to lift poor countries out of their poverty and helps to provide for people in those countries. One of the points I made at the summit was that the increasing protectionism we see—the increasing pressure on the rules-based international order in relation to trade—will only hit the poorest hardest.

**Emma Reynolds** (Wolverhampton North East) (Lab): The Japanese Prime Minister clearly does not want Japanese companies such as Honda and Nissan to face friction at the UK-EU border. When will our Prime Minister be clear that there is a trade-off between retaining the frictionless access to EU markets we currently enjoy but which will not be in place after the transition period in her deal and striking free trade deals with other countries around the world?

**The Prime Minister:** First, the hon. Lady has made an assumption about the political declaration. If she looks at it, she will see the ambition that is there on our future trading and relationships with the European Union. Yes, there is a balance for us in that relationship with the EU between an acceptance of rules and standards, and the checks that take place in relation to frictionless trade. The Government have recognised that—we did that when we published the White Paper in the summer—but that does not mean we cannot sign trade deals with the rest of the world. We will be able to sign those trade deals around the world.

**Philip Davies** (Shipley) (Con): The Prime Minister referenced her deal with the EU. Before she embarked on the negotiations with the European Union, what were the top three successful negotiations she had negotiated?

**The Prime Minister:** I will tell my hon. Friend one of the negotiations I successfully negotiated. When I became Home Secretary, I was told that the exchange of passenger name records across the European Union would be very important in improving our security against terrorists and organised criminals. I was also told that we were the only country that wanted it and therefore it could not happen inside the European Union. What do we now see? By painstaking work, because I refused to accept that view, we have a passenger name records directive.

**Rachael Maskell** (York Central) (Lab/Co-op): There is a time in politics when words are not enough; 56,000 people have been killed and 14 million are living through a humanitarian crisis in Yemen—what is the Prime Minister's price to ensure that human rights are more important than blood money from the sale of arms?

**The Prime Minister:** The question of providing for those people who are suffering terribly in the Yemen today is about ensuring that there is a political solution

in the Yemen. We believe that there is an opportunity for that now and that is what we have been encouraging all the parties to come together for. That is why the talks that are going to take place in Stockholm over the coming days and weeks are so important.

**Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): While the G20 were meeting in Buenos Aires, the COP24 conference was gathering in Poland. Will my right hon. Friend reaffirm our commitment to maintaining our world-leading position on climate change resilience and our commitment to meet our obligations as agreed in Paris three years ago, no matter what the position of our closest ally, the United States, or our future relationship with the European Union?

**The Prime Minister:** I am happy to give our continued commitment to the obligations that we signed up to. In fact, my right hon. Friend the Secretary of State for Work and Pensions, in her previous ministerial role in energy, was a leading figure in helping to ensure that the Paris accord came together. We remain committed to it.

**Tom Brake** (Carshalton and Wallington) (LD): Let me return to the Japanese Prime Minister. He asked our Prime Minister to rule out no deal. Will she?

**The Prime Minister:** I have negotiated a good deal for the UK with the European Union.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): I hope that during the course of the summit the Prime Minister managed to speak to the Brazilian President, Mr Temer, about his successor, Mr Bolsonaro, who takes over on the 31st of this month and whose virulent homophobic remarks during the election campaign were unacceptable and uncondusive to good relations with the United Kingdom.

**The Prime Minister:** Of course, the incoming President who made those remarks was not there at the G20 summit; as my hon. Friend said, it was the current President, Mr Temer, who was there. We will continue to be clear with all countries around the world about the importance that we attach to equal rights and human rights.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): May I congratulate the Prime Minister on all the air miles she has clocked up recently on our behalf? I urge her Government not to forget their promises on anticorruption. The G20 declaration commits leaders to tackling “vulnerabilities in the financial system”.

What with the National Crime Agency—which the Prime Minister had a hand in setting up, as she reminded us—estimating that hundreds of billions of pounds are currently being laundered through the UK, will she give us a date for when the commitment to consult on the creation of a criminal offence for corporations of failure to prevent money laundering will materialise, so that we can practise what we preach?

**The Prime Minister:** I thank the hon. Lady for her remarks. I did set up the National Crime Agency and it is doing important work in this area. The new economic crime centre has been set up, and that is an important

step in dealing with these issues. We continue to look at the powers that are necessary to deal with money laundering, but we have already introduced new powers that enable us to take action against those involved in these matters.

**John Howell** (Henley) (Con): I refer my right hon. Friend to what she said about renewable energy projects in sub-Saharan Africa. How will that support the 30% renewable energy target in Nigeria, a country that cannot provide electricity to half its population?

**The Prime Minister:** I thank my hon. Friend for pointing that out. The point of the intervention we are making and the money that we are making available is that it will help to leverage private finance. It is through Government working together with private finance that we will be able to ensure that projects can come on board in a number of countries in Africa.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): If the Prime Minister's Brexit proposals are implemented, the trade deals that she talks about will have to concentrate primarily on services, as opposed to goods. Will she therefore make a commitment to rule out using public services as a bargaining chip?

**The Prime Minister:** We have always been clear in relation to public services. The economy of the United Kingdom relies significantly on services—it is one of the areas in which we are particularly leading across the world—and I expect that we will be able to ensure that the trade deals that we do around the world incorporate those aspects of services in which we are leading.

**Stephen Kerr** (Stirling) (Con): If I might return to the subject of the sixth replenishment of the global fund to continue the fight against HIV/AIDS, tuberculosis and malaria, will my right hon. Friend confirm from her engagement with the US Administration that the United States, currently the biggest donor to the fund, shares her commitment?

**The Prime Minister:** I am very happy to say that, obviously, as my hon. Friend has said, we restated the commitment to ending HIV/AIDS, tuberculosis and malaria. The G20 is an important venue for doing that and, indeed, in one of his interventions at the summit, President Trump made reference to the need for the work that continues to be done in terms of HIV.

**John Woodcock** (Barrow and Furness) (Ind): The Prime Minister understands the supreme importance of cross-border and national security. She also understands how difficult and how long a process it inevitably is to agree and ratify new treaties. Will she level with this House and the public that there is actually very little chance of being able to agree and then fully ratify a new security treaty by the end of the transition period?

**The Prime Minister:** I have a different opinion from the hon. Gentleman. We have a clear structure within the political declaration in relation to that. I simply say to him that the December joint report on withdrawal was 16 pages. Within less than a year, we have negotiated 585—nearly 590—pages of legal text. The political

declaration is, I think, 26 pages. It is perfectly possible to negotiate on all aspects of that within the two years available.

**Henry Smith** (Crawley) (Con): Next week, in Marrakesh, a UN conference on migration takes place, yet there are considerable concerns among some G20 and EU member countries—Italy for example—about its provisions. Was that discussed at the G20 summit and what is the position of Her Majesty's Government on this?

**The Prime Minister:** My hon. Friend is absolutely right—[*Interruption.*]

**Mr Speaker:** Order. This is rather unseemly. I am bound to say that the hon. Member for Crawley (Henry Smith) was entitled to a somewhat more respectful welcome. His constituents were entitled to hear him heard with greater courtesy. Now that the Prime Minister is replying, this great hubbub of voluble and unnecessary noise should cease. Let us hear her reply.

**The Prime Minister:** Thank you, Mr Speaker.

My hon. Friend is absolutely right. With the launch event of the Global Compact on Migration next week, it is absolutely right that migration is being discussed in a number of forums, including, obviously, the references that we saw in the communiqué that came out of the G20 summit. That Global Compact is one way in which we can bolster international co-operation in these areas, because it does set out an approach to reduce irregular or illegal migration while improving regular and managed migration. It enables all states effectively to manage their borders. This issue is recognised across the G20 as one that needs to be addressed.

**Kevin Brennan** (Cardiff West) (Lab): When the Prime Minister met the crown prince of Saudi Arabia, did she discuss with him the 11 exchanges that our American allies said that he had had with the leader of the hit squad who murdered and dismembered Mr Khashoggi at around the time of those events? If so, is she happy still to be described as she was by the leader of the Liberal Democrats as a “candid friend” of the Saudi crown prince?

**The Prime Minister:** The point that I made to the Saudi crown prince was very simple: everybody needs to be absolutely confident that the Saudi Arabian investigation is full, proper, credible and transparent. We are encouraging Saudi Arabia to ensure that it does that, and I also discussed the nature of the investigations with President Erdoğan.

**Matt Warman** (Boston and Skegness) (Con): It is the rise of technology that will change more lives across the G20 than any other factor. Will the Prime Minister restate her commitment to increase our spending on research and development so that we in this country make the most of the opportunities?

**The Prime Minister:** My hon. Friend is absolutely right. We have a firm commitment as a Government to increase the percentage of GDP being spent on research and development to 2.4%—that is both public and private sector investment. This is the way that we can ensure that we are investing in the jobs of the future.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): Today is International Disability Day. With more than 1 billion disabled people worldwide—and that number is set to increase—was the equality and empowerment of disabled people discussed at the G20 and, if not, will the Prime Minister commit to discussing it at a future meeting?

**The Prime Minister:** What was discussed was the importance of ensuring that economic development benefits all people, including those who currently feel that they are not benefiting from it and obviously including disabled people. A number of events around the margins of the G20 also addressed a number of these issues.

**Chris Philp** (Croydon South) (Con): The Prime Minister mentioned in her statement the importance of securing free trade deals around the world, yet some Members of this House are proposing the so-called Norway-plus option—membership of the single market and the EU customs union, most likely with a backstop. Does she agree that that would prevent free trade deals from being done, that we would still be paying money in and that there would be unlimited free movement, and will she join me in saying that would be an extremely bad choice for our country?

**The Prime Minister:** I am happy to confirm what my hon. Friend has said. That option would indeed mean that we would continue to pay and would have to accept free movement; the Norway-plus model also has the issue of the customs union. We have negotiated a deal that is right for the United Kingdom.

**Carol Monaghan** (Glasgow North West) (SNP): I am pleased that the Prime Minister recognises the importance of an equal playing field with respect to trade. Will this also apply to the contract for the fleet solid support ships, and can the Prime Minister assure our UK shipbuilders that foreign Government-sponsored bids will be ruled out?

**The Prime Minister:** The hon. Lady will be aware that we have developed a national shipbuilding strategy. This is an important step forward that will support shipbuilders around the UK.

**Martin Whitfield** (East Lothian) (Lab): By 2030, each girl is guaranteed 12 years of education. Will the Prime Minister confirm the commitment from the G20—and particularly this country—to achieve this target by 2030?

**The Prime Minister:** We are already one of the countries that is putting significant funds from its international development funding into the whole question of girls' education, and we will continue to do so.

## Withdrawal Agreement: Legal Position

4.31 pm

**The Attorney General (Mr Geoffrey Cox):** It is very good of the Prime Minister to warm up for me today.

With permission, Mr Speaker, I wish to make a statement to the House. I should make clear the context in which I consider that I am to do so today; my statement is intended to inform the debate that is shortly to commence on the motion to approve the withdrawal agreement and the political declaration on the future relationship concluded with the European Union by my right hon. Friend the Prime Minister.

It is important to understand how the Law Officers habitually give their advice, which may be a mixture of oral and written communications given at different times during fast-developing events. Ministers are advised by their own departmental lawyers, and the points that arise for consideration of the Law Officers are invariably limited to the relatively few of particular importance to the policy decision of the Government. Therefore, my statement today is complemented by a detailed legal commentary, provided for the purpose of the debate and published this morning, that analyses the effect of the agreement as a whole. That legal commentary has been produced with my oversight and approval, and I commend it to the House as both an accurate examination of the provisions of the agreement and a helpful exposition of some of the salient issues that arise from them.

There is, of course, no want of other sources of helpful commentary available to the House, and in making this statement in these unusual circumstances and in answering any questions that hon. Members may have, I consider that I have a solemn and constitutional duty to this House to advise it on these legal questions objectively and impartially, and to place such legal expertise as I have at its disposal. The historical precedents strongly support that view. The House may be sure that I shall discharge this duty with uncompromising and rigorous fidelity. If this agreement is to pass this House, as I strongly believe it should, I do not believe that it can or should pass under any misapprehension whatsoever as to the legal matters on which that judgment should be based.

It is important to recall that the matters of law affecting the withdrawal can only inform what is essentially a political decision that each of us must make. This is a question not of the lawfulness of the Government's action but of the prudence, as a matter of policy and political judgment, of entering into an international agreement on the terms proposed. In the time available to me, it is impossible to have covered each of the matters of law that might arise from 585 pages of complicated legal text, and no Attorney General—certainly not this one—can instantly possess the answers to all of the pertinent questions that the skill and ingenuity of hon. Members may devise.

However, I am aware that there are certain parts of the agreement the meaning of which attracts the close and keen interest of the House, and it is to some of these that I now turn: first, the Northern Ireland protocol and some of the other provisions of the withdrawal agreement relevant to it. The protocol would come into force, if needed, on the conclusion of the implementation period on 31 December 2020 unless, pursuant to article 132 of the agreement, both the UK and the EU agreed to a

single extension for a fixed time of up to one or two years. By article 1, the protocol confirms that it would affect neither the constitutional status of Northern Ireland nor the principle of consent as set out in the Belfast or Good Friday agreement. The statutory guarantee that a majority in Northern Ireland would be required to consent to a change in its constitutional status as part of the United Kingdom and the associated amendment to the Irish constitution to remove its previous territorial claim remain in place.

Once in force, by article 2.1 of the protocol, the parties would be obliged, in good faith, to use their best endeavours to conclude by 31 December 2020 an agreement that supersedes it. There is a separate but closely related duty on the parties under article 184 to negotiate expeditiously and use best endeavours in good faith to conclude an agreement in line with the political declaration. Having regard to those obligations, by article 1.4 of the protocol, it is expressly agreed not to be intended to establish a permanent relationship but to be temporary. That language reflects the fact that article 50 of the Treaty on European Union does not provide a legal basis in Union law for permanent future arrangements with non-member states.

If either party did not comply with its obligations of good faith after the implementation period, it would be open to them to bring a complaint under the dispute settlement provisions set out in articles 164 to 181 of the agreement. These include independent arbitration. Clear and convincing evidence would be required to establish a breach of that obligation. If the protocol were to come into force, it would continue to apply in international law unless and until it was superseded by the intended subsequent agreement, which achieved the stated objectives of maintaining the necessary conditions for continued north-south co-operation, avoiding a hard border and protecting the Belfast agreement in all its dimensions.

There is therefore no unilateral right for either party to terminate this arrangement. This means that if no superseding agreement can be reached within the implementation period, the protocol would be activated and in international law would subsist even if negotiations had broken down. How likely that is to happen is a political question, to which the answer will no doubt depend partly on the extent to which it is in either party's interests to remain indefinitely within its arrangements.

Under the protocol, the UK would form with the EU a single customs territory for goods for fiscal or tariff purposes. Accordingly, Northern Ireland would form part of the same customs territory as Great Britain, with no tariffs, quotas or checks on rules of origin between Great Britain and Northern Ireland. However, Northern Ireland would additionally apply defined aspects of the EU's single market rules relating to the regulation and control of the supply of electricity on the island of Ireland; goods, including cross-border VAT rules; and the EU customs code. Those rules would be enforced as they are now, including preliminary references from Northern Ireland courts to the Court of Justice of the European Union.

By those means, the need for any hard border would be avoided, and goods originating in Northern Ireland would be entitled to free circulation throughout the EU's single market. In all other respects of its regulatory

regime, Northern Ireland would follow the applicable UK legislation, save where those were devolved. By article 7, a Northern Ireland business would also enjoy the same free circulation of its goods throughout the United Kingdom, while its EU competitor—whether situated in the Republic of Ireland or elsewhere in the single market—would not.

I turn to the role of Union law and the CJEU under the withdrawal agreement and within the dispute settlement provisions. It is important to place these provisions in the context of the objectives of the agreement, which is the orderly exit of the UK from the EU for our citizens and businesses. To that end, following the implementation period, the agreement provides for the continued application of Union law in defined and strictly limited respects, where it is necessary or desirable for legal certainty to do so.

Although we will legally leave the EU and cease to be a member state on 29 March 2019, part 4 of the agreement provides for an implementation or transition period of 21 months, which is designed to enable our people and our businesses to adjust to the changes that are coming. During that implementation period, so as to give the time, predictability and continuity that is needed, it is provided that Union law should continue to apply, and the laws, systems and institutions of the EU will have the same role and functions as before.

But on the conclusion of that period, on 31 December 2020, that will come to an end. Thereafter, Union law and the Court of Justice will possess a relevance in the United Kingdom only in so far as it is necessary, in limited and specific areas, for the winding down of the obligations of our relationship of 45 years. For example, the rights of our own citizens living in EU member states and of EU citizens in the United Kingdom are created and defined by Union law. If they are to be preserved in equal measure and with the necessary consistency and certainty, it is inevitable that the mutually protected residence and social security rights of those particular groups of people must continue to be defined by reference to that law. Those rights are provided for in part 2 of the agreement.

Our citizens living in member states throughout the EU will continue, as is natural, to depend for their ultimate protection on the CJEU, while EU citizens living in the United Kingdom will look to the UK independent monitoring authority set up under article 159 and to the UK courts. But they will no longer be able, as now, to require our Supreme Court to refer a question of interpretation of their rights under Union law to the CJEU where the determination of such a question is necessary to resolve a dispute.

Instead, pursuant to article 158, the UK courts, for a fixed period of eight years only, may refer—I repeat, may refer—to the CJEU a question of interpretation of part 2 of the agreement in the interests of achieving consistency in the enforcement of the rights of citizens while the new system is established. After that time, our courts will, pursuant to article 4.5, continue to interpret concepts and provisions of Union law in the areas in which the agreement applies it as they always have, and to have due regard to relevant post-implementation case law where, for example, it may be required for the practical operation of the agreement, such as in regard to the co-ordination of social security rights for the protected EU and UK citizens.

[The Attorney General]

Part 3 deals with the lawful conclusion of judicial and administrative proceedings, transactions, processes and other matters that have arisen or commenced under Union legal frameworks before the end of the implementation period, and to which Union law and the role of institutions must continue to apply for their orderly disposition. It allows a four-year limitation period on the power of the Commission to refer to the Court an alleged breach of an obligation incurred prior to the end of the implementation period.

Part 5 deals with our agreed financial obligations. It provides, under article 160, for Union law and the jurisdiction of the Court to apply beyond the implementation period only for the time and purpose of closing out the UK's financial obligations and entitlements incurred under Union law, again prior to the end of that period.

All these are inherently time-limited functions, and once they are at an end the Court will have no jurisdiction in relation to disputes involving citizens and businesses in the United Kingdom. A dispute between the EU and the UK about the systemic operation or interpretation of the agreement may be referred by either side to an independent arbitration panel in which the Court has no automatic role, but if the panel needs to and a question of interpretation of Union law is relevant to the dispute, it can ask the Court to resolve that question. It is then for the panel to apply that interpretation to the facts of the dispute, and thus decide how the dispute should be resolved.

The divorce and separation of nations from long and intimate unions, just as of human beings, stirs high emotion and calls for wisdom and forbearance. It calls also for calm and measured evaluation by the House of the terms of the separation agreement in the light of the complexity and difficulty of the task it is intended to achieve. The gradual loosening and removal of the legal ties that have bound us to the European Union for 45 years will take time to work out. This agreement and the European Union (Withdrawal) Act 2018, already passed by the House, allow for the necessary time and legal means for that process to unfold in a peaceful and orderly way.

I am at the disposal of the House to answer questions, in so far as I can, on these and other legal matters. I commend this statement to the House.

4.49 pm

**Nick Thomas-Symonds** (Torfaen) (Lab): I am of course grateful to the Attorney General for his statement, and for advance sight of it, but all Members who are asking questions are at a major disadvantage, because they have not read the legal advice on which the statement is based. That is totally unacceptable when aspects of the Attorney General's advice have been selectively leaked to the press over the weekend. For example, it has been reported that in a letter to Cabinet Ministers last month, the Attorney General said, in respect of the backstop arrangement,

"The protocol would endure indefinitely"

if trade talks broke down. In his statement, the Attorney General talked about political factors that might, in his view, make the backstop temporary, but in reality, that

is not the legal position. Perhaps he can confirm that the legal position is as set out in the letter—that the protocol will "endure indefinitely" if the trade talks break down.

On 13 November in this House, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer)—the shadow Brexit Secretary—and I were very clear on what was being sought: the final, full advice provided by the Attorney General to the Cabinet on any completed withdrawal agreement should be made available to all MPs in good time for the vote on the deal. Offers short of that, including of the Attorney General's statement today and of a summary made by the Government, were rejected, and the House unanimously passed a motion to that effect. [Interruption.] "Playing games," shouts the Chancellor. On 13 November, the Conservative party could not get one of its MPs to vote against the motion—not one.

The document that has been produced is, in the Attorney General's own words, a legal commentary, produced with his oversight and approval. It is not the final legal advice to the Cabinet. Frankly, the explainer produced alongside the withdrawal agreement was longer and more detailed than this document. Is not the reality that the Government do not want MPs to see the full legal advice, for fear of the political consequences?

There is no point whatever in trying to hide behind the Law Officers' convention. The ministerial code and "Erskine May" are very clear: Ministers have the discretion, under that convention, to make advice available in exceptional circumstances. What circumstances could be more exceptional than these? The economic, political and constitutional integrity of our country is at stake.

I quote paragraph 82 of the legal commentary:

"The Agreement does not contain any provision on its termination. In the absence of such a provision, it is not possible under international law...to withdraw from the Agreement unilaterally."

A straight question to the Attorney General: can he direct me or the House to any other international treaty to which the UK is party that it has no unilateral right to terminate? Can he even name one?

Furthermore, articles 1.4 and 2.1 of the backstop protocol are clear that its provisions

"shall apply unless...they are superseded, in whole or in part, by a subsequent agreement."

[Interruption.] No, the "in whole or in part" bit was not commented on in the statement, actually. Put simply, that means that parts of the backstop could become permanent, even in the event of a trade deal being agreed. I ask the Attorney General directly: what is his view on which parts of the backstop arrangement in this protocol are most likely to become permanent?

May I raise with the Attorney General the issue of the impact on the Good Friday agreement? Page 306 of the withdrawal agreement refers to the need for the protocol to be implemented so as to

"maintain the necessary conditions for continued North-South cooperation,"

including the conditions for possible new arrangements in accordance with the 1998 agreement. So can the Attorney General tell the House, in his view: first, which new arrangements he believes would be in accordance with the 1998 Good Friday agreement; and, secondly, which arrangements he believes would not be in accordance with it?

In the first instance, it will be for you, Mr Speaker, to rule on whether there has been an arguable case of contempt for what we on the Opposition Benches believe to be a failure to comply with the motion of 13 November. For the sake of our economy, our jobs and our futures, all possible information should be made available to Members of this House. The Government should do the right thing and make the full advice available. With so much at stake for all our constituents and with eight days to go before the vote on the deal, this House and this country deserve better from this Government.

**The Attorney General:** First, let me say that the hon. Gentleman has far better than any advice I may or may not have given to the Government: he can ask me. All he has to do is ask and he will receive, because I will give him a frank answer. *[Interruption.]*

**Mr Speaker:** Order. I know the Attorney General is very well able to—*[Interruption.]* Order. Members must calm themselves. I know the Attorney General is very well able to look after himself, but I simply and gently counsel Members—gently, at this stage—not to yell from a sedentary position in that way. The right hon. and learned Gentleman would not, I am sure, be accustomed to such treatment in a court. If he were subject to it, I think the judge would take a very dim view. *[Interruption.]* Order. He is entitled to a courteous reception. As the House knows from experience, I will want to hear everyone who wishes to question him. But in the first instance, be calm and behave.

**The Attorney General:** It is very rare for the Attorney General to appear to answer questions in the House on matters of law. I am doing so, so that Opposition and Government Members can have a full, frank and thorough opportunity to ask me, as the Government's chief legal adviser and as an adviser to the House on constitutional and legal matters, what our legal position is. I assure the House that if questions are asked, I shall answer them candidly.

The hon. Gentleman told me that I had not said anything about the subsistence of the Northern Ireland protocol. Let me make no bones about the Northern Ireland protocol: it will subsist. We are indefinitely committed to it if it comes into force. There is no point in my trying or the Government trying to disguise that fact. The truth, however, is this: what is the political imperative of either entering into it or not entering into it? That is a calculated equation of risk that each Member of this House is going to have to weigh up, and do so against different alternatives.

The hon. Gentleman also mentioned that I should answer whether other treaties are permanent. Hundreds of treaties throughout the world are permanent—treaties on borders, treaties on rivers; the Vienna convention has entire sections on permanent treaties. If the hon. Gentleman wants me to enumerate some, I will write to him with them—I am afraid I do not have them to hand. There is an entire section of the Vienna convention on permanent treaties. The question whether we have a right to terminate under the convention is a matter of construction. Let me make it plain: there is no such right to terminate if the Northern Ireland protocol comes into force. The question of how likely it is to

remain in force is a political judgment to be based on factors largely relating, as I have said, to in whose interests it would be to remain in it for longest. *[Interruption.]*

**Mr Speaker:** I call Mr Kenneth Clarke—*[Interruption.]* Order. It is rather unseemly for people to yell out, “Is that it?” The Attorney General, to be fair, has given a very full response—*[Interruption.]* Order. Members can make of it what they will, but in any case, everybody should cheer up now, because we are about to hear from the Father of the House.

**Mr Kenneth Clarke (Rushcliffe) (Con):** Whether that will cheer people up or not, I have no idea.

First, I sincerely congratulate my right hon. and learned Friend the Attorney General on his masterly exposition of the facts and the law, which put paid to quite a lot of the paranoia and conspiracy theories that have been running around all too often in our European debate.

Secondly, does my right hon. and learned Friend accept that it was central to the Good Friday agreement—the Belfast agreement—that both sides committed themselves timelessly to an open border, and that will be all wrapped up if we ever move to the Northern Ireland protocol? It would be quite shameful if the European Union, the Republic of Ireland or the United Kingdom were given the right unilaterally to terminate that arrangement at a time of their political choosing, so this is perfectly sensible. Does he also agree that both the United Kingdom and the European Union will have reasons to hesitate before going into the protocol—they may prefer to extend the transition agreement—and that neither of the parties will have any political motive for staying indefinitely in that protocol?

In his exposition, I think my right hon. and learned Friend has done what he was trying to do: got rid of all these theories about the ECJ still being involved, as it obviously will have to be, in the rights of British citizens after we leave, and enabled the House to get back to the real political debate that we have to have in the next few days.

**The Attorney General:** I am most grateful to my right hon. and learned Friend for his question. The truth of the matter is that the Northern Ireland protocol would represent a solemn commitment to the people of Northern Ireland that this Government will honour and respect the Belfast agreement. I make no bones about it: I would have preferred to have seen a unilateral right of termination in the backstop. I would have preferred to have seen a clause that allowed us to exit if negotiations had broken down irretrievably, but I am prepared to lend my support to this agreement because I do not believe—*[Interruption.]* I am most grateful for those cheers of applause. I do not believe that we are likely to be entrapped in the backstop permanently. I can give reasons why I say that, but my right hon. and learned Friend has foreshadowed them. So I agree with him: this represents a sensible compromise. It has unattractive and unsatisfactory elements for us, but it is for the House to weigh it up against the potential alternatives and to assess whether it amounts to a calculated risk that this Government and this House should take in these circumstances, weighed up against the realities of the alternatives.

**Joanna Cherry** (Edinburgh South West) (SNP): The binding motion passed by this House on 13 November ordered the production of any legal advice in full, including that provided by the Attorney General, and with a particular focus on the Northern Ireland backstop—not a commentary, but the legal advice in full. The House did not divide. The Government effectively conceded that these were exceptional circumstances and that the normal, very important convention would not apply, so that ship has sailed.

The Attorney General and I are both senior lawyers in our own jurisdictions, so I am sure that he will not want to insult my intelligence or that of the House by pretending that this Command Paper reflects in any way the nuanced advice that he will have given to the Cabinet, focused on particular questions such as those that we saw leaked over the weekend. For example, he just said that it is not his belief that we will be trapped in the backstop permanently, but this House, which has to take the final decision—not the Cabinet—is not interested in his belief; it is interested in his legal opinion. Can he confirm, as a matter of law, that there is nothing to prevent the backstop from becoming the permanent UK-EU relationship in the event that the two sides cannot agree a future economic relationship? That is a matter of law.

Will the Attorney General acknowledge something else? He is a democrat, the Government are democrats; they have gone on incessantly about the will of the people for the last two years and profess to believe in parliamentary sovereignty. We sitting in this House are the representatives of the people, and we voted to see his advice in full, not his commentary, so will he undertake to produce that advice—the sort of nuggets that were leaked over the weekend, but in full—before the rise of the House today, and before tomorrow's debate, or is he prepared to run the risk of being found in contempt of Parliament merely to protect the Conservative and Unionist party against further internal strife?

**The Attorney General:** I have the greatest respect for the hon. and learned Lady. She has put her case rationally and reasonably, and I will deal with her points one by one. She asked whether there was anything to prevent the protocol from becoming permanent in the event of no agreement. As a matter of international law, no there is not—it would endure indefinitely, pending a future agreement being arranged—but that does not exhaust all the matters of law. As a matter of EU law, it would, in those circumstances, be highly vulnerable to legal challenge. It is widely accepted, including by the EU Commission and taskforce 50, that article 50 is not a sound legal foundation for permanent arrangements between states. If negotiations irretrievably broke down, the protocol would de facto become permanent and therefore seriously challengeable in the Court of Justice of the European Union for being invalid. That legal uncertainty by itself is sufficient to promote to the EU the need to do a deal with us. It would be profoundly detrimental to thousands—indeed millions—of traders throughout the single market. That is one factor that convinces me that this is a risk worth taking.

**Mr Iain Duncan Smith** (Chingford and Woodford Green) (Con): I start by welcoming without reservation my right hon. and learned Friend to his position. He knows that I have believed for many years that he should have filled this post.

I welcome my right hon. and learned Friend's statement. Page 6 of his document refers to what is defined as "good faith". He mentioned the International Court of Justice, so I hope he will not mind if I quote from one of its judgments referenced in footnote 8. He talked about how long the backstop should last and what defined "good faith". The judgment states that

"the failure of the Parties to reach agreement, 16 years after the conclusion of"—

earlier negotiations—

"does not itself establish that either Party has breached its obligation to negotiate in good faith."

As my right hon. and learned Friend knows, his right hon. Friends on the Front Bench one by one have used good faith as their defence for being locked into this problem of the backstop and as their explanation of how we will get out. As a matter of law, is good faith required for best endeavours?

**The Attorney General:** The duty of good faith and to use best endeavours is a legally enforceable duty. There is no doubt that it is difficult to prove—[*Interruption*—]—as I hear from a sedentary position, but that is not to say that it has not been proven. The case reports of the International Court of Justice, as well as arbitral tribunals throughout the world, have recorded decisions where tribunals have found breaches of good faith duties. There would need to be clear and convincing evidence that the breakdown of communication was due to bad faith—I fully accept that—but if the EU refused to engage with us, strung out negotiations in a thoroughly unreasonable way or failed to observe reasonable time limits, those would be hallmarks of a possible case of breach of good faith. It is a meaningful legal obligation.

I remind the House that we are dealing here with the United Kingdom on one hand and the European Union on the other. Their reputations in international forums, and their reputations as a question of international law, are at stake. If you put your name to a solemn legal obligation to negotiate something in good faith within a certain time limit, it is a very serious obligation of which to acquit yourself: it cannot just be played fast and loose with.

**Nigel Dodds** (Belfast North) (DUP): As the right hon. and learned Gentleman knows, I have the utmost and deepest respect for him in relation to his approach to these issues and the discussions that we have had, but he has said himself that the whole business is deeply unsatisfactory and unattractive, which makes me wonder why he is recommending the agreement. It seems to me that we are now reliant on our learned friends to take cases in international courts, rather than this sovereign Parliament being able to decide when we can get out of these backstop arrangements.

Can the Attorney General confirm what he said—that this is an indefinite arrangement that can be permanent in law, despite what some of his Cabinet colleagues are saying? I do not have time to go into all this, because, as other Members have said, we need to see the actual legal advice as requested by the House—that must happen—but can he also confirm that under article 15 of the Northern Ireland protocol, the Northern Ireland customs arrangements mean that Northern Ireland will form part of the EU customs territory and not the United Kingdom's, although "a single customs territory"

is established between the UK and the EU? Will he confirm that under article 4 of the protocol, there is a new right under international law—one that is not in the Belfast agreement of 1998—for the EU to oversee certain aspects of the implementation of that 1998 agreement?

I have added those detailed points, which I will follow up with the Attorney General in later discussions, but the overall context is, as he has said, a deeply unattractive, unsatisfactory agreement. Rather than recommending it, he needs to recommend that it be rejected.

**The Attorney General:** The right hon. Gentleman has thrown down the gauntlet in asking me to re-examine my support for the agreement. I do not mind confessing to him that I have wrestled with this question, because I am a Unionist and dislike any divergence between Northern Ireland and the rest of the United Kingdom; but I have had also to take into account first that this is an arrangement that we can avoid, and secondly that if we were in it, it would be as much an instrument of pain to the European Union as it would be to the United Kingdom.

I ask the right hon. Gentleman to think of what the European Union is now accepting. It accepts that Northern Ireland can have free circulation of its goods not only into the single market, but to Great Britain. No other single market trader will have that advantage. Hundreds of single market traders throughout the European Union are going to resent the fact that the goods of a Northern Ireland business situated one mile north of the border can flow smoothly into the single market and smoothly into Great Britain, while theirs cannot. So there are real reasons, which the right hon. Gentleman and I can discuss at greater length, why I do not believe that this will become a permanent solution.

Let us suppose, however, that those negotiations broke down or took an unreasonable length of time. All around the European Union there will be single market traders seeing the benefits that Northern Ireland can have, who will be induced by those benefits to ask, “Should we go on putting up with this uncompetitive arrangement?” And what are they likely to do? Why, they are likely to beat a path to the door of the Commission and the Court, and there to say, “Didn’t you say that article 50 is not a sound legal foundation for this arrangement?” And I tell you frankly, Mr Speaker, they are likely to win.

**Sir William Cash** (Stone) (Con): On the issue of precedents, there are five—[*Interruption.*]

**Mr Speaker:** Order. I understand that the House is mildly animated, but we must hear what the Chair of the European Scrutiny Committee wants to say.

**Sir William Cash:** Thank you, Mr Speaker.

There are five precedents over the past 40 years of full disclosure being made of an Attorney General’s advice for compelling and exceptional reasons in the public interest. Does my right hon. and learned Friend agree that he can—as in my view he should—consent on his own independent account as Attorney General under the ministerial code to the full publication of his legal advice given that, as cited in the Queen’s bench division in July 2009, the then Attorney General’s advice on the seminal *Factortame* case was disclosed, which

dealt with the incompatibility of the European Communities Act 1972 with an Act of Parliament, the Merchant Shipping Act 1988, which was then struck down in the courts, analogous to the legal status of the withdrawal treaty in relation to the European Union (Withdrawal) Act passed by this House in 2018, and with which that treaty is incompatible?

**The Attorney General:** This is not a question of the lawfulness of the Government’s action, as it was in the publication of Lord Goldsmith’s advice; this is simply a view on the legal effects of a particular agreement. There are hundreds of lawyers throughout the United Kingdom, I am delighted to say, who could offer a perfectly competent view on this agreement. I cannot see why there is anything exceptional about the current circumstances and about my advice. But let us suppose there were something exceptional about my advice; well, I am here to be asked any question that the Government have also asked, so all that right hon. and hon. Opposition Members have to do is ask and I will give them a frank answer.

**Ms Harriet Harman** (Camberwell and Peckham) (Lab): Will the right hon. and learned Gentleman acknowledge frankly to this House that publishing this paper on the legal position on the withdrawal agreement and his statement to the House today does not represent compliance with the motion of this House that was passed unanimously on 13 November, and does that not represent the following fundamental point of constitutional principle? It would be serious for any Minister to resist a motion of the House, but it is more so for it to be the Attorney General, going along with Government defiance of the House, when his very office is about our constitution—when he is the person in government whose job it is to make sure the rest of them stay within the rules. How can he do that if he himself is acquiescing in breaking them? He has in his statement rightly acknowledged that he has a duty to this House as well as to the Government and that his duties involve giving legal advice to the House. It is in our Standing Orders that he is legal adviser to the Privileges Committee. So how can we have a situation where the Attorney General allows the Government to openly defy the will of the House? The Government have a choice: they can either comply with the motion of the House or seek to change it, but they cannot remain in defiance of it. It is the Attorney General’s responsibility to tell them that; will he?

**The Attorney General:** I am grateful to the right hon. and learned Lady for that question. The truth is that I am caught in an acute clash of constitutional principle. A Minister is obliged to have regard to the public interest and the national interest. Let us suppose I had given any such advice that has been requested by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), and let us suppose that that advice had covered all sorts of matters, including our relationships with foreign states and including arguments that might be deployed in the future—and their strengths and weaknesses—and including matters of acute importance to this country; would it be right for the Attorney General, regardless of the harm to the public interest, to divulge his opinion? I say to the right hon. and learned Lady that it would not. There is no procedure by which this House can have redactions or entertain

[The Attorney General]

circumstances in which it could weigh the competing public interest against the interest in disclosure, as a judge would do. She knows what I mean. Therefore, I cannot take a step that I firmly and truly believe would be contrary to the public interest. I ask the House to understand that it is only that consideration that is motivating me and this Government in declining at this stage to break the convention that applies to both sides of the House when they are in government. There is nothing to see here. [Interruption.]

**Mr Speaker:** Order. I gently appeal to colleagues to lower the decibel level. You do not have to look into—[Interruption.] Order, Mr Russell-Moyle. You do not have to look into the crystal ball when you can read the book. The evidence is that I always call colleagues to ask questions, and the Attorney General has indicated his readiness to take those questions, as indeed he must. So you will all get a chance, but please let the answers be heard.

**The Attorney General:** I ask the right hon. and learned Lady to accept that I will give this House a stark, uncompromising and completely frank view on any relevant point of law. I suggest that, if I had given advice, there would be no real significance in that advice being disclosed, because this House has the opportunity to ask me directly.

**Mr Dominic Grieve** (Beaconsfield) (Con): My right hon. and learned Friend is to be commended for his statement and for the document that has been produced, which I have to say from my own experience is rather fuller than any advice he might ever have been called upon to produce. First, it might be helpful to the House if he took this opportunity to confirm that there is nothing in this document that is incompatible with any advice that he gave to the Government? I would not expect him to be in a position to endorse any such document if it were at variance in that way. Secondly, turning away from that first principle to the content, might he also wish to comment on the provisions specific to Northern Ireland in paragraphs 25 to 29, which appear to show quite clearly that under the protocol it would be possible to end up with a situation in which there were in fact checks and controls on good passing between Northern Ireland and the rest of Great Britain?

**The Attorney General:** I am grateful to my right hon. and learned Friend. He will understand that if I were to make that express confirmation, I would by that means be disclosing what advice, if any, I had given. I hope that the House will understand—unless it is to be supposed that I would tailor my advice according to my audience, which I assure the House I would not do—that there is no matter on which hon. Members could ask me a question on which I am likely to have given a different answer to any other party who might have asked me about it in the course of these negotiations. In all candour, therefore, I can say that all the House has to do is ask.

In relation to my right hon. and learned Friend's second question, it is true that there would be regulatory divergences—as there are within sovereign states throughout the world—between one part of the sovereign territory of the United Kingdom and another, but those divergences

could be kept to a minimum. They involve, on my investigation, some 15 forms of product in respect of which checks might have to be carried out at the border. Those 15 forms of product are largely phytosanitary goods in respect of which checks are already carried out in many cases at the ports of Northern Ireland. Therefore, while that border would exist—I find that distasteful myself—the issues are nevertheless mitigable, and the question again is whether that feature should lead us to decline this deal, which I firmly believe is the best way of ensuring that we leave the European Union on 29 March. That is the solemn responsibility that this side of the House—and some on the Opposition side—believed that we had. This is the deal that will ensure that that happens in an orderly way and with legal certainty.

**Hilary Benn** (Leeds Central) (Lab): I say to the right hon. and learned Gentleman that there is something to see here. If the Government can decide which votes of the House of Commons to respect and which to ignore—as you said when ruling on a point of order on 13 November, Mr Speaker, it was not the opinion of the House of Commons that it wanted the full legal advice to be released, but the will—what does democracy mean in this place?

Now, I have a question for the Attorney General on which I want his legal advice. As he will be aware, the withdrawal agreement is legally binding, but the political declaration is not. Can he draw to the House's attention a single example in international law of when a failure to act in good faith has successfully compelled one party in a negotiation to reach an agreement as extensive as the one that the Government hope to achieve and that is set out in the political declaration covering trade in goods and services, security, foreign policy, broadcasting, data and co-operation on a wide range of matters? If there is such an example, I would very much like to hear about it.

**The Attorney General:** The right hon. Gentleman points out that we are in a unique situation. There has never been a case in which a country has seceded from the European Union, and there has never been a case in which 45 years of legal integration of a state the size of the United Kingdom has been untangled. That will take time, and it must be done in an orderly way. I will write to the right hon. Gentleman if there are any specific examples to assist me, but the fact of the matter is that I doubt it, which is the frank answer, because we are in this extraordinary and unique situation.

To address the first part of the right hon. Gentleman's question, I will repeat myself: what does he expect us to do? When he was a member of the Cabinet, if he believed that to take an action would be fundamentally contrary to the public interest of this country, I suspect that he would find that a difficult situation to resolve. The House's resolution is entitled to the greatest of respect, and the Government and I are inclined to do as much as we can and to go as far as we can, which is why I have come to the House today—it has barely happened more than a few times in the past 50 or so years—to answer the House's questions. However, I cannot take a step that I believe in conscience would be against the public interest and potentially seriously harmful to a fundamental constitutional principle and the temporal interests of this country in the midst of a negotiation.

**Dominic Raab** (Esher and Walton) (Con): I welcome the Attorney General's transparency both in his oral statement to the House and in the Command Paper. First, will he confirm that the article 20 review mechanism necessitates that the EU agrees to the UK exiting the backstop even if the negotiations have dragged on for many years or, indeed, have broken down? Secondly, while the article 50 basis for the backstop is meant to be temporary, it might well take some 10 years for it to be struck down by the European Court of Justice. If he thinks that that is too long, will he give the House his best estimate?

**The Attorney General:** Article 20 permits both sides to consider, even when no final agreement has yet been reached, whether alternative arrangements might suffice to protect the stated objectives of the Northern Ireland protocol. If they do, both sides could agree to put in place those alternative arrangements before any final agreement had been reached.

It is important to remember that, when one says final agreement, it is of course possible, indeed likely, that it may be a series of agreements reached at different times. My answer to my right hon. Friend is that article 20 creates that ability, but it is not a unilateral right of termination. It does not give us a right to walk away. It creates a procedure and obliges the European Union to consider alternative arrangements that are not part of a final deal.

I think my right hon. Friend went on to ask me about article 50 and the time it might take. The period of years he mentions is probably far too long, but it is impossible to say. What one can say is that, long before any case is brought, the pressure bringing those cases to the Court would be telling upon the Governments of the member states and upon the European Union. The legal uncertainty would be intense, and it is a real factor that this House must weigh up in considering whether the protocol is something that it wishes to support.

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): I am trying to understand the Attorney General's arguments in answer to earlier questions. He seems to be saying that the Northern Ireland protocol, including the close relationship with the single market and membership of the single customs territory, is such a good deal for UK businesses that EU member states would hate it and would be desperate to bring it to an end as soon as possible. Is that his view? Is that the Government's view? If so, is he now arguing for us to stay in a single customs territory indefinitely and to keep a close relationship with the single market?

**The Attorney General:** What I do say is that the customs arrangement under the backstop produces the following advantages. We pay not a penny and our goods have free access, in fiscal and tariff terms, to the European Union, yet the regulatory framework that we have to observe is dealt with by way of non-regression clauses that are not enforceable either by the EU institutions or by the arbitration arrangements under the withdrawal agreement. They are policed solely by British courts and British authorities.

In those circumstances, what does it mean? It means that they have split the four freedoms. They have created a situation where we can have the regulatory flexibility

that they cannot. They have granted access to the single market for no contribution, without free movement, without signing up to the common fisheries policy and without signing up to the common agricultural policy. For all those reasons, what I say to the right hon. Lady is that if it is painful to us, it will be as painful to them. Where we want to end up is an arrangement that suits us both. This suits neither.

**Sir Michael Fallon** (Sevenoaks) (Con): With regard to the Northern Ireland protocol and paragraph 11 of the Attorney General's helpful annex, will he advise us on what might constitute "a clear basis," as he puts it, for a finding of a breach of duty of good faith?

**The Attorney General:** Evidence of wilful intransigence, evidence of refusal to engage, evidence of refusal to entertain alternative proposals or alternative means of achieving the outcomes that both share: that type of evidence, cumulatively, could amount to a case of bad faith, but each situation is facts-specific. It is not possible to identify beforehand, but those are the kinds of things that would be relevant.

**Kate Hoey** (Vauxhall) (Lab): The Attorney General has been very honest about the downside of this backstop, and that is even without the legal advice, so we dread what we would actually see in the legal advice, if we could see it.

On Sunday, the Secretary of State for Northern Ireland told Northern Ireland's "Inside Politics" with Mark Davenport that even if the backstop kicks in, Great Britain will stick to the same rules as Northern Ireland. Will the Attorney General have a word with her? She is going around Northern Ireland on a tour and saying some things that are actually not accurate, giving the people of Northern Ireland a very wrong impression about what this agreement means.

**The Attorney General:** The regulatory regime in Great Britain will be a matter entirely for the Government of the United Kingdom. It is permitted and agreed under the protocol that they can maintain their regulatory regime in the way they choose, in which case they could choose to maintain, as I have no doubt they would wish to do, regulatory parity with the position in Northern Ireland. That is all the Secretary of State is saying, and I see nothing controversial in that.

**Sir Oliver Heald** (North East Hertfordshire) (Con): I commend my right hon. and learned Friend on the statement he has made. Does he agree that in international law concepts of good faith and of using one's best endeavours are very important, because right at the heart of international law is the idea of a rules-based system that good countries aspire to? Does he agree that it is therefore important both to the UK and to the EU that they should show good faith and should use their best endeavours? Does he also agree that if they did not do so when it came to the point that has just been raised by my right hon. Friend the Member for Sevenoaks (Sir Michael Fallon) about paragraph 11 in the references to the protocol, it would be an absolute disaster for either the UK or the EU to be found not to be in good faith?

**The Attorney General:** I do agree with that; the duty of good faith is a very solemn, well-understood one in international law. It would be an astonishing thing if the EU were not to negotiate in good faith, particularly after the act of good faith that this country, in concluding this agreement, will have committed itself to. So this is not something that can simply be ignored, but I fully accept that it is not a unilateral right of termination and it would not be easy to establish “bad faith” against an organisation of the type of the EU. It would never happen, because I do not believe that the European Union would descend to the kind of behaviour necessary for a bad faith claim to be brought successfully.

**Helen Goodman** (Bishop Auckland) (Lab): On 13 November, did the Attorney General advise the Chief Whip that Government Ministers should vote against the motion—and if not, why not?

**The Attorney General:** I only wish I had the influence that the hon. Lady believes I have. I did not advise the Chief Whip, and I do not suppose he would have taken the advice even if I had given it.

**Dr Julian Lewis** (New Forest East) (Con): I am about to attempt to achieve the ambition of a lifetime and get a one-word answer out of a lawyer. Is it possible that the UK could find itself locked in backstop forever, against our will?

**The Attorney General:** No.

**Frank Field** (Birkenhead) (Ind): Does the Attorney General agree that a motion such as the one I have tabled on the Order Paper would give this House sovereignty on when we should leave the backstop, should we enter it, and that as a country we would have a degree of certainty, which he has been able to supply today? If the Government go down in defeat next week, would he suggest that that should be top of the Prime Minister’s negotiating list with the European Union?

**The Attorney General:** I have enormous respect for the right hon. Gentleman and his suggestion, and I realise that other right hon. and hon. Members are considering similar things. I simply say this: what we cannot do is anything that is incompatible with our obligations under the withdrawal agreement. Any amendment to the meaningful vote that would introduce a qualification to our obligations under the agreement would be likely to be viewed by the European Union as a failure to ratify it and would justify non-ratification on its part.

**Frank Field:** But if you fail to get it through the House?

**The Attorney General:** We will be plunged into such great chaotic disorder in the circumstances that the right hon. Gentleman suggests that I very much hope the House will think and reflect carefully before doing that.

**Mr David Jones** (Clwyd West) (Con): My right hon. and learned Friend has pointed out that the best-endavour clauses in the withdrawal agreement impose a duty on both sides to proceed with the utmost good faith in seeking to achieve an agreement at some time in the future. He has said also that these are obligations that

are judiciable and enforceable. As a practical lawyer advising the House, as he has kindly offered to do, will he tell the House whether this is a matter about which the House should be relaxed? Or should we proceed at our peril?

**The Attorney General:** As my right hon. Friend knows, the job of any lawyer for any client is generally to assist the client to make decisions as to the balance of risk in any decision that they are about to take. There is no question but that the absence of a right of termination of the backstop presents a legal risk. The question whether it is one this House should take is a matter of political and policy judgment that each one of us must grapple with. The House has heard and, for reasons that I am not going here to expatiate upon, I have taken the view that compared with the other courses available to the House, this one is a reasonable, calculated risk to take. Other Members of this House must weigh it up, but that is my view.

**Maria Eagle** (Garston and Halewood) (Lab): In response to some questions from Members of this House today, the Attorney General has asserted that in his view it would not be in the public interest to meet the terms of an effective resolution that was passed unanimously by this House. Can the Attorney General really take that view? Was it not incumbent upon him and the Government to vote against that resolution if he thought that it would be against the public interest to publish his advice, as he has asserted today?

**The Attorney General:** I fully understand the hon. Lady’s understandable indignation, because the truth is that we are now in a curious situation in which no vote was passed against that motion. I ask her to reflect on this: let us suppose that the Government had voted against it and lost. What position would that place us in? It would place me in exactly—[*Interruption.*]

**Mr Speaker:** Order. The hon. Member for Bishop Auckland (Helen Goodman) has already asked her question, with considerable force and alacrity. She is now not only inclined to chunter from a sedentary position but seems to be laughing and in a state of some uncontrollable mirth. I advise her to control herself.

**The Attorney General:** If the vote had been lost instead, precisely the same position would pertain, which is that the Attorney General and the Government would be faced with a clash of constitutional principle. Of course the Government wish to do all they can, which is why I am here today to answer as candidly and frankly as possible the questions of the House on any matter about which it wishes to ask, but if I am satisfied and convinced that any disclosure of the kind the House has asked for would be contrary to the national interest, I cannot comply with the House’s request. I urge the House to understand that I am doing everything I can, as are the Government, to fulfil the spirit of the request. No matter upon which this House inquires will be dressed up, disguised or in any way downplayed. Nothing—nothing—will be held back.

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): My right hon. and learned Friend has been enormously gracious in being willing to answer any question the House may have on legal matters, and there are many

questions that we all have to ask that may not be easy to put in one short question, but unfortunately he does not answer the basic point about denying a motion passed by this House. Saying that in his view it is not in the national interest is not good enough. When the Government lose a vote, they must follow the will of this House under an Humble Address, according to all precedent. It is no longer a matter for the Government to judge; it has been decided by this House, which is a higher authority. I therefore urge my right hon. and learned Friend, in spite of his generosity in answering questions, to go back and release the advice asked for by this House.

**The Attorney General:** Well, of course, when a request comes from the quarter from which it has just come, I will always want to re-examine the assumptions that I have made, but I have to say to my hon. Friend that the problem here is that it cannot be right that the House, by means of such a motion, has the power, blind, to call for any matter that has been discussed in connection with the Government of this country. Where does it end? *[Interruption.]* Just wait a minute. I am trying to do my best. Where do the limits of this power end? Does it extend to Cabinet minutes? Does it extend to the papers of the secret intelligence service? Is the House, by means of this motion, to command any paper of any kind, central to the interests of this nation, without even being able to check that, by its release, it is causing, or might cause, severe damage to the public interest? I invite my hon. Friend to consider the implications of the absolute rule that he is talking about. It cannot be right and if one looks at previous versions—*[Interruption.]* If one looks at previous versions of “Erskine May”, one sees that the motion to return is confined to documents of public and official character. If there are good reasons of public policy why those papers should not be disclosed, then the House will either withdraw or rescind its motion.

In this case, I am convinced that to disclose any advice that might have been given would be fundamentally contrary to the interests of this country. *[Interruption.]* I say to Labour Members that there is no use baying and shouting. What I am trying to do is guard the public interest—that is all. It is time that they grew up and got real. If there were a single item that I thought might be politically embarrassing, I would have no truck with the idea that this advice or any that I might have been given should be disclosed. It is because the public interest is at stake. What part of that proposition is the Labour party incapable of understanding?

**Hon. Members:** More!

**Caroline Lucas** (Brighton, Pavilion) (Green): At stake today are really serious issues and yet this House is descending into farce and into some kind of amateur dramatics. This is serious stuff—*[Interruption.]*

**Mr Speaker:** Order. Mr Chalk, you are a most cerebral and ordinarily a most genial individual and you also practise—or have done—in the courts as a barrister in, I am sure, a most dignified and respectful manner. *[Interruption.]* Order. This is a serious point. Just as the Attorney General is entitled to be treated with respect, every Member of this House—*[Interruption.]* Order. It will go on for as long as it takes; I could not care less. Every Member of this House is entitled to be treated with respect in this matter and the hon. Member for Brighton, Pavilion (Caroline Lucas) will be heard.

The Attorney General talked about braying and shouting—*[Interruption.]* Order. He was justified in complaining about being subject to braying and shouting—a point that I have already made. The same goes for Members responding to the hon. Lady. She will be heard. What part of that proposition do some people not understand?

**Caroline Lucas:** Thank you, Mr Speaker.

I was just saying that these proceedings are in danger of descending into farce. The Attorney General repeatedly says that he will subject himself to what he calls full, frank and thorough questioning, but he knows as well as we do that our capacity to do that questioning is seriously undermined by the fact that we do not have the full legal advice in front of us in order to interrogate it. He talks about the national interest. It is precisely because these are issues of national interest that we wish to see the full legal advice. Will he go away and look again at the principle that, in exceptional times, transparency should take precedence, and therefore produce the full legal advice for this House?

**The Attorney General:** In all earnestness, when I gave my statement the hon. Lady will have noticed that I said that the House must understand the process by which the Law Officers give their advice. There may be no such “full legal advice”. Law Officers are consulted ad hoc, on the hoof, in fast-developing circumstances. That is what I said at the beginning of the statement. The fact of the matter is that I am here to answer the hon. Lady’s questions. *[Interruption.]* Well, then I will see the hon. Lady at any time and at her convenience, when she can ask me any question.

I cannot breach the constitutional convention to a client—in this case, the Government—particularly if I believe, as I do with all candour and sincerity, that it would be contrary to the national interest in the course of a negotiation that might involve discussions about strengths, weaknesses and future strategies. *[Interruption.]* There was a sedentary comment from the Opposition; this is not arrogance. I wish that I could comply with the request of this House, but if I did, I sincerely believe that it would not be in all our interests. In a court, that matter can be resolved by a judge, but in the procedures of this House—it may very well be that we need to look at those procedures—there is no such arbiter. Therefore, although the House says that I should disclose, I believe that the public interest compels me not to. I am sorry.

**Sir Desmond Swayne** (New Forest West) (Con): The backstop is in the agreement at the insistence of the EU, and it affords the EU a huge advantage and leverage when it comes to our determination never to be in it when we negotiate the future arrangements, does it not?

**The Attorney General:** The answer is no. If anything, the leverage is in the opposite direction. The French, the Belgians and the Dutch all want access to our coastal waters, but this is outside the backstop’s purview. Therefore, they will want access and we will have to negotiate. We do not have to pay a penny. It is legally uncertain. We have regulatory flexibility in Great Britain. Northern Ireland has free circulation of its goods both to GB and the European Union. My right hon. Friend knows that I support leaving the European Union. If he wants my frank view, I believe that the European Union will be very keen indeed to do a deal with us.

**Mr Speaker:** Order. No one enjoys the right hon. and learned Gentleman's eloquence more than I, but let us share it with the whole House.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): The British Government insist that they have the right to take privileged legal advice that remains private between lawyer and client. I recall the Labour Government using the exact same excuse during the Iraq war. In the light of the confessed damage that any Brexit deal will cause, I beg, who is the client? Should not the Attorney General learn from the mistakes of the past, discharge his solemn and constitutional duty as a humble servant of Parliament and of the public, and publish? If not now, when?

**The Attorney General:** First, I point out to the hon. Lady that the advice of Lord Goldsmith was published two years after the event. What the House is now asking is that the advice, if any, given by the Attorney General be published in the middle of the negotiations, where we may still need to deploy many of the arguments connected with the withdrawal agreement in the future. Secondly, the advice of Lord Goldsmith was on a question of the lawfulness of the Government's action. This is not a question of whether the Government acted lawfully; this is simply a question of whether the Government are acting wisely, on which Members of the House can disagree. There is a fundamental distinction between the position when the advice of Lord Goldsmith was given in 2003 and the advice today.

The advice that the Attorney General and the Law Officers give on a matter such as this could be replicated by any lawyer of reasonable competence. Why, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) could pop down to his chambers and find half a dozen lawyers capable of giving the same advice that I might have given on these points—probably better. The truth of the matter—what is so important about my advice?

**Hon. Members:** You're the Attorney General!

**The Attorney General:** Well, it is very good of the House to attribute such importance to the Attorney General, but the reality is that, in terms of substantive effect, there are hundreds of lawyers who could give this opinion. *[Interruption.]* Let me finish.

**Mr Speaker:** Order. The hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) should not rant from a sedentary position. She asked her question with considerable force; let us hear the response.

**The Attorney General:** The Attorney General has a very special role when the lawfulness of the Government's action is at stake. There, it is true, he occupies a central role, because if he says it is not lawful, the Government cannot act contrary to his advice. But in a case such as this, the essential question before us all is a political question, not a legal one.

**Dame Cheryl Gillan** (Chesham and Amersham) (Con): On whichever side of the House hon. Members sit, those of us who have been in government know that it is very important that there is safe space in which Law Officers and civil servants can give advice to Ministers.

I fear that today we are trying to breach that convention, and that could be very dangerous for our system. It is extraordinary to me that people would prefer to have a piece of paper produced for them that they have clearly been told may contain information that damages the national interest, rather than have the Attorney General before us, who is giving us further and better particulars, and answering all questions in a full, frank and fair way.

**Mr Speaker:** I think the right hon. Lady is finished—no?

**Dame Cheryl Gillan:** Well, Mr Speaker, I was just going to ask the Attorney General to confirm that there is nothing in the written advice that he has not covered today that, if it were revealed, would be damaging to the national interest.

**The Attorney General:** On all points of law about which this House has asked me, or any point arising from the withdrawal agreement, I will give the same view to any person who asks.

**Mr Speaker:** Order. I advise the House that 21 Back Benchers have questioned the Attorney General in 50 minutes. Believe me—I know these things, as I sit in this Chair for many hours and it is my privilege to do so—this is a much slower rate of progress than is customary. I appeal to colleagues to ask short questions and to the Attorney General, whose mellifluous tones I never tire of hearing, to be appropriately pithy in reply.

**Tom Brake** (Carshalton and Wallington) (LD): Given the precedent set by Lord Goldsmith, whose legal statement was clearly spun and cherry-picked, without seeing the full legal Brexit advice, why should any MP here today believe that this statement is not similarly massaged and designed to bolster the Government's position and deny MPs on both sides of the House full access to the legal advice that this House has demanded? I am afraid to say that the Attorney General has rather contemptuously and theatrically—as if he were performing “Rumpole of the Bailey”—dismissed us and refused to provide us with the advice.

**The Attorney General:** I can only tell the right hon. Gentleman that I have not massaged the advice. I have given it absolutely as I see it—absolutely starkly. I will give that same advice if anybody asks to come and see me, but I cannot breach the fundamental constitutional principle that I believe it would be contrary to the public interest to break. I can only invite the right hon. Gentleman to accept that I have given this advice as candidly as I possibly can; I cannot say any more if he does not accept that.

**Mr Steve Baker** (Wycombe) (Con): An amendment was tabled to the Humble Address motion that was highly sympathetic to my right hon. and learned Friend's position. It was not selected and not passed, but the motion, unamended, was passed. Therefore, whatever he has just argued at the Dispatch Box, the position is as my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) set out—he is under an instruction. If he wishes to change the position in the House of Commons, will he move a motion in this House to support the position that he has just set out?

**The Attorney General:** I will certainly give my hon. Friend's point consideration, because that may be one way forward. At the conclusions of today's proceedings, I shall consider what the position will be, and I shall be writing to Mr Speaker with my conclusions and proposals.

**Mr George Howarth (Knowsley) (Lab):** The right hon. and learned Gentleman says that it would not be in the national interest to share his legal advice with the House. Does he not realise, though, that in just over a week's time this House is going to have to decide what is in the national interest? How are we supposed to do that when he will not tell us what his legal advice is?

**The Attorney General:** With respect to the right hon. Gentleman, he has had my legal advice. What he has not had is what is in any kind of document that might have been created or my oral advice in any other circumstance, to Government Ministers or to the Cabinet—if such exists. But he has had my legal advice—

**Mr Howarth:** No, I haven't.

**The Attorney General:** Yes, the right hon. Gentleman has had my advice, and can have it at any other point on matters of law arising from the withdrawal agreement.

**Victoria Prentis (Banbury) (Con):** Does the Attorney General think that it would have been possible to sign the withdrawal agreement without the inclusion of the backstop?

**The Attorney General:** No.

**David Hanson (Delyn) (Lab):** I am not a lawyer, so I would welcome the Attorney General's advice. This House passed a unanimous motion. It was not opposed by him or his Government. It is binding on this House. Could he give me some legal advice as to what my rights are now?

**The Attorney General:** I think the right hon. Gentleman has plenty of opportunities to consult people other than me. Ultimately, what the House will have to decide is whether an Attorney General and a Government who are seeking to protect the public interest are in contempt of its motion when they have sought to comply with the spirit of it to the maximum possible degree, and when they have put their legal adviser at the disposal of the House and instructed him to give full, frank, complete answers to any question asked on the matters of law that any legal advice would have been likely to cover.

**Stephen Crabb (Preseli Pembrokeshire) (Con):** The Attorney General said that he would rather that there was a unilateral termination clause in the Northern Ireland protocol. Earlier, in the Select Committee on Exiting the European Union, Olly Robbins appeared to concede that one such clause had been drafted and had been tested with EU negotiators, but ultimately not deployed in the negotiations. Could the Attorney General confirm whether he was asked to provide legal advice on a unilateral termination clause and whether the decision not to include it in the negotiations was a political or a legal one?

**The Attorney General:** I cannot. I cannot, without breaching the convention, disclose whether or not I was asked to advise on any particular point. But what I can

say is that the question of termination clauses was most certainly raised in the negotiations, but the European Union declined to entertain those termination clauses. It did so because the backstop is envisaged as an absolute guarantee that in all circumstances, including that of no deal, there would be no hard border at the Northern Ireland-Republic of Ireland border. Therefore, to have a termination clause would be a contradiction in terms. It would not be a guarantee if you can walk away from it. That is the decision the House must face—in the light of that, it must decide whether this is an arrangement into which it should, given the alternatives, enter.

**Ian Paisley (North Antrim) (DUP):** I thank the Attorney General for his absolute candour in how he has presented this to the House this evening, but the stark reality of what he has set out, to any person living in Northern Ireland, is that as a result of Northern Ireland ending up in this backstop, which would be utterly shameful, Northern Ireland would become an annexe of the United Kingdom when it comes to trading relations during the backstop period. I quote to him from the document that he has placed in the Table Office today:

“These provisions apply to measures that affect trade between Great Britain and the EU, but not trade between Northern Ireland and the EU.”

In fact, we would have to comply with another regime. How could any Unionist sign up to that?

**The Attorney General:** The European Union's original proposal, as the hon. Gentleman will know, was that Northern Ireland should reside in an entirely separate customs territory. The Government took the view that that was wholly and completely unacceptable. Why? Because there is virtually no sovereign state in the world that has separate customs and fiscal tariffs within its own sovereign territory. But there are many nations throughout the world in which different provinces and parts have regulatory divergence. The regulatory divergence in this case can be minimised to an almost, if not wholly, invisible extent. Furthermore, we do not wish, nor expect, to be in this arrangement. Under article 132 we can extend the implementation period, and if we are close to doing a deal, or even reasonably close, no doubt that is a choice that we will have to consider.

I say to hon. Members that I understand entirely their feelings of concern, even distaste, but this is a question affecting the whole United Kingdom and its interests. So vital is the fact that we should have an orderly exit from the European Union that, as people who hold the United Kingdom's Union at their heart, I would urge them to consider supporting this agreement, for it is our means out of the European Union.

**Nigel Dodds:** For all of us?

**The Attorney General:** It is a means out of the European Union. The limited extent to which Northern Ireland would remain relates to goods only.

**Nigel Dodds:** Agri-goods?

**The Attorney General:** Agri-goods, yes—goods only. So I would urge Members to consider the interests of the United Kingdom. I fully understand the elements of this agreement that are dissatisfactory to them.

**Sir Christopher Chope** (Christchurch) (Con): My right hon. and learned Friend told my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) that the European Union is refusing to allow a get-out clause on the permanent backstop, but he has also told us that he does not believe that the permanent backstop is sound in European Union law. Can this matter be resolved by a reference to the European Court of Justice in the same way that the European Court of Justice gave its opinion in relation to the relevance of the Lisbon treaty requirement that the EU should sign up to the European convention on human rights? When it gave its opinion on that, it said that it did not think it was compatible with the EU treaties, despite the fact that it had been signed up to in that particular treaty. Can something similar be done in this case to remove the uncertainty?

**The Attorney General:** There is nothing to prevent a case from being brought to the Court of Justice of the European Union on whether any agreement that is signed by the European Union is compatible with the treaties. But I would point out that, as I said earlier, the time at which the backstop becomes legally vulnerable, or most legally vulnerable, is the time at which it becomes, *de facto*, not simply temporary but permanent. It is at that point that the problem may crystallise in connection with the use of article 50 to conclude this agreement. The legal uncertainty about knowing whether the backstop would survive such a challenge is one of the factors, I believe, that will impel the European Union to conclude an arrangement with us in expeditious time.

**Thangam Debbonaire** (Bristol West) (Lab): It appears to me that the Attorney General is treating this House and everyone we represent with a great deal of indifference, at best, and contempt, at worst. So I have to ask him: at what point did he advise the Chief Whip that he would not comply with the terms of the Humble Address? Was it before, during or after the point at which this House expressed its will in support of that Humble Address requiring him to publish full advice?

**The Attorney General:** The decision as to whether a Law Officer's advice, should any have been given, should be published is a collective decision of the Government. The Attorney General must consent, but first, it is a collective decision of the Government. I hope that that answers the question. I had no discussions with the Chief Whip on this subject. None was sought.

**Vicky Ford** (Chelmsford) (Con): As someone who was born in Northern Ireland, I hold the Belfast agreement as very precious, because it safeguards my birth right to be accepted as British or Irish or both. On 13 November, I listened closely when the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) changed his interpretation of the Opposition motion no less than four times. I thank the Attorney General for making it so clear that, in his view, the backstop is not a risk. On a totally separate issue, if we were in the backstop, would we have control of our fishing waters?

**The Attorney General:** I am grateful to my hon. Friend for her question. May I say candidly that I did not say it was not a risk? It is a risk, but, weighed against the other risks of utter chaos, losing our departure

from the European Union on 29 March or the consequences of so grave a breach of faith with the people of this country as to ignore the outcome of the referendum, I believe it is a risk that we have to take.

Secondly, my hon. Friend asked about fishing. She is right that in the backstop, there would be no access to our waters other than that to which we agreed.

**Catherine West** (Hornsey and Wood Green) (Lab): The Attorney General has made many references to his passion for Unionism. What legal assessment has he made for different parts of the UK—for example, the devolved Administrations or regions of England—if the Northern Ireland protocol comes into being?

**The Attorney General:** The whole principle of devolution is that there will be divergences between parts of the United Kingdom that are governed by devolved Assemblies. Unfortunately, in Northern Ireland's case, that devolved Assembly is not at present functioning. Were the institutions functioning, they may well have been given a central role in these matters, because Northern Ireland shares a land border with the European Union and therefore calls for special, specific measures rather than the same considerations that apply to other parts of the European Union.

**Philip Davies** (Shipley) (Con): The Prime Minister has said on many occasions that if we were to leave without a deal, we would not pay any money over to the European Union. The Chancellor has said on many occasions that we are legally obliged to pay the money over to the European Union. Can the Attorney General tell us what we are legally obliged to pay over to the European Union to leave, and which treaties he is referring to when he gives us that advice?

**The Attorney General:** The position on money is this. The view of the Government, and my view, is that we would have obligations to pay a certain amount of money were we to leave the European Union without a deal. The House of Lords European Union Committee concluded that there would be no obligation under EU law. That is a stronger argument—not necessarily an incontestable one—as to our obligations under EU law, but the Committee also concluded that we might have obligations under public international law, and with that I agree. There is an argument that we would not have an obligation under public international law, but it is an argument unlikely to be accepted by any international tribunal.

My view is therefore that we would owe a presently unquantifiable sum were we to leave the European Union without a deal. It is impossible at this stage to say how much. It is true that the European Union is not a member state and is not a state, and therefore it is unable to take the case to the International Court of Justice. It might therefore be difficult to enforce the public international law obligation that existed. However, I ask the House to reflect on the fact that if this country, acknowledging that such obligations probably exist or do exist, did not pay them, it would be likely to cause the deepest resentment, just as it would to any of us who were unpaid a debt. If we leave a club, we pay the bar bill. If we do not pay the bill, we are not likely to get a lot of consideration from the other side.

**Diana Johnson** (Kingston upon Hull North) (Lab): I wonder whether the Attorney General can help me. He has said that in exceptional circumstances, legal advice can be disclosed. He has also talked this afternoon about the unique and extraordinary circumstances we are in. What is the difference? Why are we not in exceptional circumstances?

**The Attorney General:** The Attorney General, by definition, is only called upon to advise on matters that are exceptional or in exceptional circumstances. The question here is what requires the advice of the Attorney General to be disclosed. In Lord Goldsmith's case, the issue was whether the action of the Government was lawful. The action of the Government could not be taken if the Attorney General had not signed off on it, because it would be contrary to the ministerial code.

The circumstance here is that the House has available to it a wide range of highly competent legal advice that is just as good as mine and as those who advise me. There is nothing essential, I suggest to the House, about the advice of the Attorney General being disclosed in this case, but there is something that could lead to severe damage to the public interest. One hon. Lady on the Labour Benches said that I was being arrogant. I am not. I am trying genuinely to protect the public interest. The last thing I want to do is to be at odds with this House. I have been a Member for 13 years. I would very much like to ensure that the House is satisfied, which is why I am here today, answering these questions.

**Robert Neill** (Bromley and Chislehurst) (Con): I am glad that the Attorney General draws a distinction with the Iraq case. Surely the act of withdrawal from the European Union must be lawful, because it is authorised by statute in this case. As to his advice, is not the reality that any lawyer often has to advise as to the difference between a theoretical risk and a practical risk? Do I take it that his assessment is that the likelihood of a theoretical risk being crystallised—namely, because the European Union is prepared to breach international law by breaching the best endeavours and good faith clauses, and at the same time to risk breaching its own Union law by relying on article 50 to form a permanent arrangement, for which it is not envisaged for—is not a realistic one, and therefore he advises that we accept it?

**The Attorney General:** I am grateful for my hon. Friend's question. As I have said, I think that there is unquestionably a risk. There is a legal risk because there is no unilateral means out of the backstop. The question is with what degree of probability one thinks it would arise. My view is that it is not probable, but other Members will have their own views.

**Several hon. Members** *rose*—

**Mr Speaker:** May I gently remind colleagues of the need for brevity?

**Stephen Kinnock** (Aberavon) (Lab): The Attorney General may be familiar with the terms of the so-called Norway-plus option, in which the United Kingdom would join the European economic area via the EFTA pillar and combine that with a customs union. Can he confirm that that arrangement would supersede the backstop, and in that case, the backstop would in fact fall away? Can he also confirm that it is possible to

unilaterally come out of the European economic area via article 127 of the EEA agreement, so it enables a unilateral withdrawal?

**The Attorney General:** If an EFTA-style arrangement—of course, a country cannot belong to EFTA if it is a member of a customs union—with a customs union were introduced, I see no reason why it would not satisfy the stated objectives of the backstop in protecting the hard border and north-south co-operation. The hon. Gentleman asked whether the arrangement is terminable. I think it is terminable on 12 months' notice, but I may be wrong. However, a customs union would fall to be negotiated specifically with the European Union, and one would have to insist upon such a termination clause in that union. That would be a question of agreeing it with the Union.

**Andrew Bridgen** (North West Leicestershire) (Con): Does the Attorney General agree with Dr Carl Baudenbacher, the recently retired president of the EFTA court, who said,

“This is not a real arbitration tribunal—behind it the ECJ decides everything. This is taken from the Ukraine agreement. It is absolutely unbelievable that a country like the UK, which was the first country to accept independent courts, would subject itself to this”?

**The Attorney General:** I do not accept that characterisation because, in any event, the only things that can be brought before the tribunal are systemic, operational issues to do with the management of the agreement by both sides. The Court cannot get involved, once the winding down has taken place, in the resolution of individual disputes between the citizens and businesses of this country. Members really must understand that. It will be over: the ECJ's jurisdiction will be finished once the winding down takes place. This is an entirely different situation to resolve disputes between the state of the United Kingdom and the European Union. Where we have agreed to apply European Union law, it makes perfect sense that the EU Court should interpret it, and then it should be applied by the arbitral tribunal. I have to say to my hon. Friend that I see no real fundamental objection to it.

**Ian Murray** (Edinburgh South) (Lab): There is another strong constitutional principle in this House—that if a motion is brought before the House that the Government disagree with, they use their majority to vote it down. In this case, they did not. It is not in the national interest; it is in the Government's interest not to produce this legal advice. Will the Attorney General tell the House what legal advice he will give the Cabinet, the Government or, indeed, himself about the principle of not abiding by the will of this House?

**The Attorney General:** It is not such a matter. I must ask the hon. Gentleman to accept that it is not a matter of the Government's interest. It is a matter of the public interest of this country through a fundamental convention and principle.

**Ian Murray:** That was not my question.

**The Attorney General:** Well, that is what I understood the hon. Gentleman to have asked. With respect, I simply cannot accept that this is being done to protect the Government. It is not; it is being done for one reason only—the public interest. The question for this House is whether the Government, who are trying to

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protect the public interest, or any individual member of the Government are being contemptuous of the House, when they are driven—he is driven—to this position by a firm and conscientious conviction that it is contrary to the public interest.

**Mrs Anne Main** (St Albans) (Con): May I suggest that when the Attorney General argued to the right hon. Member for Belfast North (Nigel Dodds) that the differences were merely niggling and almost invisible that that is a bit like suggesting someone is a little bit pregnant? This is a sell-out in terms of the Union, and at what point is our Prime Minister's pledge that we would not make separate arrangements for any country in the Union going to be sold out, in his argument, in the national interest?

**The Attorney General:** I do not agree with my hon. Friend that this is a sell-out. There is no question but that aspects of it that are both undesirable and unsatisfactory, but this backstop need not ever be triggered, and if we are in, I am confident that we can emerge out of it. It will also produce significant benefits for the people of Northern Ireland—let us not forget that—were it ever to be engaged.

**Chris Williamson** (Derby North) (Lab): Many commentators and hon. Members believe that the Attorney General is in contempt of Parliament. If that is indeed the conclusion of Parliament, I understand the penalty could include expulsion from this place. Is the Attorney General prepared to be expelled for standing by his refusal to provide the details of the advice he has given, which has been voted for by this House?

**The Attorney General:** I hope the House will reconsider the position. I hope that it will understand that no Attorney General and no Government would wish to place themselves—and certainly not I as Attorney General—in contempt of the House. There is simply nothing of that in my desire or wish, and I would not take this position if I did not feel that that was contrary to all our interests. I stand before the House fully understanding the nature of its concern, not to say indignation; I accept that. It is a deeply unsatisfactory position for any Attorney General or Government to be in.

I am truly sorry that I am not in a position to disclose either the fact or the content of my advice. However, I am doing so not to frustrate the legitimate interests of the Members opposite or Members behind me, but rather and only because I do believe it is against the public interest at a time when we are negotiating and at a time when this involves advice to a Cabinet or might well involve advice to a Cabinet that must, for reasons of fundamental principle, be kept confidential.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. I do wish I could encourage Members to compete on brevity with the right hon. Member for New Forest West (Sir Desmond Swayne), who is, frankly, in a league of his own and untroubled by any close rival. Let that situation change. I call Crispin Blunt.

**Crispin Blunt** (Reigate) (Con): I doubt it, Mr Speaker.

The Attorney General has made it clear that the provisions about the backstop are to address having no hard border and that there would have been no agreement without these backstop provisions being in the agreement. When we are making our political judgment about the potential permanence of or the reasons behind the backstop, what credence should we give to the fact that, although WTO terms suggest there would be a hard border, there is the potential for a waiver under WTO article 9.3 and there is the potential for a national security waiver under article 21? Given that the EU and the Republic have both said they would not put up a hard border, what conclusion are we to come to about their good faith and best endeavours?

**The Attorney General:** My hon. Friend must understand that we cannot look at this simply as a question of the traffic of goods between the Republic and Northern Ireland. The stated objectives are to protect in all its dimensions the integration that has taken place between Northern Ireland and the Republic—in health treatment, in education, in cultural activities—and all these activities are to be protected. The Government of the United Kingdom have made a solemn and good faith pledge to the Republic of Ireland and to the European Union that they will preserve that integration in the interests of the people of Northern Ireland. What we have to do is find a way of doing so that is consistent with the interests of the Union and of the United Kingdom. The backstop is a temporary solution. We will find another, and it will not, except by the consent of the Stormont institutions, have the same problems that the backstop has.

**Ian C. Lucas** (Wrexham) (Lab): What is the Attorney General's authority for the proposition that the opinion of a single Member of Parliament, however eminent, can override a decision made by the House of Commons?

**The Attorney General:** I think I have made it plain that I am not seeking to suppose that I can override the decision of the House of Commons. The House has at its disposal—[*Interruption.*] Hear me out. The House has at its disposal the means by which to enforce its will. It can bring forward a motion of contempt, seek to have that motion passed and seek, through the Committee of Privileges or whichever way it is appropriately done, to impose a sanction. I fully accept that. I do not set myself up contrary to the House; I simply say that I cannot compromise the public interest, and if I had my personal desire—

**Ian C. Lucas** *indicated dissent.*

**The Attorney General:** The hon. Gentleman is shaking his head. Why would he not believe me? Does he think I want to be in this position? Does he really think that if there were not some fundamental bar of principle against my disclosing anything I might have given to the Government, I would not immediately volunteer it to him and all hon. Members opposite? I am only doing it to protect us.

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): I must press the Attorney General on the answer he gave to my hon. Friend the Member for Shipley (Philip Davies)

on his legal advice about how much we actually do owe the European Union. How can he expect us to vote for this deal if he cannot give us his legal opinion about what we specifically still owe it? Is some of this money going on good will for the possibility, maybe, of a trade agreement?

**The Attorney General:** There is a formula in the agreement for the calculation of our obligations, but it depends on others' contributions, what particular programmes there are and whether they spend particular sums of money. There is a series of variable factors, which is why we cannot give a firm, clear and precise figure. If my hon. Friend is referring to what may be due after no deal, that would depend on a series of arguments that would be untested except in a court.

**Chris Bryant (Rhondda) (Lab):** Oddly, I had more sympathy for the Attorney General before today, because he has pushed the House into this situation. He knows perfectly well that the Government chose not to oppose the motion; they accepted it. It is the will of the House. He is, in effect, pushing us to say that he is in contempt of Parliament, because at some point, surely even a Government have to bow the knee to Parliament.

**The Attorney General:** Suppose there was advice, and suppose the advice contained—this is a hypothetical situation—[*Interruption.*] Well, the same principle applies. Suppose the advice contained information, facts or considerations of the most acute significance for the national interests of this country.

**Chris Bryant:** Oppose the motion.

**The Attorney General:** But one might lose the vote. What then? No Minister could go ahead and harm the nation merely because of a resolution, when the House had not seen the document. In court, there is a mechanism for weighing this, but the House has not seen the document. The motion for a return was traditionally always confined to public and official documents.

**Chris Bryant:** In previous editions of “Erskine May”.

**The Attorney General:** That is because this procedure has been reinvented recently. The truth of the matter is that the House has no power to command documents that are not public and official. That is the constitutional question that the House needs to grapple with.

**Charlie Elphicke (Dover) (Ind):** May I congratulate my right hon. and learned Friend on the passion with which he has made his submissions to the House today? In the light of his advice, would it be reasonable for the House to invite the Prime Minister to go back to Brussels and ask for termination of the backstop either on a given date, or after the passage of a certain amount of time?

**The Attorney General:** As my hon. Friend knows, that is not a legal question. We have reached a deal. The House must make a judgment on this deal. If it had been possible to secure a unilateral right of termination, it would have been secured. It was not secured because the European Union asked for an absolute guarantee at the Northern Irish border, but has said that it is temporary;

that is written into the agreement. It may well be that the word “temporary” is not enforceable, in the sense that this will subsist even in the event of negotiations breaking down, but that is a clear indication that the backstop cannot subsist forever; and, in my view, as a matter of European Union law, it cannot.

**Kevin Brennan (Cardiff West) (Lab):** This was not just any motion; as the right hon. and learned Gentleman says, it was a motion for a return to release papers under parliamentary privilege. There are two reasons why he is wrong: first, he says of his advice, “There’s nothing to see here,” yet he is trying to argue that by releasing it, he would somehow breach considerations of national and public interest. Secondly, under the ministerial code, he can voluntarily release advice in exceptional circumstances without breaching any considerations of national interests, or any of his deeply held principles. Why does he not follow that logic and do the right thing?

**The Attorney General:** The existence of very rare examples of the Attorney General’s advice being disclosed does not mean that the power ought to be exercised in this case. In the Goldsmith case, it was disclosed two years after the event. We are in the middle of a negotiation.

**Kevin Brennan:** We have finished the negotiations.

**The Attorney General:** No, we have not. The future declaration is to be negotiated, and many of the same arguments will apply.

**Mrs Kemi Badenoch (Saffron Walden) (Con):** Further to the comments of the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) regarding the customs union, will my right hon. and learned Friend confirm that the future declaration guarantees that the UK will have an independent trade policy, and consequently that our future relationship will not be in the customs union?

**The Attorney General:** I am most grateful to my hon. Friend for that, because it is an important consideration. There are two things of real significance—certainly of real prominence—in the political declaration. First, the European Union has accepted that the final arrangement will involve an independent trade policy. One cannot have an independent trade policy and belong to a conventional customs union. Secondly, there will not be free movement; one cannot belong to the single market without subscribing to the four freedoms, so those set the outer boundaries of any deal that will be done.

**Geraint Davies (Swansea West) (Lab/Co-op):** The European Union (Withdrawal) Bill empowers the Prime Minister to submit an application under article 50 based on an advisory referendum. If that referendum is found to be illegal, and based on lying and cheating, surely it follows that the advice from that referendum is flawed and that the Prime Minister should withdraw that application. The same would go for a general election result; such findings would require another election.

**The Attorney General:** I hope I heard the hon. Gentleman’s question correctly. I hope he will forgive me—I could not quite hear; other voices were speaking. If the question was on the nature of the referendum

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result and the suggestion that it was procured by some sort of fraud, I do not agree with that. In any event, a case on that is pending in court, so it would be wrong of me to make any substantial further comment on it, but the policy of the Government is that the referendum result must be honoured, and that is what will happen.

**Chris Philp** (Croydon South) (Con): The terms of our EU membership say that we have the right to leave unilaterally under article 50. We also have the right to leave the unrelated European convention on human rights. What explanation and assurance can the Attorney General give the House as to why, under the proposed arrangements, we do not have those two rights?

**The Attorney General:** As I have explained, a unilateral right of termination would be inconsistent with a backstop, which is a guarantee that in circumstances where there is not a deal, or during the negotiations for a deal, there will be no hard border, and there will be protection of north-south co-operation. That backstop has to exist, or there will be no deal. As to the ECHR, that is already protected by the Belfast agreement; it is embedded in that agreement, and would have to be preserved for that reason.

**Martin Whitfield** (East Lothian) (Lab): In paragraph 42 of the right hon. and learned Gentleman's notes, he confirms that

"During any extended implementation period...the UK would not be part of the Common Agricultural Policy".

This will, of course, have an effect on Scotland. Can he confirm what legal advice was given with regard to the devolved Government coming out of the common agricultural policy in an extended implementation period?

**The Attorney General:** The CAP is dealt with by the Department for the Environment, Food and Rural Affairs, and I have no doubt that Government lawyers will have given it advice. I am afraid that I am not in a position to assist the hon. Gentleman with any specific advice on that question at the moment, but I am happy to write to him about it.

**Richard Drax** (South Dorset) (Con): We have heard of the will of the House tonight; what about the will of the people? They voted to leave the EU in its entirety, not to be half in, half out. I thank my right hon. and learned Friend for his legal advice today, but it is full of ambiguity, as I fear the political interpretation could be in future. This will not breed confidence in our nation.

**The Attorney General** *rose*—

**Mr Speaker:** I invite the Attorney General to insert the question mark that I think the hon. Member for South Dorset (Richard Drax) might have intended.

**The Attorney General:** I was puzzled as to what I was to answer. I disagree with my hon. Friend. We will leave legally on 29 March. To get back, we would have to apply for accession under article 49. We will be in a fundamentally different position on 30 March, if we can get there—and we have to get there, because that will honour the verdict given by the British people on 23 June 2016. The best way of ensuring that we do that,

whatever the unsatisfactory elements that I accept are involved in this deal, is to take the key to the door of the cell, and get out on 29 March. This deal is the best means of doing that.

**Jim Shannon** (Strangford) (DUP): In the Attorney General's somewhat bombastic responses to hon. Gentlemen and hon. Ladies, he has not addressed the issue to which my right hon. Friend the Member for Belfast North (Nigel Dodds) referred: the backstop down the Irish sea. Will he outline the legal implications of Northern Ireland entering into a customs union with no voice or vote for an indefinite period of time, which to all intents and purposes would create a united Ireland without the mechanism of a border poll, a vote called for within the Belfast agreement?

**The Attorney General:** The hon. Member puts his finger on something that I do regard as being one of the undesirable features of the backstop, which is that there will be rules passed relating to goods. The trade in goods is a narrow field of human and public life, but rules will be passed and the people of Northern Ireland will not have the right of representation in their passage. That is why I think it is essential it should be temporary, why we must strive to make it so, why the extension of the implementation period is a real option in those circumstances, and why I believe, for the reasons I have already given, we can avoid it or avoid it being of any great length.

**Robert Halfon** (Harlow) (Con): Will my right hon. and learned Friend publish not the whole legal advice, but the legal advice on why we have to give £39 billion to the European Union? He mentioned that there could possibly be an extension to the transition period. Will he set out our legal financial obligations if we do extend the transition period?

**The Attorney General:** There would be financial obligations for extending the implementation of the transition period. They would have to be negotiated at the time. The Joint Committee would consult on them and it would reflect a reasonable proportion or contribution for the period for which we were signing up. In relation to any advice connected with the £39 billion, again my right hon. Friend will understand that I am not at liberty to disclose advice the Government may have received on that matter. I can say that there has been very widespread commentary and discussion on it. I commend to him, for example, the House of Lords European Union Committee.

**Alex Norris** (Nottingham North) (Lab/Co-op): In attempting to prop up this failing deal, the Prime Minister has reached out to those of us on the Opposition Benches and asked for our support. Does the Attorney General not think that it is a bit rich to ask for our support, given that we will not even be given the courtesy of compliance with the will of this House?

**The Attorney General:** I have said why. I truly wish that I were not in this position and the Government were not in this position. [Interruption.] I do believe it. I do not know what the hon. Member for Cardiff North (Anna McMorrin) is saying. If I did not believe it, I would not be here now saying what I am saying. It is

contrary to the public interest; I would be damaging the public interest if I took this decision. I am here to answer the questions of Opposition and Government Members as frankly and candidly as I can. Nothing that I advise today will be different from any other advice that I may or may not have given.

**Maggie Throup** (Erewash) (Con): Can my right hon. and learned Friend reassure me, as someone without any legal background at all, that I have interpreted the lawyer-client relationship correctly: that it allows for the lawyer to provide impartial and proper legal advice unencumbered by political consideration? Does this convention hold true in relation to the issue we are talking about today?

**The Attorney General:** Yes. My hon. Friend is absolutely right. No lawyer would be worth his salt or any use to his client if he allowed his personal or political views to affect his judgment on matters of law.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): The Attorney General has been vehement in his assertion that the release of this information would be detrimental to the public interest. Is it therefore not a matter of regret to him that his Government have not had the basic virtue of consistency in their approach to the Humble Address? Now that contempt proceedings have been initiated by submitting a letter against the Government, what is his legal advice to the Government going to be?

**The Attorney General:** I am afraid I cannot disclose the latter without committing the very sin that I am trying to prevent. Does the hon. Gentleman ask me whether I regret that? Let me be frank: yes, I do. We should have opposed the motion—of course we should have. We should have voted against it. All I can say is that if we had lost on a contested vote, we would be in exactly the same position as we are now in.

**Alex Chalk** (Cheltenham) (Con): If we found ourselves in the backstop, we might seek to argue that the European Union had not acted in good faith and had not used best endeavours. Who would appoint the body that would adjudicate on that dispute, and how could we be satisfied that we were going to get a fair hearing?

**The Attorney General:** The governance provisions, set out between articles 167 and 181, provide for 25 independent arbitrators, who are not members of any member state of the European Union or belong to the United Kingdom, to be appointed by both sides as a panel from which an arbitral tribunal can be selected. Ten are to be proposed by the United Kingdom and 10 by the European Union. Five chairmen are then to be proposed by each. If the parties are unable to agree, when a tribunal is formed two are appointed by the UK and two are appointed by the EU. Those four then choose the chairman. If they are unable to decide on a chairman, the permanent court of arbitration will appoint by lot.

**Sandy Martin** (Ipswich) (Lab): Can the Attorney General tell the House whether he conveyed to the Government Chief Whip, directly or indirectly, his determination not to comply with the Humble Address before the decision was taken not to vote on it?

**The Attorney General:** I had no discussions with the Chief Whip about the decision to vote or not to vote on this matter. I hope that answers the hon. Gentleman's question. [*Interruption.*] Forgive me, Mr Speaker. If I have omitted part of the question, I wonder if the hon. Member could put it again.

**Mr Speaker:** Order. The Attorney General is perfectly at liberty to answer as he thinks fit. He looks quizzically. I say this only by way of interpretation: I think the hon. Gentleman asked whether the right hon. and learned Gentleman had conveyed his views about this matter, directly or indirectly, before the vote on the motion about which we have been speaking this evening. He indicated that he had not spoken or conveyed his views directly. I think the quizzical attitude related to whether there was any indirect communication.

**The Attorney General:** No.

**Mr Speaker:** Thank you.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): My current understanding is that if there is no deal, we will leave with no backstop on 29 March. If the EU and the Republic of Ireland have been content effectively to have a “leave without backstop with two years’ notice period” situation until now, what does the Attorney General think has changed that makes it unacceptable to them now? What does he consider their motivation for that to be? As an aside, can the Attorney General confirm that in extremis the Vienna convention can be used to allow treaties to be broken?

**The Attorney General:** The purpose of the backstop is to give the people of Northern Ireland and the Republic the confidence of knowing that there will not be any retreat from the current integration that has taken place between them over the past 20 years. That is a solemn commitment that is in the interests of Northern Ireland, as well as the Republic of Ireland. The question is how to achieve it. In the interim before another solution is found, which I firmly believe we shall find, this is the solution that would pertain were we ever to have to use it. As to the Vienna convention, there is no provision in the Vienna convention that allows us to terminate a treaty that has no termination clause and that is plainly intended to subsist until another event takes place.

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): I hoped today that we would have clarity of thought and calmness of expression, so that we would be all informed on the matter on which we are due to vote next week. I can say that we have not had that. We have had bluster; we have had posturing; and we have had a very clear contradiction. On the one hand we are told that there is nothing to see here, but on the other hand we are told that it would be against the public interest to release information. My question is this: if the House does not have confidence in the Attorney General to deliver the advice in the way that we think is needed, is there any route in the constitution, via the Leader of the House or elsewhere, for us to get alternative, independent legal advice straight to Parliament?

**The Attorney General:** I am very sorry the hon. Member feels that. If I have expressed myself intemperately it is simply because of the questions that I have been asked.

[*The Attorney General*]

I am trying to convey, obviously unsuccessfully, the fact that I am here to justify or to seek to defend this position only because I believe in the public interest. That is the reason why I am saying what I am saying. On all points of law on which I have been asked, I have given my best judgment, my fullest judgment and my starkest judgment about what the situation truly is—as I would give to anybody, including the Government. I assure him that that is the case. That is the complete and full truth. I have given, absolutely candidly, the legal views that I hold on this matter.

**Robert Courts** (Witney) (Con): I am very grateful for the Attorney General's indication that article 50 does not provide a legal basis in Union law for permanent future arrangements. Will he give his view on the concern that it might none the less be a basis for arrangements that prove to be indefinite?

**The Attorney General:** No, I do not believe that that is the case. Once it became de facto the subsisting and permanent arrangement, in that there was no prospect of agreement because negotiations had broken down, it would be severely vulnerable to challenge, because it is widely understood that article 50 cannot be a proper basis for any sort of permanent or enduring arrangement. The fact of the matter is that it would be extremely vulnerable to legal challenge.

## Points of Order

6.50 pm

**Nick Thomas-Symonds** (Torfaen) (Lab): On a point of order, Mr Speaker. I seek your guidance regarding how the House should proceed in pursuing the publication of the advice provided by the Attorney General to the Cabinet. It is clear to Opposition Members, and we believe to the overwhelming majority of the House, that the document provided does not constitute the final and full advice provided by the Attorney General to the Cabinet. More importantly, this does not comply with the motion of the House that you have ruled to be effective. Indeed, I suggest that in the course of his statement, the Attorney General has been quite open about the fact that he is not complying with the motion based on his belief that it is not in the national interest to do so.

My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer), the shadow Brexit Secretary, along with the Scottish National party's foreign affairs and Europe spokesperson, the Liberal Democrat spokesperson on Brexit, the Deputy Leader of the Democratic Unionist party, the Plaid Cymru spokesperson on Brexit and the leader of the Green party in Parliament, have this afternoon written to you asking whether you would consider giving this House, at the earliest opportunity, the chance to debate and resolve whether this is a matter of contempt. It is clear to me that the Government have taken an unprecedented decision not to comply with the unanimous and binding decision of this House. Instead, they seem to be playing for time, hoping that contempt proceedings take longer than the timetable for the meaningful vote. But we as a House cannot allow that to happen. I therefore ask you to set out how we should proceed to resolve this vital matter.

**Mr Speaker:** I am grateful to the hon. Gentleman for his point of order and for his characteristic courtesy in giving me advance notice of his intention to raise it—[*Interruption.*] I shall ignore the sedentary chuntering, which is undertaken for no obvious benefit or purpose. I have only just seen the letter to which the hon. Gentleman refers. I shall give it immediate attention when I leave the Chair. Having sat through these exchanges, I intend to come to a rapid decision, which I will convey to the House before it rises tonight, or, if that proves impossible, at the earliest opportunity tomorrow. I hope that that is helpful to colleagues.

**The Attorney General (Mr Geoffrey Cox):** On a point of order, Mr Speaker. As I indicated during the course of the debate, I had concluded, and I think mentioned, that I will be writing to you this evening, setting out the Government's proposals in connection with this matter. I wonder if I could invite you to consider that letter, as I am sure you will, in due course this evening.

**Mr Speaker:** Well, I await—[*Interruption.*] Order. I note what the Attorney General has said, and, of course, I shall be interested to see any letter that he chooses to send to me. It is important that this matter is dealt with in a timely fashion. That is a highly relevant consideration for me to take into account, but I have heard, with respect, what the right hon. and learned Gentleman has said, and I wait to see what emerges.

**Robert Neill** (Bromley and Chislehurst) (Con): On a point of order, Mr Speaker. The letter that the hon. Member for Torfaen (Nick Thomas-Symonds) referred to touches upon a most grave matter in any view to all Members of the House. Is it either in order or courteous that the text of that letter should have been released to a journalist who has then put it up on Twitter? I know that that was because of the journalist, but was it in order for hon. Members or those acting on their behalf to release it before you were apparently aware of it or had had the chance to consider it and rule on it?

**Mr Speaker:** It is always best if letters sent to me are received and seen by me before they are seen by others, but I will address the substantive responsibility that is invested in me—that is frankly a different and on the whole rather more important matter, but I always treat the hon. Gentleman and all Members with courtesy. I note what he said and I issued my response in the first sentence of my reply to him.

**Mrs Anne Main** (St Albans) (Con): On a point of order, Mr Speaker. As usual, you have called every Member of the House who wished to ask a question, but the convention of the House is that we have no rebuttal or right to come back on any questions asked. Given that the Attorney General said that he was happily going to answer any questions, as someone with no legal background I feel that I have had to play guess the question of what we may need to know that we have not been able to ask. Would it be in order for the House to table a series of questions to be answered—anything that they would have liked to put to the Attorney General, but did not get the opportunity to ask—and for those to be answered as quickly as possible to give us more information than we could glean today?

**Mr Speaker:** Let me say in all courtesy that I am not sure, given the pressure of time, of the practicality of the arrangement that the hon. Lady is advocating. For the avoidance of doubt, however, let me say to her that I have no reason to doubt either her legitimately insatiable appetite for interrogation—a very proper appetite in a committed parliamentarian, which she is—or indeed, that of the Attorney General to respond to questions. Therefore, in an ideal world, I would be quite open to the idea that there could be further questioning. As the House will know, I am an unusual fellow—I enjoy few things more than listening to my colleagues asking questions and Ministers answering them, which is probably quite useful really, given that that is what the Speaker of the House is expected to do. However, we have come up against the matter of practicality, and although the hon. Lady may now have her head filled with questions that she wishes she had asked, but has not done so, we have to progress and expedite matters. I hope that she will feel pleased that she has at least asked a question, and she can make her own assessment as to the quality of the answer. If, separately, she wishes to beetle up to her right hon. and learned Friend the Attorney General, I feel sure that she will be greeted with the courtesy that he invariably displays.

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): On a point of order, Mr Speaker. We have all had sight of the copy of the letter that has been sent cross-party

to you. In the light of the letter that is due to follow from the Attorney General to you, will we also have a copy of that?

**Mr Speaker:** I feel sure that that will be so.

**The Attorney General** *indicated assent.*

**Mr Speaker:** The Attorney General is nodding his assent to that proposition. Just to be clear, the hon. Gentleman is asking whether he can have sight of the Attorney General's letter, and I think that the Attorney General is signalling that the answer to that is yes.

**The Attorney General** *indicated assent.*

**Chris Bryant** (Rhondda) (Lab): On a point of order, Mr Speaker. This is a completely different issue.

**Mr Speaker:** Oh, very well—it is completely different, I feel sure.

**Chris Bryant:** Because you are a cerebral fellow, Mr Speaker, you will know that on 30 October, I asked the Foreign Secretary why the Magnitsky provisions of the Sanctions and Anti-Money Laundering Act 2018 had not yet been implemented. He said in the Chamber that it was because we were members of the European Union and we cannot implement sanctions of our own until we have left. He repeated this the next day in the Foreign Affairs Committee, but a week later, the permanent under-secretary at the Foreign Office said, “No, it's nothing to do with that—it's because we do not have any time to draft the statutory instruments.” The Prime Minister today returned to the original advice that was provided by the Foreign Secretary. The legal advice that has been provided to the Committee by the Clerks of the House was that actually there is no reason why we cannot introduce our own sanctions, because we did so back in 2011. I just wonder where I could get definitive legal advice from and whether you think, considering that the Foreign Secretary said on 30 October that he would write to me, that sufficient time has passed for me to have had a reply.

**Mr Speaker:** First, I recall the hon. Gentleman's inquiry. I would not have been able to pinpoint the date—I advise those attending to our proceedings outwith the Chamber—as I do not have that level of anorakish recall of his parliamentary contributions, but I do recall the fact of the question being put. It made an impression on me, as does so much of what he says. Secondly, as a matter of principle, the Foreign Secretary ought by now to have replied to a request of that date—if it was of that date—from the hon. Gentleman. Thirdly, as a matter of practicality, I say that it is somewhat unwise for a Minister—in this case, apparently, the Foreign Secretary, an extremely experienced and dextrous, as well as courteous, parliamentarian—not to have replied to the hon. Gentleman by now, for failure to provide one was bound to invite excoriation. The Foreign Secretary will now be on the receiving end of that as soon as he learns of the hon. Gentleman's point of order. I hope that on all three counts I have brought some happiness into his life.

**Barry Gardiner** (Brent North) (Lab) *rose—*

**Helen Goodman** (Bishop Auckland) (Lab) *rose*—

**Mr Speaker:** I will come to the Front-Bench spokesperson first, but we must try to bring matters to a close shortly.

**Barry Gardiner:** On a point of order, Mr Speaker. I would like to raise a point of order regarding a response I received from the Minister for Energy and Clean Growth at the last Business, Energy and Industrial Strategy oral questions. I asked the Minister why a roundtable with all the key fracking companies that she held on 21 May had not been declared on the transparency register. In response, she claimed that her officials did not disclose the meeting of 21 May because

“the ministerial code does not require Ministers to disclose meetings that they drop in on, as opposed to host in their office”—[*Official Report*, 20 November 2018; Vol. 649, c. 715.]

I have searched the ministerial code and can find no reference to a difference in disclosure requirements such as the Minister suggests.

It would also appear that the Minister’s involvement in the meeting may not have been as casual as she suggested. During a Westminster Hall Debate on 10 July 2018, the Minister in fact claimed:

“I did hold a very effective shale industry roundtable”—[*Official Report*, 10 July 2018; Vol. 644, c. 284WH.]

A freedom of information request querying the nature of that roundtable received a letter in response where the Department stated that this was indeed

“the Shale Roundtable that the Minister of State hosted on 21st May 2018”.

By the Department’s own admission, this was a meeting the Minister had hosted, rather than dropped in on. The agenda of the meeting was also released under the FOI request. It reveals the extent to which the Minister was present. The roundtable began at 1 pm and finished at 2.35 pm, lasting 95 minutes, and the Minister was present for at least 70 minutes. I contend that this would not, in any reasonable opinion, constitute dropping in on a meeting. I seek your advice, Mr Speaker. Has any request come from the Minister seeking an opportunity to come before the House to correct the record?

**Mr Speaker:** I am grateful to the hon. Gentleman for his point of order. The short answer is that, as far as I am aware, no request has been made by the Minister concerned or any other Minister to make a statement of

correction or other statement on this matter. If a Minister believes that he or she has erred, it is not just open to that Minister to correct the record, it is incumbent upon him or her to do so. I have received no such indication. The hon. Gentleman is a versatile and experienced parliamentarian and can pursue this matter further, if he so wishes, in a variety of ways, whether in correspondence or through questions, but not further tonight by this mechanism.

**Helen Goodman:** Further to the point of order from my hon. Friend the Member for Rhondda (Chris Bryant), Mr Speaker. I today received a letter from a Foreign Office Minister saying that the statutory instrument will shortly be before the House. I am sure, if my hon. Friend so wishes, he could be on the Committee when we examine the instrument. We would all benefit from his wisdom on this matter.

**Mr Speaker:** That is extremely interesting information, and I am very grateful to the hon. Lady. I feel sure that she feels that she has done the House a signal service.

**Chris Bryant** *rose*—

**Mr Speaker:** Oh, very well, but it must be very brief. I feel that the hon. Gentleman will tax the patience of the House.

**Chris Bryant:** Further to that point of order, Mr Speaker. If what my hon. Friend says is true, the Prime Minister this afternoon inadvertently misled the House and must have an opportunity to apologise and correct the record.

**Mr Speaker:** If anybody has inadvertently misled the House, that person must correct the record, but I hope the hon. Gentleman will accept that I do not think it incumbent on me now to act as arbiter of whether it happened. The issue has been given a full airing. Both hon. Members are very experienced, are not backward in coming forward and can pursue this matter either through the use of the Order Paper or by other means in the days ahead. I do not in any sense seek to deny them the opportunity to do so.

If there are no further points of order, if the appetite has at last been satisfied—it is very important that Members have the opportunity to express themselves—we can now proceed. The Minister looks very relieved about that.

## **Crime (Overseas Production Orders) Bill [Lords]**

### *Second Reading*

7.5 pm

**The Minister for Security and Economic Crime (Mr Ben Wallace):** I beg to move, That the Bill be now read a Second time.

As a simple soldier, it is nice to follow a debate full of so many learned colleagues. I have sat in wonder at the lawyers and their questioning over the last two and half hours. It was incredibly generous of the Attorney General to give so much of his time and to answer so many of my colleagues' questions. I fear that we cannot normally afford lawyers for that long, but I hope the House managed to get to the bottom of it all.

This year, Dr Matthew Falder was sentenced to 25 years in prison. His charges included 137 offences of encouraging child sexual abuse, blackmail, forced labour and possession of indecent images. He tricked his vulnerable victims into sending him images of themselves naked or partially clothed and then blackmailed them into sending increasingly sickening images. He traded these abuse pictures on "hurtcore" forums, whose users revel in controlling and inflicting pain on victims. These hurtcore sites—hidden dark web forums—are dedicated to the discussion, and the sharing of images and videos, of rape, murder, sadism, torture, paedophilia, blackmail, humiliation and degradation. Long delays in getting vital evidence to our law enforcement agencies help people such as Dr Matthew Falder to continue abusing vulnerable children. It is our duty to protect victims from people such as him as quickly as possible.

The Bill is a straightforward piece of legislation designed to remove the bureaucratic barriers we currently face in investigating and prosecuting serious criminals when evidence is held by companies based outside the UK. The Bill provides a new route to allow law enforcement agencies and prosecuting authorities quick and efficient access to electronic data held by overseas communication providers. As I am sure hon. Members are aware, communication service providers are increasingly based outside the UK, and although we can currently access data held or controlled by these providers using mutual legal assistance channels, these processes are often long and bureaucratic, delaying serious criminals being brought to justice. In some cases, that even leads to investigations being abandoned.

Under MLA, there are several obstacles to overcome before law enforcement agencies can obtain data for use in an investigation. The requests must go through both countries' executing authorities and both countries' central authorities before getting to the relevant CSP. It can take anything from six months to two years to receive what could be vital evidence, meaning that the prosecution of criminals such as child sexual abusers can be severely delayed, in which time they can continue abusing. Indeed, less than 1% of child sexual abuse content stored online is hosted on UK platforms, meaning that 99% is hosted on platforms owned by companies overseas. The Bill will ensure that law enforcement officers and prosecutors can more effectively investigate and prosecute these horrific offences, so that children in all our constituencies can be kept safe.

Officials in the Home Office have been working closely with operational partners to understand the scale of the problem. Child exploitation and abuse is a very real, very serious and growing epidemic. The National Crime Agency received more than 80,000 individual referrals of horrific online content from the tech industry in 2017, a 700% increase since 2012. In 2014, the NCA made more than 1,600 referrals to UK police forces following tech companies highlighting horrific online content. After just three years, in 2017, the figure rose to nearly 10,000. The agency estimates that in the UK a minimum of 66,000 to 80,000 individuals present some kind of threat to children. In one operation, it worked with overseas partners to take down a site that contained more than 100,000 videos of child sexual abuse material that had been downloaded more than 1 million times.

All the case studies that I have been given make chilling reading. There are examples of people abusing children online—people whom our agencies struggle to identify and prosecute because of the delays in accessing the data that they need. It is our duty to do something about it and to protect those who are vulnerable online. Of course, online crime goes beyond child sexual abuse. Electronic messages in the form of texts or emails can incriminate arms dealers, drug traffickers, people traffickers and those involved in other types of serious crime, including terrorism. We must ensure that our laws reflect the modern, technological world in which we live.

The overseas production order process offers a much simpler and quicker alternative to MLA for obtaining certain types of electronic data. An overseas production order could be served directly on the relevant overseas CSP rather than via that country's courts and central authority, which means that our law enforcement agencies and prosecutors will be able to gain access to the data that they need in a matter of days or weeks rather than months or years. The orders will operate in a similar way to domestic production orders. To that end, the Bill was designed to reflect existing domestic legislation as far as possible. Of course, the necessary stringent safeguards will exist to govern access to the data. That includes a requirement that UK courts must be satisfied that the data is of substantial value to the investigation or proceedings, and that there is a public interest in its being produced before an order can be granted.

For the power to make an overseas production order to be available, a relevant international agreement needs to be in place. We envisage that the first agreement will be with the United States, given that a large majority of CSPs are based in North America. Parliament will have an opportunity to scrutinise each international agreement properly and thoroughly before it is ratified in the usual way.

Members of the other place have already expressed their broad support for the Bill, but a non-Government amendment was made to clause 1(6), on international agreements. As it stands, the subsection is technically deficient, because it refers to data that the UK provides "under this Act". The Bill is only about the UK's outgoing requests for data from overseas providers, so the UK would not be providing data under it. Because that subsection would not achieve what the Government understand to be the Opposition's intended effect, "this Act" will need to be amended to "the agreement." I have listened carefully to the arguments advanced by Members of the Lords, and I look forward to working with Members of this House to address their concerns.

[Mr Ben Wallace]

Members may accept that bureaucracy is sometimes a necessary evil, but when electronic data could be obtained in a much quicker way and further criminal activities could be prevented, it needs to be reduced. The overseas production order process, together with the international agreements that will underpin it, will remove the unnecessary bureaucratic delay that currently exists in accessing the same electronic data through MLA.

Delay extends the investigation when someone has molested children. Delay leads to continued offending, and those children continue to be abused. Delay leads to serious criminals absconding before they can be brought to justice. Delay could even lead to our law enforcement agencies and prosecutors issuing fewer MLA requests to seek evidential data as they lose faith in the system, and thereby failing to pursue these vile criminals. We do not want to end up in that position: such delay is unacceptable. That illustrates why the Bill is so important, and the heavy price that we continue to pay every day without it.

**Mr Jim Cunningham** (Coventry South) (Lab): Other countries are guilty of delays—indeed, long delays.

**Mr Wallace:** Under the current system, we present an MLA to a country's central Government authority, which will take it to that country's courts. Once it is out of our hands, the pace will be that of the country concerned. Its courts will recognise the order and enforce it against the CSPs overseas, which are predominantly in the United States—for instance, Facebook and Google—and will then bring it back to us. That whole process involves many bureaucratic delays. For instance, there is the time that it takes for the case to go to the central authority and then to the courts, and the time that it takes for the volume of the orders to be decided, and sometimes challenged, in the courts. We are simply seeking to introduce a system whereby our police go to a court in the United Kingdom, the court makes the order, and the international treaties allow our orders to be recognised by overseas CSPs.

**Mr Cunningham:** May I pursue the point a little further? Can the Minister give us a rough idea of the timescale, and what the delays actually cost?

**Mr Wallace:** As I have said, some of them have gone on for years. Some cases are still sitting in courts overseas. It is predominantly a matter of months and years at present, and we want to reduce that to days and weeks. Every day on which we cannot access content in this area—and let us remember that it is the court, not me, that must be satisfied that a request from the police is valid—is a day on which, in many cases, the offenders are still offending. That is why we think the Bill is so important. It reflects the changes in how offending is happening, and the fact that it is now happening online. For many months, Members on both sides of the House have asked what more the Government can do about not only online radicalisation but online offending. This is a concrete step to ensure that we can do more to counter it.

The MLA process will continue to exist. It remains critical to other types of evidence that are not within the scope of the Bill and to any electronic evidence that may not be provided for by the relevant international

agreement. However, one of the biggest pitfalls of the current system is the long wait to secure electronic data that, by its nature, can be shared very quickly. The Bill provides the solution in the form of an additional, streamlined alternative: the overseas production order.

I do not doubt that Members will support the crucial purpose of the Bill, which is to provide a significantly faster mechanism for obtaining vital electronic data that is held by overseas providers in order to prosecute the most serious offenders and to safeguard vulnerable people in our society from further unnecessary harm. I commend it to the House.

7.18 pm

**Nick Thomas-Symonds** (Torfaen) (Lab): The Minister began by saying that he was grateful for the contribution of lawyers during the previous two and a half hours. Alas, I have not had a chance to leave yet, but hopefully that contribution will continue.

**Mr Wallace:** Put the rates up.

**Nick Thomas-Symonds:** I doubt that even I could match the rates of the Attorney General.

As the Minister has explained, the purpose of the Bill is to permit a court in this country to require a person or company located overseas, such as an overseas service provider, to produce stored electronic information, as a court could if the information were located or controlled in the United Kingdom. That will be done via the overseas production order for which clause 1 provides. An order can be operative only if the UK signs a treaty enabling it to be exercised. UK law enforcement authorities will be able to apply for an order that requires the production of electronic evidence for the purpose of investigating or prosecuting crimes such as terrorism offences. At present, if UK law enforcement requires electronic data from another country, it must go via a mutual legal assistance treaty, but that process can be slow to complete.

I very much appreciate and accept that electronic information is crucially important for the investigation and prosecution of criminal offences, and indeed is gaining in importance. The Minister set out the case of Dr Matthew Falder and some of the horrific child sex abuse images found on various websites, and it is clear that having a smooth, fast, efficient process to obtain this information is important, which is why the Opposition support the aim of this Bill; we do need a faster system.

I should also point out that I recognise the particular importance of the United States, first because this is the country where so much of the data is held and so many communication services providers—CSPs—are based, and, secondly, because the UK has been negotiating a bilateral data-sharing agreement with the United States since 2015.

The Minister knows that the Opposition are always happy to work with him in trying to reach consensus on matters, but there are aspects of this Bill about which I and my colleagues in the other place have concerns. First, I say to the Minister that we will be looking in Committee to pursue issues such as bulk data, confidential personal records and non-disclosure requirements.

There are also two other specific points of controversy that I will draw to the Minister's attention now. The first of them relates to assurances on the use of the death

penalty in cases where this country hands over data. The Bill is reciprocal, which allows countries with which a treaty is negotiated to seek a court order for electronic data stored in the UK to be transferred to another country. The current treaty is being negotiated with the US, and US law enforcement could apply via its courts for electronic data in the UK to be used as evidence in a particular case. There are currently 30 states in America that retain the death penalty.

I appreciate the Minister's efforts to make this a more transparent process than has previously been the case, when Home Secretaries could, in private, make decisions in individual cases that are capital cases about handing over information. My right hon. Friend the shadow Home Secretary asked an urgent question on one issue in this House in July, which was due to a leaked letter from the Home Secretary to the then US Attorney General, Jeff Sessions. In the letter, the Home Secretary stated:

"I am of the view that there are strong reasons for not requiring a death penalty assurance in this specific case, so no such assurances will be sought."

The Minister responding to my right hon. Friend stated at the Dispatch Box:

"I can reassure the House that our long-standing position on the use of the death penalty has not changed."—[*Official Report, House of Lords*, 24 July 2018; Vol. 792, c. 1612.]

While I accept that the Government cannot control whether another Government provide assurances that are asked for, they can control, where assurances are not forthcoming, whether information will be handed over, and that includes information which could lead to evidence being gathered for use in a court, as well as evidence itself.

My noble Labour colleagues in the other place tabled a strong amendment in this regard which passed by 208 votes to 185 and was added to the Bill. The effect of it is to prevent such handing over of information unless there are assurances that the death penalty will not be imposed. This is important for those of us on these Benches who oppose the death penalty in all its forms and are passionate about human rights here and around the world. Furthermore, while we are, quite rightly, focused on the United States for the reasons I have set out, this Bill could be used, alongside a treaty, as the basis for reciprocal information exchange with other countries around the world where the rule of law is not respected by the regimes in power there, making the need for safeguards in this Bill even more pressing.

Secondly, there is a concern regarding the protection of journalists' confidential information.

**Sir Edward Davey** (Kingston and Surbiton) (LD): I agree very much with what the hon. Gentleman has said on the death penalty reassurance point. He will note that the Minister said in his speech that the amendment was somehow defective. Does he agree that if that is so the Minister needs to make his case in detail and put forward another amendment so he can ensure that these death penalty assurances can be given?

**Nick Thomas-Symonds**: The right hon. Gentleman puts his finger on a crucial point. The amendment passed the other place with a comfortable majority, and if it is to be argued that there is, perhaps, a technicality

that renders it defective, the Minister must identify it in Committee so the House can on Report at least take a firm view on it.

On the protection of journalists' confidential information, while the Government have argued that provisions in the Bill match those of the Police and Criminal Evidence Act 1984, there are specific instances where it does not quite match PACE, and I will give a few examples, which no doubt can be explored in Committee.

Under PACE, notice is required in all applications for journalistic material, and there are two types: confidential or "excluded material" and non-confidential or "special procedure material". However, under clause 12(1) of the Bill, provision is made to notify organisations only when the material is confidential journalistic material:

"An application for an overseas production order must be made on notice if there are reasonable grounds for believing that the electronic data specified or described in the application consists of or includes journalistic data that is confidential journalistic data."

An application for non-confidential material—for example, where a journalist made a documentary and had some notes—often facilitates a negotiation process about what data is appropriate to provide to the authorities and offers the right of the media organisation concerned to oppose it formally. The Bill's failure to make provision for a notification to request non-confidential journalistic material is a concern.

Conditions must be met for the court to grant a production order for special procedure material under PACE, including the following: there are reasonable grounds for believing the material is likely to be of substantial value to the investigation; disclosure is in the public interest; and there are reasonable grounds for believing that the material is likely to be relevant evidence. While clause 4(5) and (6) include both public interest and "substantial value" tests, they do not include a "relevant evidence" test. That is again a matter we will look to pursue in Committee.

Adopting a threshold of what data is "relevant" to an investigation is both necessary and proportionate; as well as helping to enable clarity and consistency in cases, it is in line with human rights principles. Judges considering these applications will be familiar with the application of these recognised legal standards, and it would be a simple and sensible safeguard to bring these provisions in line with those under PACE.

Under PACE, tests are only limited to "investigations", while the Bill is worded in such a way that the tests could be applied to include investigations and proceedings. It is not clear why this should be required right up to trial.

There is a further concern with regard to protection for "excluded material", or journalistic material that is held subject to a duty of confidence. Under PACE, "excluded material" has a different set of conditions that need to be met. Why should that be different in this Bill?

Journalists play a fundamental role in holding those in power to account, and we must ensure that this legislation does not in any way suppress investigative journalism or the exposure of public interest matters. Thus while the Opposition do not oppose the Bill's purpose and welcome measures for the speedy exchange of electronic data, we will be looking to put safeguards

[Nick Thomas-Symonds]

into the Bill on handing over information, to protect the clear will of the other place with regard to the death penalty assurances and to protect the long-cherished principle of confidentiality of journalists' sources.

7.29 pm

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): The way in which we communicate with one another has changed dramatically as a result of the digital age. The rapid growth of social media platforms has led to a sea change in how information is shared, conveyed and consumed. Indeed, the use of these platforms is ubiquitous in this House, and not a day goes by without Members' WhatsApp messages being conveniently "leaked". However, the convenience, accessibility and anonymity of these platforms has not been lost on those with more nefarious intentions, from terrorist groups looking to spread their hateful propaganda to child abuse rings sharing horrific images, and they are enthusiastically embracing this technology. As those who intend to cause harm change their methods of communication, so must our laws change to counteract that. The Bill will help us to keep pace with the increasing use of global electronic communications by criminals.

The current regime of mutual legal assistance is too slow and bureaucratic to make an effective contribution to an investigation. An MLA request to the United States can typically take nine months to produce what is being sought. This results in delayed or abandoned investigations and can delay people from being eliminated from criminal investigations. It is clear that when dealing with fast-moving dynamic criminal threats, this system is not fit for purpose. A nine-month wait for crucial information can be nine months too long. Overseas production orders, as provided by the Bill, will make the process far faster and more reliable, as they will get the information directly from companies. Rather than waiting for another country to consider whether it can comply with a request, then issue a court order or warrant and serve it, a judge in the UK will be able to go straight to a foreign company and get the information required in days, rather than months.

The new system that the Bill provides for will help us to tackle one of the most heinous crimes: child abuse. As the Minister outlined, there has been an exponential increase in the reports of child sexual abuse. As a paediatric consultant, I have treated far too many children who have fallen victim to this crime, sometimes with horrific physical injuries resulting from the abuse and with the mental health consequences that can occur at the time and later. The National Crime Agency estimates that a minimum of 66,000 to 80,000 individuals in the UK present some kind of threat to children. Each child is an individual, and each family can be badly affected. Any measure that helps to prevent one more child from suffering this fate deserves our full support. The Bill will ensure that child sexual abusers will see swift justice for their actions, and I welcome it.

7.31 pm

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): The Scottish National party welcomes the aims of the Bill, with some caveats, and the Scottish Government believe that investigations and proceedings relating to

serious offences in Scotland could benefit from the use of overseas production orders as a quicker and more streamlined process for obtaining electronic data. Notwithstanding the Minister's point, which I am sure we will discuss further in Committee, we also welcome their lordships' amendment that provides safeguards against UK service providers being required to produce evidence in cases in which the death penalty may be imposed.

However, we are concerned about the lack of proper safeguards for journalistic material, and I hope that we will be able to strengthen the measures in that important area in Committee. Although I welcome the fact that an order must be for specific, targeted information, the fact that it will in all likelihood be able to access bulk datasets to retrieve that information is disappointing and goes against the strong points made by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) during the passage of the Investigatory Powers Act 2016. I shall return to those issues a little later.

The ability to apply for an overseas production order through the domestic courts will make the process for gaining cross-border access to electronic data faster and more reliable than the current processes, which rely on mutual legal assistance treaties. MLAs have been criticised for being too bureaucratic and time-consuming. The UK's deputy national security adviser on intelligence, security and resilience to 2018, Paddy McGuinness—not the one we are all familiar with—explained in an interview how the current process causes difficulties for UK investigators and prosecutors. He stated:

"It does not make sense that criminals plotting a major drug deal, a murder, a kidnap, trafficking people or sexually abusing a child in the UK can have their communications intercepted if they communicate via text message, but if they use a US company's services their data should be out of reach of UK law enforcement."

Those of us who sat through the Committee stage of the Investigatory Powers Bill will never forget the fact that electronic information is becoming increasingly important to the investigation and prosecution of criminal offences, including terrorism. The companies that provide services that generate or store this data, such as Facebook, Twitter and Google, are often located outside our jurisdiction. This puts the data beyond the reach of existing domestic court orders, which either cannot be made when the data is not in or accessible from the UK, or cannot be served extra-territorially. According to Access Now, a digital rights campaign group, there has recently been a "huge growth" in MLA requests to access online records such as subscriber details, email content, metadata and social media from companies such as Google, Facebook, Yahoo and Twitter, which treat the vast majority of their data as being located in California and therefore subject to Californian jurisdiction.

According to the Home Office's own figures, as of 2016—the figures are now out of date—the UK was party to 40 bilateral MLA agreements. As we have heard, the MLA process can be slow, requiring significant Government-to-Government liaison. This can cause lengthy delays, which can cause problems for investigations and prosecutions. Lord David Anderson, the then independent reviewer of terrorism legislation, has spoken of the severe delays in the process and recommended that the Government should seek to address deficiencies in access to material from overseas service providers and

"take a lead in developing and negotiating a new international framework for data-sharing among like-minded democratic nations."

Detectives investigating serious offences, including murder, have commented that it is taking an “inordinate amount of time” to access evidence from Facebook. Cressida Dick has said that UK police forces have faced a “very protracted procedure” in cases where they have had to access information from organisations such as Facebook. Just recently, she stated:

“I absolutely think that in certain instances...law enforcement in the UK ought to have vital evidence which might bring someone to justice.”

The delays that detectives currently face are unacceptable and it is clear that the system needs to be improved. Lord Anderson spoke in his summing up about the international frameworks, and I would like the Minister to explain further why, Brexit aside, he was not interested in participating in the European protection order.

I move on to the amendment made in the Lords to clause 1, with which we wholeheartedly agree. It provides that in any agreement on overseas production orders and the provision of electronic data under the terms of the Bill, assurances must be obtained from the other country concerned that the death penalty will not be applied. Article 2 of the European convention on human rights—together with protocol 139, to which the UK is a signatory—provides for the total abolition of the death penalty. It is therefore regrettable that the Government tried to resist this amendment in the other place. We—and, I am sure, Labour Members—will resist any Government attempt to draw back from this position in Committee.

While we broadly welcome the Bill, we are concerned about lack of safeguards for journalistic material. We believe that the provisions in the Bill are inadequate in protecting confidential journalistic material. This could threaten the pursuit of journalistic inquiry and undermine the democratic institution of a free press. We are not alone in this, as the BBC has also raised concerns.

Clause 12 provides for a journalist to be given notice of and made a party to an application that pertains to their confidential journalistic material, but this does not apply to non-confidential but none the less sensitive journalistic material, which is at odds with the domestic situation as outlined in the Police and Criminal Evidence Act 1984. The system proposed in the Bill will allow for a significantly reduced opportunity for journalists to engage in arguments about what is, and is not, suitable for disclosure, removing the opportunity for a journalist to make submissions on the issues that this gives rise to in the context of their work. Where on-notice applications are permitted in cases of confidential journalistic material, the Bill is currently silent as to whether or how any submissions will be taken into account by the judge. No further information is outlined on what this process would involve or how much information the journalist would be able to access; nor is it clear that sufficient information would be disclosed to enable them to respond appropriately. Additionally, it is unclear whether any advice or support would be provided to a journalist in those circumstances. Under clause 13, a journalist cannot inform anyone of the application or its contents, and no provision is made for this information to be disclosed to a legal adviser or representative.

The BBC has some further asks. It wants the Bill to require that notice is given in all applications for journalistic material, not just in those involving confidential material; to ensure that the evidential value test mirrors the current law in both terrorism and non-terrorism cases; to ensure that confidential journalistic material is protected,

as under the current law for domestic applications; and to ensure that the Secretary of State can enter into reciprocal arrangements only with countries that provide at least as much protection. I suspect that we will be looking at this further in Committee.

The other area that we will be seeking clarity on during the Bill’s later stages is the potential use of bulk datasets. As I have said, the SNP has argued strongly against the retention of bulk data sets, the vast majority of which are harvested from mainly innocent citizens. We argued that it is incumbent on the Government to prove that there is an operational case and that the powers are necessary and to ensure that the safeguards are rigorous. It would therefore be rather remiss of us to allow legislation to pass without the requisite safeguards around the accessing of such data.

To conclude, the MLA treaty system is not working in the modern age. Vast amounts of electronic data goes through Facebook, Twitter and other organisations, and a quicker and more streamlined process for obtaining data is required to investigate serious offences efficiently in the modern world. The ability to apply for an overseas production order through the domestic courts would make the process for getting cross-border access to electronic data faster and more reliable than currently. The Minister was uncharacteristically generous—I mean the Government, not him personally—in working with the Opposition when the Counter-Terrorism and Border Security Bill was in Committee, and I hope that will be repeated with this Bill so that we can move on together.

7.40 pm

**Vicky Ford** (Chelmsford) (Con): For nearly a decade, I have been a champion of a charity called the Internet Watch Foundation. It is not a paid role, but it gives me huge pride. The IWF was set up by the previous Conservative Prime Minister, and it identifies online images of child exploitation and then removes them from the internet. Last year, the IWF took down or acted on 132,000 reports of child sexual exploitation, 55% of which involved children who appeared to be under the age of 10 and one third of which involved rape or sexual torture. Child sexual exploitation is hideous, and when the images can be taken down, sources can be traced and lives can be saved. I am proud that less than 1% of such images are now stored in the UK thanks to the work of the IWF.

However, speed is vital when tracking images and getting hold of them means that our law enforcement authorities can then build cases and hold these evil people to account. This Bill will allow our law enforcement agencies to apply via the UK courts for a court order in other countries to get access to that data, and it will be crucial in countries such as the US, where we are already negotiating such an agreement. I am concerned that the Labour party’s amendments will create extra delays in the process when children’s lives are at risk. We should be working as hard and as fast as possible to get rid of this global crime. Britain needs to stand up and take the lead and save our children from exploitation on the internet. I am proud to support the Bill tonight.

7.42 pm

**Sir Edward Davey** (Kingston and Surbiton) (LD): I pay tribute to the hon. Member for Chelmsford (Vicky Ford). I think the Internet Watch Foundation does a

[*Sir Edward Davey*]

fantastic job, and it is already saving lives, so everyone involved in the organisation deserves our thanks and gratitude. It is in that spirit that I rise to support this Bill and to say that the Minister was absolutely right to make his argument in the way that he did. The legislation goes beyond defeating the people involved in child sexual exploitation, and others committing horrendous nasty, violent crimes will also be caught by these important measures. Beyond that, the Bill will act against terrorism and so on, so the Government are absolutely right to pursue it.

All that is part of the way that we in this House need to support international co-operation against crime. Although this Bill will help to speed up the work that needs to be done via the courts to enable the investigatory bodies to get these criminals and hopefully stop such activities, I gently point out that the European Union already has many successful tools and instruments, and it is a shame that it looks like we are reducing our ability to use them.

However, in totally supporting the thrust of the Bill, I associate the Liberal Democrats with the gentle criticisms of the Labour and SNP Front-Bench spokesmen, who made important points about death penalty assurances and journalistic freedom that must be considered and put right in Committee and on Report. On the death penalty assurances, joint efforts between Labour and Liberal Democrat Lords secured that amendment, and it will take some proof to convince us that it is defective. Indeed, the Liberal Democrats would like to go further. Although the amendment was welcome, the fact that it relates to section 52 of the Investigatory Powers Act 2016 means that there may well be other treaties involving the sharing of collected electronic data to which it may not apply. Given the significance of that, it is important that we go as far as we possibly can. The UK must oppose the death penalty in all circumstances, and we need an assurance from the Government that the law is extremely tight.

**Mr Wallace:** Will the right hon. Gentleman therefore clarify his party's position if we were in a negotiation with another country and the other country said, "Look, we cannot give you the death penalty assurances."? Some 99.9% of the data requests under this Bill will be concerned with crimes of paedophilia or the other crimes that I described earlier. Should the death penalty become a bar, is the right hon. Gentleman saying that the UK should not enter into an agreement because of the rare occasions on which an offence may involve the death penalty? Would he sacrifice the 99.9% for that?

**Sir Edward Davey:** The Minister is being slightly sneaky. It is quite possible to take the two issues separately and deal with them separately. It is quite easy to see how one would ensure that the welcome measures in this Bill apply to the cases to which we all want them to apply while ensuring that the death penalty assurance, which ought to unite the House, is also dealt with properly.

I am sure that the Minister understands that Opposition Members in the other place and in this place are using this point to try to ensure that the Government move on this point. He will be aware of the cases of Alexandra Kotey and El Shafee Elsheikh from earlier this year, in which the Home Secretary—I acknowledge that this

was revealed in a leaked letter—assisted the US to prosecute them without seeking death penalty assurances. That shocked people on both sides of this House, and the Minister is absolutely aware of that concern, so it is incumbent on those on the Treasury Bench to explain to and reassure this House that that cannot reoccur and that we will find ways through such issues.

**Mr Wallace:** I fully understand the right hon. Gentleman's point. He talks about "our wish", but he cannot speak for the other country that may be involved in forming an international agreement. They may say, "That's fine. We know what you want, but we are not prepared to do that." In that case, the decision becomes whether we want to use this legislation for the urgent and speedy data requests that happen 99.9% of the time for offences that are egregious and horrible but do not warrant the death penalty. He cannot speak for another country, so would he sacrifice the whole Bill?

**Sir Edward Davey:** I am afraid that the Minister is still trying to split hairs. I am sure that no one in this House wants to get in the way of measures that will ensure that we can work with other countries to tackle criminals. Equally, however, it is incumbent on the Government to find a way to ensure that what we heard from the Home Secretary earlier this year does not happen again. The Minister is in the Government and has the officials to come forward with proposals to be able to manage both those issues.

It does not seem beyond the wit of man and the clever officials in the Home Office to produce such proposals. If he is saying that the amendment made in the other House is defective because it has the problem he is raising with me, let Home Office Ministers come to the House in Committee or on Report to show that and to produce an alternative that deals with the matter, about which I am sure he shares my concern.

**Mr Wallace:** My point is that the moment for the House to look at that is not when considering this Bill but when whatever treaty or international arrangement we make with whatever country we need to make it with comes before the House for scrutiny. Then we can have a debate about whether the international treaty we have sought to give effect to this order is right for the balance of risk, but the generic primary legislation that allows an order to be made is not the right vehicle.

**Sir Edward Davey:** What the Opposition parties are saying very clearly to the Minister is that he has to make that case in Committee, just as the hon. Member for Torfaen (Nick Thomas-Symonds), the Labour party's Front-Bench spokesman, made clear when I intervened on this very point. The Minister should make the case, but he should also explain how the Government will deal with the problem, which has arisen because of the actions of the Home Secretary not because of the actions of the Opposition.

We are concerned about the potential for this Bill to undermine protections for the freedom of the press. To be generous to the Government, what I think has happened is that, in pursuing a laudable aim that we all support, they went to the statute book and said, "Which statutes can we copy and paste to enable us to meet our objectives?" Rather than looking carefully at how, in domestic law, the Police and Criminal Evidence Act 1984 has carefully nuanced the use of the Terrorism Act 2000, Home

Office officials, possibly because of the culture in the Home Office, just cut and pasted mainly from the Terrorism Act. That may have been a mistake, and there may have been no deliberate intention for it to have the consequences that now appear before us, so I gently say that I hope the Minister will go away and think about this. I invite him to meet right hon. and hon. Opposition Members, as well as representatives of the media to hear in detail the genuine concerns not just of BBC lawyers but of lawyers representing other media organisations.

We have heard from other Members about the relevant evidence test, which is in our domestic law and has been carefully developed over a period of years, but that test will not be applied to protect journalists with respect to material that comes from their investigations abroad. That is quite worrying if one looks at the practical examples. Take the case of Mark Duggan, for example. He was shot by the police in Tottenham in 2011, and the BBC obtained mobile phone footage of the aftermath from a witness. The BBC was ordered to turn over the footage and, because it was relevant evidence, the footage was handed over. Then an application was made for information that would reveal the identity of the source of that footage. The person who had shot the footage was understandably concerned for their safety, and the BBC successfully opposed the application by pointing to the relevant evidence test in the Police and Criminal Evidence Act. That test is not in the Bill, so there is a clear example that, by not being as subtle in this legislation as we are in our domestic legislation, there is a danger that journalistic freedom, as exercised abroad, will be curtailed.

The point about the notices is relevant, and it should worry the Minister because the way that notices work under domestic legislation is very helpful not just to journalists but to the police. Sometimes when the police put a notice to a journalistic organisation, that organisation will go back to the police and say, "You are asking for a huge amount, and we don't really think it is necessary for your investigation. Let us enter a dialogue with you to narrow down your search so you can get information that will really help you, and therefore you will not have to waste so much time." The notice actually turns out to be helpful in speeding up investigations. Given that that is the whole purpose of this Bill, the Minister should go away and look at that.

Moreover, it is not just about thinking of the police's point of view in speeding things up; it is also about making sure the police know whether the evidence exists. The way some notices work at the moment is that the police go on a fishing trip. There is the example from Durham police, they applied to the BBC without notice. Durham police were eventually told that they could not do that and that, if they had submitted a notice, they would have learned that the material no longer existed. Again, the BBC was trying to save police time.

Some of the carefully constructed domestic law needs to be put into this internationally applying legislation in order to help the police and security services, not just journalists. I am sure this is just an unintended consequence, and I am sure there is no malice, so I hope this is the sort of issue that can be settled by a few meetings and a few amendments that garner support from both sides of the House. That is how scrutiny should operate in this Parliament, and I hope the Minister, with his usual generosity, will be open-minded to that approach.

7.56 pm

**Nick Thomas-Symonds:** With the leave of the House, I will briefly respond to the debate. The hon. Member for Sleaford and North Hykeham (Dr Johnson) put her finger on it when she said that any measure that prevents one more child from suffering must be a laudable one, and she is absolutely right. The hon. Member for Paisley and Renfrewshire North (Gavin Newlands) and I often find ourselves working together on such Bills, and I look forward to working with him once again in Committee. He is right to raise the issue of journalists who have material that is sensitive but not necessarily confidential, which is clearly an issue to consider in Committee.

I commend the hon. Member for Chelmsford (Vicky Ford) for the work she has done in taking down horrific images from the internet through her work with the Internet Watch Foundation. I say to the right hon. Member for Kingston and Surbiton (Sir Edward Davey) that there is no difference of principle in opposition to the death penalty. I appreciate that there is an argument about other treaties, but there will also be an argument about what is within the scope of the Bill. We should do our best, on a joint basis, to protect the gain that has been made in the Lords, and I look forward to working with his party on that at later stages.

All I say to the Minister is that I hope we can proceed by working together, as we have on previous Bills. As the Bill goes into Committee, we will now be looking carefully at the issue of data access being proportionate and necessary, the issue of confidentiality and journalists' sources and the vital issue of death penalty assurances.

7.57 pm

**Mr Wallace:** With the leave of the House, I will close the debate on Second Reading. I thank hon. Members for engaging with the Bill, for their support of what it will achieve and for their considered comments.

Overseas production orders will be vital in ensuring that criminals do not remain at large for longer than is necessary due to delays in accessing electronic content data held overseas. Overseas production orders also reflect the technological developments of recent years. The use of modern electronic communication technologies by serious criminals to perpetrate their crimes and to seek to evade justice is increasing exponentially. This means that the evidence needed to convict such criminals is increasingly in the form of emails, Facebook messages, images stored with providers like Dropbox or elsewhere in the cloud, and similar electronic content data. UK law enforcement agencies and prosecutors now need a faster, 21st-century process for obtaining such evidence, not least to protect victims of child sexual abuse living in our communities and in our constituencies.

The length of time it currently takes to obtain electronic evidence leaves child victims to be abused while our dedicated law enforcement agencies and prosecutors navigate unnecessary bureaucracy. Bureaucracy prevents us from getting to the heart of an investigation sooner and puts more children at risk. The longer it takes, the longer these vile criminals are free to carry on offending. We must prioritise the safeguarding of the most vulnerable people in our society as far as possible.

I will now briefly address the comments of hon. Members. The hon. Members for Torfaen (Nick Thomas-Symonds) and for Paisley and Renfrewshire North

[Mr Wallace]

(Gavin Newlands) and the right hon. Member for Kingston and Surbiton (Sir Edward Davey) all spoke about journalistic data. I absolutely hear what they say, and will give substantial consideration to their ideas and suggestions. I can perhaps provide some clarity on this. I do not think that, as the right hon. Member for Kingston and Surbiton suggested, officials picked this off the top of their heads; it was in not only the Terrorism Act 2000, but the Proceeds of Crime Act 2002. As with a lot of different case law, there have been different developments on the definitions of “data” and “confidential data” as it relates to journalistic material. Of course, the substantial value and public interest test is already in place to ensure that data relevant to a particular investigation or proceedings can be the subject of an access production order, but I am happy to discuss this further in Committee.

The hon. Member for Paisley and Renfrewshire North talked about a number of things. First, he asked why we had not opted into the European protection order scheme, by which I assume he means the Europe e-evidence proposals. The Government chose not to opt into the e-evidence regulation as it is not clear that the new EU legislation will be a practical and effective way to address the global issue of providing lawful access to data held anywhere in the world. Clearly, however, I agree with the principles, which is why we are introducing this Bill.

The hon. Gentleman also raised the issue of bulk data. An application for an overseas production order must specify what data is being sought. The judge approving the order must be satisfied that the data requested is of substantial value to the proceedings or investigations and that it is in the public interest for the data to be obtained. I know the hon. Gentleman may not be satisfied by that, but the hon. and learned Member for Edinburgh South West (Joanna Cherry), being a barrister, will no doubt be absolutely supportive of judicial discretion. Interestingly, people in this House often hold strong views on this—I am a great believer in judicial discretion—yet when we ask them to make that decision about public interest or certain tests, the same people sometimes seek to restrict that judicial discretion. I trust our judiciary and believe that in this environment of a bulk data request and so on, if this is laid by our law enforcement agencies before the court, the judge can use his or her discretion to make that decision, if it is in the public interest, and the police and law enforcement satisfy the requests made.

My hon. Friends the Members for Chelmsford (Vicky Ford) and for Sleaford and North Hykeham (Dr Johnson) were absolutely right about the potential damage that the online environment is doing to our young people and the tools that the internet gives some persistent offenders to exploit and abuse people, both adults and children. I mentioned Dr Matthew Falder at the opening of this debate. To see that case in detail is disturbing, and it will stay with me for most of my life. We know that he affected people’s lives, not just at home in the UK, but across the world, including by encouraging people to commit suicide and so on. He set up chatrooms where the qualification for entry was for people to bring their own abuse images into the chatroom—people were tasked with abusing children and bringing those

images in. These are the people this Bill is targeted at, and every day we cannot deal with them is a day they continue to abuse.

The right hon. Member for Kingston and Surbiton, and the hon. Members for Torfaen and for Paisley and Renfrewshire North asked about the issue of the death penalty. I understand the importance of it and the key principle that people hold on it. The right hon. Gentleman was a member of the first Government who published the overseas security and justice assistance guidance—OSJAG. This is human rights guidance on requests for evidence and it contains all the guidance for law enforcement and government on the extent to which we seek and uphold our principle on the death penalty. I am happy to debate this in Committee. It does, however, reflect the issues and challenges we face as to balancing our security with our belief on human rights. This affects any Government, including the last Labour Government, who did not have OSJAG but still believed there were exceptional circumstances when assurances need not be sought. That is why I will welcome the discussion in Committee, but I make the point to Members that this Bill is an enabling Bill. It is, in effect, a plug for international agreement that we will then go and negotiate around the world, depending on where risk comes from and need. Both Houses will get a further chance to scrutinise those individual agreements and we can then ascertain whether they uphold our principles. I look forward to debating with interested Members in Committee, and I commend this Bill on Second Reading.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

### **CRIME (OVERSEAS PRODUCTION ORDERS) BILL [LORDS] (PROGRAMME)**

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Crime (Overseas Production Orders) Bill [Lords]:

#### *Committal*

(1) The Bill shall be committed to a Public Bill Committee.

#### *Proceedings in Public Bill Committee*

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 18 December 2018.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

#### *Other proceedings*

(7) Any other proceedings on the Bill may be programmed.—  
(*Amanda Milling.*)

*Question agreed to.*

## Business without Debate

### DELEGATED LEGISLATION (COMMITTEES)

**Mr Deputy Speaker (Sir Lindsay Hoyle):** With the leave of the House, I wish to put motions 3 to 6 together.

*Ordered,*

That the Measure passed by the General Synod of the Church of England, entitled Ecumenical Relations Measure (HC 1687), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church of England (Miscellaneous Provisions) Measure (HC 1688), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church Property Measure (HC 1689), be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Church of England Pensions Measure (HC 1690), be referred to a Delegated Legislation Committee.—(*Amanda Milling.*)

**Mr Deputy Speaker:** With the leave of the House, we will take motions 7 and 8 together.

*Ordered,*

### PUBLIC ACCOUNTS

That Gillian Keegan be discharged from the Committee of Public Accounts and Anne-Marie Trevelyan be added.

### TREASURY

That Stephen Hammond be discharged from the Treasury Committee and Mr Steve Baker be added.—(*Bill Wiggin, on behalf of the Committee of Selection.*)

## Scotland's Foreign Policy Footprint

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

8.6 pm

**Stephen Gethins** (North East Fife) (SNP): I am grateful for the opportunity provided by this Adjournment debate, which, happily, coincides with St Andrew's day last Friday. As well as being marked by Members from across the House, it was of course marked by millions throughout the world, including the tens of millions of Scots through birth, residency, ancestry or affinity. St Andrew's day is of course particularly important for me and my constituents, because I have the great privilege of being the Member of Parliament for St Andrews, whose cathedral marks its 700th birthday this year, which I am sure all of us throughout the House can celebrate. It was built to commemorate the battle of Bannockburn, as I am sure we all can today. The cathedral was lit up on Friday, for the first time in a decade, to mark our patron saint.

As such, it seems apt this evening to reflect on Scotland's place in the world and its foreign policy footprint. I say to the Minister—I know he understands this—that we should have this debate regardless of Scotland's constitutional future. We should have a sensible debate when discussing soft power and the attributes that Scotland brings to the international community. Obviously, he and I will have different views on Scotland's future, and that is entirely legitimate, but I do not think it should take away from our having a sensible discussion of one of the Foreign Office's greatest foreign policy assets—[*Interruption.*] That being, as well as the Minister, Scotland's soft power and the benefit it brings to the Foreign Office's diplomats in doing their work.

Before I really get under way I should add, for the record, that there are a fine range of Scottish organisations. I refer to my declaration of interests, in that I am a trustee of the John Smith Trust and an adviser to Beyond Borders Scotland. Both roles are unremunerated, but I should bring them to the House's attention.

I hope the Minister does not mind my saying this, and it is no criticism of him, but there have been times when the Foreign Office has perhaps been a little Whitehall-centric and conventional in carrying out its work over the past few years. I sincerely hope—in fact I know—that he will take my arguments in the spirit in which they are intended, as a constructive part of the discussion about how we conduct foreign policy throughout this Chamber and beyond. I accept that he may not agree with me entirely, but I hope he will appreciate the genuinely constructive way in which I hope to carry out this debate, to which I am sure all my colleagues will hope to contribute. Look at them—do they not look like a constructive bunch?

First, I wish to talk about Scotland the brand. Scotland may not yet be independent, but I think everybody can agree that we have undergone a significant constitutional journey in recent years, with Scotland having reasserted itself on the international stage since the re-establishment of the Scottish Parliament in 1999. All parties can take some credit for the fact that we have gone through that constitutional journey. We have at times had difficult and divisive discussions and debates, but they have always taken place in a spirit of democracy. We should all take some pride in that journey.

[Stephen Gethins]

Scotland has significant soft power resources at its disposal. It is quite remarkable that a nation that is not yet a recognised independent state has such a recognisable brand, which many independent states would highly envy. I can remember, when I worked in South Ossetia in the south Caucasus, discussing Burns with local veterans. His work was so widespread throughout the former Soviet Union, bridging the gap between warring factions in that conflict. It has been translated into all the languages of the Soviet Union, including Ossetian. It was incredibly important for me to be able bridge that gap through Burns—through our soft power.

Despite the truth of history and despite what may have happened in history, Scotland's history is often, rightly or wrongly—I make no judgment—viewed quite differently from that of our neighbours across these islands, not least our larger neighbour directly to the south. That is something we should all try to use to our advantage. We have a valuable global brand.

**Jim Shannon** (Strangford) (DUP): It is really important that in this debate we look at everything in the pot, so to speak, throughout the whole United Kingdom of Great Britain and Northern Ireland. Does the hon. Gentleman agree that a united foreign policy is a goal from which everyone benefits? Any foreign policy discussion in the Scottish Parliament must be had in co-operation with the Foreign and Commonwealth Office and with the Minister in particular, to ensure that a united UK approach is enhanced, as it can be, by Scottish participation.

**Stephen Gethins:** I know it is very unusual for the hon. Gentleman to intervene in Adjournment debates, but I thank him for taking the time to do so this evening. I appreciate it. He makes a valid point, but sometimes we have a different foreign policy approach and others will take their own views. I wish to give some specific examples of how Scotland has perhaps taken a slightly different approach, but one that has enriched foreign policy overall and should be taken on board. Further into my speech, I shall discuss the fact that non-governmental organisations and a non-state approach to some international work also have a place. I say that with particular reference to work in conflicts. In the 21st century, the role of civil society and sub-state actors has been transformational.

**Patrick Grady** (Glasgow North) (SNP): I congratulate my hon. Friend on securing the debate. I think he will go on to speak about this in more detail, but Scotland's relationship with Malawi—I declare an interest as the chair of the all-party group on Malawi—is a fantastic example of partnership working between countries. He emphasises the role of NGOs, which is at the core of such work, because the nature of the devolved settlement and how the Scottish Government fund overseas work means that the process relies on civil society organisations in the two countries speaking to each other. I am sure my hon. Friend agrees that that is definitely a lesson that the UK Government could learn.

**Stephen Gethins:** My hon. Friend makes an excellent point. He has done some significant and worthwhile work to build and maintain the special relationship that exists between Scotland and Malawi. That is seen in the work not only of NGOs but of the Scottish Government

in developing that relationship, going right back to the days of Livingstone and trying to use our history and common heritage to develop the relationship.

**Brendan O'Hara** (Argyll and Bute) (SNP): I thank my hon. Friend for making such a powerful case about Scotland and our tradition in the world. Does he agree that there is probably no greater example of how Scotland helps the world than Mary's Meals, from my Argyll and Bute constituency? It was started as Scottish International Relief in 1992 in Dalmally, in Argyll and Bute, by two brothers, Fergus and Magnus MacFarlane-Barrow, primarily to assist those who were suffering through the Bosnia-Herzegovina conflict. Today, it has grown to be such a worldwide organisation that every day 1.3 million children benefit from receiving a hot meal through Mary's Meals. Does my hon. Friend agree that that is a prime example of how Scotland benefits the rest of the world?

**Stephen Gethins:** My hon. Friend makes an excellent point. He is right to point to his constituency and the work that is done by Mary's Meals. I would encourage anybody to read "Eastern Approaches" by Fitzroy Maclean, who was of course an MP who sat on the Conservative Benches. It is an excellent book, and he is also part of the links between Argyll and Bute and the former Yugoslavia. I fondly remember visits to Vis.

**Jim Shannon:** It would be remiss of me to let this opportunity pass, because the hon. Member for Argyll and Bute (Brendan O'Hara) made an important point, but he did not directly mention the generosity of the Scottish people, which is enormous, as is ours in Northern Ireland. The generosity that we share with our Gaelic cousins is shown not only by the project that the hon. Gentleman referred to but by the fact that every week every Scottish National party MP tables an early-day motion that refers to the generosity of people and what they do. That should not be forgotten—in this debate, in *Hansard*, or in the House.

**Stephen Gethins:** I thank the hon. Gentleman for his intervention. His point is helpful, because it takes me on nicely to an area on which we share a great deal of common history with the people of Northern Ireland and across these islands, which is the diaspora. I hope the hon. Gentleman will not mind my referring to the Scots Irish diaspora and the impact that it has had on the United States.

**Jim Shannon:** Every year, I attend the Irish Fest in Milwaukee, in Wisconsin. This August, the theme will be Scottish Gaelic culture, music, history and prose. That is an example of what can happen with the Scots Irish.

**Stephen Gethins:** I thank the hon. Gentleman for his contribution. I know how excited the people of Milwaukee will be about his visit and how much they will be looking forward to it. That event, too, is about building links between our parts of the world.

There are tens of millions of Scots around the world. I use the terms Scots in a generous way, which is the right thing to do. I recently read online that one of our new Scots said, "The nice thing about being Scottish is that you just turn up." That is a nice way to be. [Interruption.] The Minister could turn up on these Benches; he would be very welcome.

When talking about the deep links that Scotland has, which are a resource for the Foreign Office, I recommend that anyone reads the work and follows the broadcasts of my constituent Billy Kay, who looks at the Scots' impact globally, including in Poland, Sweden, the United States and the Commonwealth. His excellent recent broadcast series on the Scots in Russia is particularly interesting and timely listening, because of course SNP Members, like others, think it is right that our foreign policy takes a hard line with the Government of Russia, but we all recognise the deep affinity with Russia and the links not just between Scotland and Russia but between the people across these islands and the people of Russia. It is more important than ever before that we remember the common history and heritage and the links that bind us to the great people of Russia, to whom European civilisation and culture owes so much.

**Alan Brown** (Kilmarnock and Loudoun) (SNP): I congratulate my hon. Friend on his speech. It is interesting that he talks about his constituent Billy Kay. I, too, pay tribute to Billy Kay for his fantastic work, but I should just point out that although he is a constituent of my hon. Friend's, he comes from the village of Galston, so he is a good Ayrshire man.

**Stephen Gethins:** My hon. Friend is right. My constituent is a good Ayrshire man, but he is also a good Dundee United fan, which I know Members from across the House will welcome. That is particularly important—I point to his work on the impact that the Scots have had on the beautiful game, including the work that they have done in places such as Brazil and Argentina. I sincerely hope that the Brazilians and the Argentinians will remember the debt that they owe us with regard to football the next time that we play them.

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): I thank my hon. Friend for giving way and congratulate him on securing tonight's important debate, which is very much a sequel to my own hugely successful debate on Paisley's cultural contribution to the world. Does he agree that the diaspora, which he mentions, often moved abroad with hugely successful Scottish businesses? I recently visited the village of Borgonya in Catalonia, where the famous Paisley company, Coats, was set up. At its peak, it was the largest company in the British empire and the third largest on the planet. It took scores of Paisley buddies across to Borgonya to set up a textile mill. Even though it closed 18 years ago, it is not the Catalan flag that flies above the mill, but the Saltire, which just goes to show the power of the Scottish diaspora.

**Stephen Gethins:** My hon. Friend makes a very good point about Catalonia—we are indeed everywhere. It reminds me of my time working in Namibia. A number of Namibian politicians had been in exile in the UK and formed their first democratic newspaper at the University of Glasgow. That was a powerful tool. Decision makers across the world celebrate Scottish heritage, including those in Washington DC, where the Scottish Government office does a good job but is co-located with the embassy. That also happens in Ottawa, Canberra and many other capitals.

**Andrew Bowie** (West Aberdeenshire and Kincardine) (Con) *rose*—

**Stephen Gethins:** On that point about successful independent countries, I will gladly give way to the hon. Gentleman.

**Andrew Bowie:** It is on that point of co-location. May I congratulate the hon. Gentleman on securing the debate? I can find nothing to disagree with in what he has said thus far, but he has raised Scotland's future a couple of times. He said, "We are not an independent state yet." Does he not agree that the hugely positive impact that Scotland has in the world—our global soft power footprint—is actually enhanced by our being a part of a bigger, greater United Kingdom, which I think is second in the global power index? He has just mentioned the Scottish Government office being co-located with the British embassy in Washington.

**Stephen Gethins:** Well, it is all very well being co-located with the UK embassy, but what is really interesting—I was going to avoid this point, but the hon. Gentleman offers me no choice—is that of the dozens of countries that have become independent from the UK and that no longer wish to be co-located with the United Kingdom when carrying out their foreign policy, not one of them has changed its mind about independence. They have all grasped the benefits of independence, including the many benefits for foreign policy. Although I try to talk about how we can take our relationship forward, my belief—like the belief in those dozens and dozens of successful independent countries—is still that the only way we can truly harness our potential is through the normal powers of independence.

**Andrew Bowie:** I do not want to go down this rabbit hole, but the hon. Gentleman did bring up Bannockburn earlier on. To go back to what he said about the dozens and dozens of countries that have gained their independence from the United Kingdom, it was of course because of Bannockburn that we joined the Union as an equal partner. Therefore, we are not in the same position as those dozens and dozens of countries that have gained independence. We are an equal partner within this United Kingdom, from which Scotland does very well indeed.

**Stephen Gethins:** I thank the hon. Gentleman for his intervention. If he had listened to my reference to Bannockburn, he would know that it was merely to give a historical illustration of why the cathedral at St Andrews was built 700 years ago. I think that, deep down inside, he accepts that—it was a historical illustration. If he wants to go back that far, I will indulge him, because I recently read about a new Hanseatic League being brought up in the European Union. That is an EU of successful independent member states talking about having a new Hanseatic League and about building strong, successful independent economies. The first thing that William Wallace did after declaring Scottish independence—if the hon. Gentleman wants to go back that far, and it was he who took us down this rabbit hole—was of course to apply to rejoin the Hanseatic League. Therefore, in many ways, we can learn from history, and the letter of Lübeck tells us that.

**Alan Brown:** While we are down that rabbit hole, is it not interesting that Scotland as a country had no debt until the Treaty of Union in 1707, nearly 400 years after Bannockburn, when it had to take on debt due to England's foreign policy in foreign wars?

**Stephen Gethins:** My hon. Friend raises a valuable point. I shall continue to look ahead and perhaps, despite what my Conservative colleagues are saying, to look to the future and to our future opportunities.

**Bill Grant (Ayr, Carrick and Cumnock) (Con):** I welcome the hon. Gentleman's speech for its pleasant journey through history—it is history as seen through the rose-tinted glasses of the SNP. He may wish to reflect on the time when Scotland chased the colonies and wanted to build its own colony cultures under the Darien scheme. Perhaps he could share his views on that with the House.

**Stephen Gethins:** I have very much enjoyed today. In fact, I have family connections to the Darien Gap. My brother-in-law was a hostage in the Darien for a year. It is where we need to learn from history and from what happened at the time. In terms of what happened to my own brother-in-law, I pay due credit to the Foreign Office and the help that was given to the family during that time. We also need to look to the future.

**Brendan O'Hara:** I purely wish to make reference to what the hon. Member for Ayr, Carrick and Cumnock (Bill Grant) said about the Darien scheme. May I refer him back many years to my own tutor at Strathclyde University, Professor Tom Devine? He is the doyen of Scottish history. The hon. Gentleman should read what Professor Devine and other Scottish historians say about Darien. Darien is not as it is portrayed in British popular culture. It is far more complex and far more nuanced. Indeed, it showed incredible entrepreneurial skills on behalf of an independent Scottish nation, which was cruelly taken away by the amalgamated powers of many Europeans. I urge him to read up on the Darien scheme.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I do not mind interventions, but at least let us see if we can shorten them. I say to the hon. Gentleman to save it for a speech; he might catch my eye.

**Stephen Gethins:** I thank my hon. Friend for his historical point.

As I have said, I do want to look to the future to our ambitions and opportunities. Let me turn to our education sector. Today, we see thousands of students, staff members and renowned academics from across the world come to Scotland. It would be remiss of me not to mention the very fine and much-missed Sir Neil MacCormick, the contribution that he made to international constitutional law and the reverence with which he is still held in many European countries—and badly missed he is, too.

The House will be unsurprised to learn that I am going to mention the University of St Andrews, which today hosted the head of MI6, Alex Younger, who studied at the university and chose it as the location at which to make a speech. Although he is a UK national, this reflects the fondness with which many former alumni and former staff hold St Andrews, as is the case with other Scottish universities. I particularly enjoyed the university's "Internationally Scottish" campaign: 45% of the university's staff and students are international, and this campaign recognises their connection with Scotland. That is an enormous asset, which I am sure is welcomed across the House.

Like a number of my hon. Friends, I also recognise the fantastic NGO sector that thrives across Scotland, with organisations such as the Scottish Catholic International Aid Fund, Mercy Corps, the HALO Trust and the John Smith Trust that have built up networks across the former Soviet Union and the middle east, providing a fantastic asset for our diplomats. Scotland is a soft superpower, but there is no point just being a soft superpower without looking at the practical areas where we should and can harness that power.

**Marion Fellows (Motherwell and Wishaw) (SNP):** As part of the Select Committee on Education, I went on a tour of a number of first-rate universities across the UK, and found exactly what my hon. Friend has just mentioned—soft power. Soft power will disappear if we leave the European Union, because it is about people coming to universities, in Scotland especially, who send back generations of students to put forward the Scottish enlightenment ideas.

**Stephen Gethins:** My hon. Friend makes an outstanding point; in fact, she makes my point for me. We should look at how we can harness soft power. I would like to know the Minister's genuine thoughts on how we can work together, outwith the confines of Whitehall and traditional means of pursuing foreign policy.

This year, Westminster marks 10 years of the Climate Change Act 2008. Members across the House are right to celebrate that and the progress that has been made. It is up to us how we tackle this generation-defining issue—a point made by a number of Members during the G20 statement earlier, including my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford). Back in 2009, Scotland won plaudits across the world when it went further than Westminster with, at the time, the most far-reaching and ambitious climate change targets anywhere in the world, and that remains a priority for the Scottish Government.

**Angela Crawley (Lanark and Hamilton East) (SNP):** Scotland's leadership on climate change and ambitious action on reducing carbon emissions in 2009 were showcased in the Copenhagen summit. Whether on refugees and migrant issues, gender issues, human rights, social justice or the environment, Scotland is leading the way—ahead of the UK.

**Stephen Gethins:** My hon. Friend makes an excellent point. Of course, the First Minister of Scotland will be speaking at the UN climate change conference tomorrow, which we very much welcome.

The success back in 2009 owed much to the cross-party, unanimous backing that the measures received in the Scottish Parliament, as well as the constructive and practical engagement from academics, the NGO sector, trade unions and the business community, working together. It would not have been as successful or world-leading without that cross-party commitment. In fact, during the 2007 to 2011 Scottish Parliament, the minority Government achieved a huge amount that got international recognition because—I will give credit to other parties—there was engagement with the opposition. I very gently remind Government Front Benchers that it is possible to make progress as a minority Government and it is possible to make progress on some of the biggest issues of the day.

The work on climate change back in 2009 received international plaudits from as far afield as Governor Schwarzenegger of California and President Nasheed of the Maldives. This was a good news story for the whole of Scotland, and it should have been a good news story for the United Kingdom as well, so it was very disappointing that the UK Government at the time chose to exclude the Scottish Government from being part of its delegation to the Copenhagen summit that my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) just mentioned. Ministers, including the First Minister, went and were able to tell their story anyway, but that was a missed opportunity in terms of the massive foreign policy challenge we had at the time, and it was due to the way the involvement of a devolved Administration was seen in Whitehall. That was disappointing, so I hope the Minister will consider the need to tackle problems such as climate change in new, inclusive and innovative ways through our network of embassies and by working together.

Perhaps a more transformational and pressing area of work in recent times has been that of peace building—conflict resolution and conflict transformation. It has been recognised in recent times that there is a huge role for non-state actors, as I have referenced already, and that civil society has a particular role to play. There has been a transformation in the way in which we see conflict in a 21st-century environment. Recent lessons from Iraq, Libya and elsewhere illustrate that the traditional state-to-state methods of peace building can never alone result in successful state building. I am sure that the Minister has reflected on that if he has read the Foreign Affairs Committee's report from the last Parliament on the aftermath of the intervention in Libya that showed that many of the lessons from Iraq had not yet taken on board in relation to the Libyan conflict.

I encourage all MPs to read Mark Muller Stuart of the UN and Beyond Borders Scotland—an excellent organisation—on this subject, including his speech to the Royal Society of Arts in Edinburgh in November last year and an excellent article in the *Sunday National* yesterday. The *Sunday National* is a fine paper, and I hope that having read some of these thought pieces, the Prime Minister will consider inviting it to her next press conference. This is a really important point. Mr Muller Stuart puts it much better than I ever possibly could when he argues that Scotland should play a greater role in peace building, not least given our recent history and the constitutional journey that we have all made in recent years. Indeed, he even notes that the 2012 Edinburgh agreement is itself a conflict resolution instrument that has been looked at elsewhere in the world. It dealt with an issue, with a debate and a referendum, where there were very strongly held views that remain very strongly held on the SNP Benches and on the Conservative Benches as well. We need to realise that other people want to learn from this.

**Chris Law** (Dundee West) (SNP): My hon. Friend is making a very valid point about what we can do postconflict. I had the opportunity, as part of the Westminster Foundation for Democracy, to visit Sri Lanka to talk about Scotland's contribution. I raised that very point about the Edinburgh agreement and how peaceful it was. Sadly, Sri Lanka has not yet come to terms with its recent past. However, I would just like to echo my hon. Friend's point.

**Stephen Gethins:** I thank my hon. Friend. Scotland has an important role to play in the new landscape and in more imaginative ways that we need to tackle conflict. That came out of the Foreign Affairs Committee's reports, and I know that the Minister himself has been reflecting on it.

I commend Beyond Borders Scotland and Mark Muller Stuart for recognising Scotland's role in his work at the United Nations and bringing the First Minister on board with some of that work. That was seen most recently when Staffan de Mistura, the UN special envoy to Syria, decided that Scotland should host his women's advisory body as part of its work around implementing Security Council resolution 1325. Let me quote from Mark's article in yesterday's *Sunday National*:

“On 5 May 2016, all party leaders in Scotland”—

this was the day after the Scottish parliamentary elections, so full credit to all the party leaders—

“came together to welcome Syrian female peacemakers from both sides of the divide to the Scottish parliament with the support of the FCO. It was an event that was unlikely to have occurred in London. Following this collaboration, the First Minister committed the Scottish Government to provide funding for the training of fifty female peacemakers every year for the next five years with the support of the UN. This is but one example of Scotland's growing standing and capacity to act in the service of peacemaking.”

I ask the Minister to reflect on that. Scotland's First Minister has shown outstanding leadership in this area, which is dear and close to her heart. However, as with facing up to climate change, due credit must go to the leaders of all parties in the Scottish Parliament, who together, on the day after those Scottish Parliament elections—just imagine!—came together to work with peace makers from the troubled conflict areas in Syria. I give due recognition to all the leaders of the political parties in the Scottish Parliament for having done so. Perhaps that attitude in another Parliament of minorities can enable us, working together across the divide, to deliver these benefits. But maybe that is for a fuller debate another day.

Let me say quietly and gently that Scotland can also act as a bridge to Europe in these troubled times. We know that regardless of what happens next week, the relationship with our European partners—our key partners; our closest partners—has been damaged by Brexit, whether we like it or not, leavers or remainers. There is recognition that Scotland voted to remain and wants to remain engaged. Through our businesses, political institutions and others, Scotland can act as a bridge when we try to reconstruct, one way or another, that damaged relationship between the United Kingdom and its European partners.

Our responsibilities, given conflicts in recent years, mean that we need to reflect on the mistakes that have been made. I have reflected on the Foreign Affairs Committee's comments on the response to Libya, and that can be seen elsewhere, such as the conflict in Iraq. I know, and the Minister knows, that there are many fine officials in the Foreign Office and elsewhere. I have met a large number of them, including the new ambassador to Myanmar and our ambassadors in Kiev and Tbilisi. They are excellent officials working in extraordinarily difficult situations. I also reflect on a meeting I had with the then ambassador to Libya, who was working incredibly hard in one of the most difficult situations imaginable.

[Stephen Gethins]

I know that officials are looking at new and innovative ways of tackling challenges, but at times the UK is held back in its foreign policy by a failure to think outside the Westminster and Whitehall box. I hope the Minister does not think that too harsh; it is not a reflection on him, but merely on the culture. That could be holding us back in tackling foreign policy challenges in a more imaginative way.

**Angela Crawley:** In terms of Scotland's role in global citizenship, through its contribution to the UN's sustainable development goals and its international development fund and strategy in Malawi, Rwanda, Zambia and Pakistan, Scotland has proven that it is an inclusive, outward-looking country that plays a vital role globally. Will my hon. Friend join me in urging the UK to follow our lead?

**Stephen Gethins:** I absolutely agree. I also commend the excellent work being done by the Scottish Government's external affairs team and development team in reaching out to some of those areas.

**Jim Shannon:** The hon. Gentleman has been gracious and generous in giving way tonight. The one thing that he has not mentioned yet, although I know he is about to, is the great pioneering spirit of Scottish people across the world. I refer to just one—David Livingstone, the pioneer, explorer and missionary who preached the gospel across all of Africa. He was a man of faith, and sometimes in these debates, the importance of faith is lost. I know that many Members across the whole House would agree with that, and it is important to put it on record.

**Stephen Gethins:** The hon. Gentleman makes a really good point about Livingstone. I would like to reflect not only the contribution that faith has made, but the huge contribution of Scots of all faiths and none.

**Carol Monaghan (Glasgow North West) (SNP):** When talking about David Livingstone, it is important to remember that Father Daniel Gallagher of St Peter's church in Partick taught David Livingstone Latin, which enabled him to go to Glasgow University to study medicine.

**Stephen Gethins:** I thank my hon. Friend for making that excellent point about the link to her constituency.

To return to my point about tackling foreign policy challenges in imaginative ways, the FCO should embrace the opportunities provided by devolution. I will quote more of Mark Muller Stuart's article yesterday, in which he said:

"The UK needs to support these types of initiatives. For as the utility of hard power declines,"—

there can be no question but that it is declining—

"and that of soft power increases, it ill-behoves any policymaker serious about improving the peace-making record of the UK not to recognise Scotland's growing capacity to act. The positive values that underpin Scotland's current civic nationalism and humanitarianism can only make it a greater force for good in the world, whatever its constitutional status turns out to be."

It is important that we all reflect on that in a constructive, meaningful and responsible way.

At a time when the UK is facing mammoth challenges, it truly needs all the help it can get. I ask the Minister to consider the arguments I have made and how we can work together across all these islands to tackle some of the foreign policy challenges that we have in common in more imaginative ways, to help in areas such as climate change and conflict transformation. Thank you for allowing me this time, Madam Deputy Speaker.

8.44 pm

**David Linden (Glasgow East) (SNP):** It is a real pleasure to follow my hon. Friend the Member for North East Fife (Stephen Gethins), whom I congratulate most sincerely on securing this debate. I do not want to hold up the Minister this evening. I know that he, too, will be keen to rise to his feet, but I will keep him back for a little bit yet.

It was only when I was listening to my hon. Friend that I was brought to think a little bit more about the debate he has secured. If you will allow me, Madam Deputy Speaker, I want to mention one or two local groups, because I believe that when we talk about Scotland's foreign policy footprint, it is not necessarily about diplomats or those in the Foreign Office in Whitehall, but in fact about our constituents who go all the way across the world and make such a valid contribution to our relationship with our friends across the world.

If I may, I want to refer to some conversations that I had fairly recently with school pupils in my constituency. First, I pay tribute to my alma mater, Bannerman High School. I visited it only this morning to present an early-day motion recognising the immense generosity of the east end of Glasgow, which has been fundraising for the Beatson. Bannerman High School has a long-standing relationship with Malawi. That point was raised by my hon. Friend the Member for Glasgow North (Patrick Grady), and I want to touch on that later in my remarks.

The school pupil I want to mention is a fine young lady, Keira Cameron, from the Baillieston area of my constituency. My first interaction with her was about a visit she was undertaking on behalf of her high school—St Ambrose High School—which is in the constituency of the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney). I think a third of the children in my constituency go to it because it is the local Roman Catholic high school. Keira's family contacted me because she had some difficulties with her passport. Through the good offices of the Immigration Minister, we managed to get that ironed out and she was able to travel to Bangalore, from which she came back with a number of suggestions for me.

One of the issues I want to touch on is that of visas—not visas for, or migration by, people leaving the United Kingdom, but visas for people coming to the United Kingdom, specifically in relation to Malawi. I think my first ever debate in this House was on the relationship between Scotland and Malawi. It was quite fitting that my hon. Friend the Member for Glasgow North raised that, because there is an issue of equality. Frankly, we send lots of our young school students off to Malawi—they can go and do wonderful work there, and they often do—but there is an issue about students from Malawi being able to come here as well.

While on visas, I want to touch on an issue that I dealt with only last week. It relates to one of the fine churches in my constituency—there are a great many

of them. Parkhead Nazarene church is led by my good friend Pastor Ian Wills. He hosted an international conference in Glasgow this week, and once again he came up against the issue of the UK Government denying visas or conducting the process in a way that was not fitting. Again, through the good offices of the Immigration Minister, we managed to iron that out. I guess my fundamental point is that the way we treat people, particularly when they are coming to this country, sends a message about what kind of country we are.

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): On the point about visas and the importance of building diplomatic relations, could there be any more stark an example than that of the Moldovan diplomats who were refused visas for this country, which has set back the UK's negotiations in relation to the World Trade Organisation?

**David Linden:** Absolutely; I very much agree with my hon. Friend, to whom I pay tribute for his work as our spokesperson on immigration. He more than anybody in this group sees the complete shambles that is the United Kingdom Government policy when it comes to migration. I am sure he sees that on a daily basis, sitting on the Home Affairs Committee. As my hon. Friend the Member for North East Fife was speaking, I was reflecting on the attitude we have to others around the world—that welcoming, embracing spirit and relationship of equality—and such a point has been made.

**Chris Stephens** (Glasgow South West) (SNP): Is not one of the most modern examples that of Glasgow being the first city in the United Kingdom to award freedom of the city to the late, great Nelson Mandela? That led to South Africa voting for Glasgow to host the Commonwealth games in my hon. Friend's constituency.

**David Linden:** My hon. Friend is absolutely spot on. I recall his early-day motion about Nelson Mandela, whom we and the people of Glasgow hold very dear. He is right to reference the Commonwealth games, which were an excellent opportunity for Glasgow and Scotland to build relationships with countries around the world. He is absolutely right to place that on record.

**Stuart C. McDonald:** Was not the use of Pride House another fine example of how the Commonwealth games were used to influence world politics? It managed to bring lesbian, gay, bisexual and transgender athletes together with politicians to make the case for equality to countries where that is perhaps still a struggle.

**David Linden:** Absolutely. I very much pay tribute to my hon. Friend. The hon. Member for West Aberdeenshire and Kincardine (Andrew Bowie), who is no longer in his place, spoke of being led down a rabbit hole, but it would go amiss if I did not use this opportunity to reference my recent correspondence with the Government of the Republic of Tanzania, which I had the great privilege of visiting in September 2017. The governor of Dar es Salaam has been deploying people on what would be called gay hunts. I have raised that issue with the United Kingdom Government through written questions and with Tanzania through correspondence. I was disappointed to receive a response from the Tanzanian Government only this week saying that while they did not necessarily agree with the governor of Dar es Salaam's

comments, they were not necessarily going to take any action on them. I very much hope that the United Kingdom Government will be able to take action on that, but I do not want to digress too far from the path of Scotland's foreign policy footprint.

This morning, while out doing constituency visits, I had the pleasure of meeting Mr Ibraheem, who runs the Usave convenience store on Eckford Street. He has been here for 13 years. He runs the local newsagent, but he recently qualified as a solicitor. As I spoke with him in his shop in Tollcross, he reflected on how welcoming and embracing Scotland has been; he realised that when he lived in Pakistan. He decided that he wanted to come to the United Kingdom, and specifically Scotland, because of that warm embrace and that strong relationship. Scotland is not yet an independent country—it is coming, for all that—but we will be able to forge greater links when it is.

That leads me on rather nicely to the subject of the former Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson). Last week, when I was travelling home on the sleeper train, I had the misfortune to watch the recent BBC documentary, "Inside the Foreign Office". The right hon. Gentleman did not, during his travels, come across as the kind of gentleman that Scotland or the United Kingdom want to send to build relationships around the world. It is probably right that he should no longer be in that position. It angers me that he did not resign as a result of his deeply distasteful remarks about Sirte, which he said could be

"the next Dubai"

if the people there

"clear the dead bodies away".

He was allowed to get away with that. That is the kind of person we have had speaking on behalf of the United Kingdom and building relationships, and that reflects very badly indeed on Her Majesty's Government.

On Brexit, there are severe challenges coming down the track. That has not been helped by the way that Her Majesty's Government have pursued their Brexit negotiations. I think one or two colleagues might wish to follow me, so I shall conclude by saying that we do not know what the next couple of weeks hold in terms of Brexit, but having come off a plane only about two hours ago after spending the day in my constituency, it is crystal clear to me that people in Scotland realise that the only way for Scotland to have a proper, equal relationship with other nations is to rejoin the family of nations.

8.54 pm

**Brendan O'Hara** (Argyll and Bute) (SNP): I will be brief. I want to praise the excellent contributions from my hon. Friends the Members for North East Fife (Stephen Gethins) and for Glasgow East (David Linden). My hon. Friend the Member for North East Fife concentrated on the big picture: what Scotland as a nation and its institutions are doing to increase Scotland's representation and foreign policy footprint in the world. What I would like to do, if I may, is look at individuals and small groups who are doing so much good in our communities. I mentioned earlier the role of Mary's Meals. I make no apology for mentioning again its outstanding contribution across the world. It is currently feeding 1.3 million impoverished children every single day.

[Brendan O'Hara]

I would like to recount a story. A couple of years ago, shortly after I became a Member of Parliament, I received a phone call from a constituent with whom I had previously had no contact whatever. She had just become a mother and was up late at night because her baby could not sleep. Her name is Fiona Bennett and she lives in Oban. She contacted me to say that while she was up with her child who could not sleep she was listening to Radio 4. The most awful story came on the radio about the plight of the Yazidi people. A young mother with a young baby listening to a horrific story on Radio 4, she was so moved by what she heard on a late night radio programme that she decided to contact her Member of Parliament to see if there was anything that I or we could do.

Fiona and I decided that we could and would do something. Within a few weeks, we had together organised for the now world-renowned Nadia Murad to come to the United Kingdom. I arranged a visa for Nadia to come to the UK and speak in Parliament. Together, we began to raise the profile of the Yazidi people in this place. Recently, Fiona raised £300,000-worth of medicines to be sent to Sinjar—£300,000-worth of medicines sent to some of the poorest and most vulnerable people on this planet. It was because of my connection with Fiona that we in this House, in the past fortnight, established an all-party group on the Yazidi people. I am delighted that the hon. Member for Strangford (Jim Shannon) is a vice-chair of the group.

**David Linden:** I, too, attended the all-party group set up by my hon. Friend the Member for Argyll and Bute (Brendan O'Hara). He is too modest to say that he convened the all-party group and is organising an excellent event before the end of the year. I feel it is appropriate to put on record a tribute to my hon. Friend for pursuing this cause. It is not necessarily one that is in our mailbags every day, but my hon. Friend's campaign is an example of a good constituency MP.

**Brendan O'Hara:** That is very kind and I thank my hon. Friend for those comments.

My point is that it is from small acorns that such good things can emerge. From that single phone call from Fiona and the seemingly innocuous situation of a baby unable to sleep, we now have an all-party group on the Yazidi people. On 12 December, the Yazidi community will be coming to Parliament to celebrate Nadia being awarded the Nobel peace prize. Nadia will be joining us via a live link from Oslo to speak to the all-party group and to the community. My hon. Friend the Member for North East Fife rightly made the case for how important big national organisations are, but we should never, ever lose sight of how important the action of an individual can be and the ripple effect of someone taking the time to get involved and saying they want change. Fiona is not alone in that. Across Argyll and Bute, there are many local organisations, and I single out the Mid Argyll Malawi Twinning Group. A lot has been said about Malawi tonight and there is great affection between Scotland and Malawi.

**Angela Crawley:** To speak on behalf of—or perhaps in place of—the hon. Member for Rutherglen and Hamilton West (Ged Killen), the David Livingstone Centre, which

is situated in his constituency, showcases the links between Scotland and Malawi. In my constituency, there is also the New Lanark mill, which is a UNESCO world heritage site and which illustrates the outstanding universal value of these historical sites globally.

**Brendan O'Hara:** My hon. Friend is absolutely right. I commend the David Livingstone Centre to anyone who has not been there. It is a marvellous opportunity for a day out; it is educational, informative and huge fun.

The Mid Argyll Malawi Twinning Group is there to increase understanding and to raise funds to help others. A couple of years ago, a team from the Mid Argyll churches visited Malawi, with enormous success. There seems to be a disproportionately large number of people in Argyll and Bute involved in helping Malawi, including the Imani Development Foundation in Oban, Netherlorn Churches and their “Seed for Life” campaign, and schools including Rothesay Academy, Dunoon Grammar School and the primary schools of Strone, Dalmally and Iona. The point I want to make is that although it is important that Governments get involved, and it is hugely important that NGOs get involved, let no one be in any doubt that without the involvement of individuals and without their stepping up and saying that they care and want to make a difference, none of this would be possible. Finally, let no one be in any doubt about the importance and success of people—individuals—getting involved, because if they do not get involved, I would argue that neither can NGOs or Governments.

**Chris Stephens:** Surely the crux of my hon. Friend's argument is that there are constituents in every constituency in Scotland and the UK who care about foreign policy and want to address many of the injustices throughout the world.

**Brendan O'Hara:** My hon. Friend is absolutely right. I do not think that there is a constituency out there that is not chock full of people who recognise injustice when they see it and want to do something about it, but they have to believe—and be empowered to believe—that they can do something, and unless they do, they never will.

**Chris Law:** My hon. Friend is making some very valuable points about injustices in the world. We have heard about Nelson Mandela being awarded the freedom of the city of Glasgow, and that also happened in 1985 in Dundee. However, in September of this year, the people and the city of Dundee withdrew the freedom of the city for Aung San Suu Kyi, so this is a movable feast, and where there is injustice, Dundee will speak loudly.

**Brendan O'Hara:** I congratulate the people of Dundee on doing that. It is important that people recognise that we can, as a community, take a different view from time to time, and equally, we can change our minds from time to time.

**Carol Monaghan:** We have to remember that this issue is about not just individuals, but businesses in our communities. I make special mention of the satellite businesses that are in the constituency of my hon. Friend the Member for Glasgow Central (Alison Thewliss)—we have Clyde Space, established by Craig Clark; Spire Global, which has been set up in Glasgow from San Francisco; and Alba Orbital. The small satellites that they build are important and monitor things happening

on earth such as climate change, weather patterns and crop growth, which have a major impact on farmers, in particular, in the developing world.

**Brendan O'Hara:** I thank my hon. Friend; that is a classic example. We are all in this together, whether that means individuals, businesses, NGOs or national Governments. We all have a part to play and we must play that part.

Finally, I again put on the record my sincere thanks to my hon. Friend the Member for North East Fife for securing this debate on Scotland's foreign policy footprint. It is hugely important and extremely well timed. Belatedly, on behalf of everyone on the SNP Benches, I wish the House a very happy St Andrew's day.

9.4 pm

**Alan Brown** (Kilmarnock and Loudoun) (SNP): I congratulate my hon. Friend the Member for North East Fife (Stephen Gethins) on securing this debate and making such an eloquent speech. I also commend other hon. Friends for making such powerful contributions, making up for the collapse of business tonight.

**David Linden:** I just wanted to note that for one hour now the House has been debating Scotland's foreign policy footprint, which indicates that this is a meaty topic in Scotland and sends a very strong signal.

**Alan Brown:** I agree fully. Luckily, off the back of business collapsing, we have been able to have a much broader and fuller debate than normal, instead of having to squeeze in extra time.

I will be relatively brief.

**Hon. Members:** No!

**Alan Brown:** Depending on interventions, of course.

I want to focus on Scotland's place in the world but with a view to my constituency. Among other historical figures, my hon. Friend the Member for North East Fife mentioned the iconic William Wallace. The House might be interested to know that he was born in Ellerslie in my constituency—anybody who goes to the Wallace monument will see that it is deemed the most likely place of his birth. In later years, another village in Renfrewshire called Elderslie tried to claim him, but William Wallace was born in my constituency in Ellerslie. I wanted to get that on the record.

**Chris Law:** I am glad my hon. Friend has mentioned William Wallace. His birth place being Elderslie, I managed to give a speech at the annual meeting this year. I want to put it on the record that William Wallace was educated in Dundee city and even committed his first act of rebellion there. In fact, the first castle occupied and sacked in Scotland was not Stirling, but Dundee. William Wallace's contribution to the independence movement—

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. I remind hon. Members that we are talking about Scotland's foreign policy footprint.

**Alan Brown:** I will try to get things back on track, Madam Deputy Speaker, but I thank my hon. Friend for his intervention. I think he was saying that William

Wallace made a valuable contribution in the world by wrecking a castle in Dundee, which is an interesting concept.

**Stewart Hosie** (Dundee East) (SNP): My hon. Friend the Member for Dundee West (Chris Law) forgot to mention the international water law centre in Dundee University under the auspices of UNESCO. Does not all this demonstrate not only the wonderful and historic meanderings of William Wallace, whom we all admire, but—bringing us right up to date—that our foreign policy footprint is profound, useful and good in many places around the world?

**Alan Brown:** Of course, Dundee is making a further cultural contribution to the world by way of the newly opened Victoria and Albert museum. I think that brings everything full circle.

**Brendan O'Hara:** It is important to put on the record how fortunate my hon. Friend is that it is you in the Chair, Madam Deputy Speaker, and not the right hon. Member for Epping Forest (Dame Eleanor Laing), who was born in Elderslie. Had she been in the Chair to hear the awful slur that William Wallace was not born in Elderslie, indeed William Wallace's fate might have seemed tame by comparison to what she would have done.

**Alan Brown:** I do not thank my hon. Friend for that intervention.

William Wallace fought for Scotland's freedom, but, on Scotland's place in the world, he also recognised the need for diplomacy, and he himself travelled to Europe to conduct negotiations. Scotland's history is littered with people defending the rights of Scotland but recognising the need to co-operate with other countries around the world.

That takes us to Robert the Bruce. He, too, recognised the need for diplomacy. After the Battle of Bannockburn, he lobbied the Pope and worked with other leaders to get Scotland rightfully recognised as an independent country. That eventually culminated in the treaty of Arbroath, the declaration of independence, which, in a wider context, is deemed to be the model and inspiration for the United States discussion. That is something else that Scotland has given the world.

**Stephen Gethins:** My hon. Friend has made an excellent point. Is he also aware that the international organisation of the day, the Vatican, recognised Scotland as a filia specialis of the Church?

**Alan Brown:** I was, but I did not know the exact terminology, so I thank my hon. Friend for his intervention.

**Patrick Grady:** May I pursue the point made by our hon. Friend the Member for North East Fife (Stephen Gethins)? The declaration of Arbroath took the form of a letter to the Pope, recognising Scotland's place in the world and recognising the Pope as, at the time, the highest global authority. Scotland's taking its place in the world has always involved an internationalist rather than a simply nationalist outlook: our independence is about our interdependence with other countries.

**Alan Brown:** I agree. Of course, Scotland was always a trading nation, trading with the other European countries, and we want to maintain those trading links. That is another illustration of the concerns about Brexit. We have long been a European nation. Our vote in the EU referendum confirmed our European outlook, and we should not let that European outlook be taken away against the wishes of the Scottish people.

**David Linden:** My hon. Friend is right to raise the issue of trade. We hosted Small Business Saturday recently. I do not necessarily want to speak about small businesses, but a serious issue would be posed for Scotland if the United Kingdom Government continued down this disastrous path of ripping us out of the single market and the customs union, and also if Northern Ireland were given special status. In that event, companies would obviously feel the need to invest in Belfast, which would give them unfettered access to the Republic of Ireland. My hon. Friend is right to express concern that Scotland's status as a trading nation could be damaged as a result of the hard Brexit pursued by the Conservative party.

**Alan Brown:** It is ironic that Northern Ireland could potentially have special status and gain real advantages because the UK wants to maintain the common travel area within Ireland, which allows Irish citizens—EU citizens—to move freely into Northern Ireland, and allows Northern Ireland citizens to move freely back into Ireland. Of course, they are supposed to be able to come to the United Kingdom as well, but this means that Northern Ireland will maintain what is effectively European citizenship, and free movement, which will give them an advantage that we do not have.

**Chris Stephens:** I thank my hon. Friend for mentioning the declaration of Arbroath and the links with the United States of America. Will he say a bit about why trade is important, given that 6 April is known in America as Tartan day?

**Alan Brown:** Let us take the principle of free trade. Free trade allows people to trade goods for the benefit of others. It helps to create and distribute wealth, as long as it takes place fairly and equitably. That is key to what we want from Brexit. We cannot afford to be under World Trade Organisation rules. We cannot afford to have a UK Government who will allow cheap imports that will undermine standards in the UK and undermine Scottish farming. Trade is indeed important, but it must be equitable and without prejudice to the parties involved.

**Stewart Hosie:** My hon. Friend is making an excellent speech, and he is being very generous in giving way. The title of the debate is “Scotland's Foreign Policy Footprint”, and he has made some serious points about that, but is not the foreign policy footprint also about the individual Scots who travel and share their emotions and their humanity around the world? Would not the best thing we could do for a “near” foreign policy footprint be to maintain the free movement of people, so that our children and grandchildren could enjoy the free movement throughout the European Union that we enjoy today?

**Alan Brown:** I agree wholeheartedly. Of course free movement of people is a good thing, and I do not understand for the life of me why the UK Government

are trying to make this a central Brexit plan. Many of us have benefited from free movement. For instance, many students have benefited from Erasmus, which has enabled them to study abroad. Free movement widens cultural understanding, adds to our intellect, adds to our sharing, and, indeed, adds to worldwide co-operation.

I shall turn now to further Scottish impacts on the world. As was mentioned in an intervention, we had the Scottish enlightenment period when Scotland really did lead the world in terms of philosophy and modern thinking. Two of the people involved in that were David Hume, who was a fantastic philosopher, and Adam Smith, who we all know wrote “The Wealth of Nations”. What Adam Smith meant in that book is often misquoted. He looked at developing wealth but also having what we would now call corporate responsibility and an understanding of the behaviour of mankind. Adam Smith looked at human behaviour and the need for what he saw as a capitalist society, but one that was also a fair society. We need to remember that.

**Carol Monaghan:** Many would say that the Scottish enlightenment was one of Scotland's greatest contributions to the world. In that period, Scotland's literacy levels were leading the world, because there was a parish in every village. As a result, Scotland in the 17th century had five universities whereas England had only two. That allowed Scots to go out into the world, to develop intellectually and to put their footprint on the world stage.

**Alan Brown:** I agree wholeheartedly and could not have put it better myself. Literacy rates in Scotland were something to be proud of, and Scotland had a fantastic newspaper tradition following that, because so much of the population could read, and that further developed their understanding of what was going on in the world and stimulated further debate and conversations.

Another figure of the Scottish enlightenment was James Boswell, who was born in Auchinleck, coincidentally in my constituency. He was the first person to write a new groundbreaking kind of biography when he wrote the biography of Johnson.

I really wish I could have been around at the time of the Scottish enlightenment, because it often involved people gathering at somebody's house, and the host would bring in loads of bottles of wine, and they would share the wine and feast and debate and make notes and then reconvene the next night. Scotland has also given the world that ability to socialise, share a drink in convivial surroundings and enjoy such discussions.

**Carol Monaghan:** One of the great post-enlightenment scientists was James Clerk Maxwell, now known as the father of electromagnetism, which has gone on to become photonics and has led to the development of lasers and great science across the world. James Clerk Maxwell went to Cambridge University after Edinburgh University. At Cambridge, he was told he had to be up for 6 o'clock service on a Sunday morning and reputedly said, “Aye, I think I could stay up that late.” Such is the contribution of Scots.

**Alan Brown:** That is a fantastic anecdote that proves the point.

Clearly, Scotland joined the treaty of Union in 1707, and we have heard contributions from both sides of the House about the benefits or otherwise that that brought.

It is fair to say that many people did benefit after the treaty of Union and from the British empire, but something that has not been spoken about in terms of Scotland's footprint as part of the British empire is that, unfortunately, some of that came from Scots also being involved in slavery and the exploitation of resources in other countries. Many Scots were part of the British Army, which was used to control indigenous populations and allow exploitation. We must admit this and reflect on that history, and always learn from what happened in the past.

At the church in the village of Newmilns, where I grew up, there flies an American flag. It is a replica of a flag awarded to the village of Newmilns by Abraham Lincoln in recognition of the support the Newmilns Anti-Slavery Society gave to the US union side. So while some Scots were involved in slavery, I am very proud to say that Scots were also very active in the anti-slavery movement. I also welcome the fact that there are now moves to further recognise Scotland's involvement in the slave trade and what that meant at the time. I pay tribute to Glasgow University in this regard, because it has published a list of donors who gave money to the university and recognises the fact that some of the money came from their involvement in the slave trade.

**Patrick Grady:** My hon. Friend mentioned Glasgow University, which is in my constituency. The declarations that have been made about the university's associations with the slave trade are hugely significant. Glasgow has had a global footprint since its founding, and it continues to do so even in today's modern world.

**Alan Brown:** I thank my hon. Friend for that intervention. As someone who went to Glasgow University, I am proud that it has made that recognition. I am glad to see you back in the Chair, Mr Speaker. I might be winding up very soon.

**Gavin Newlands:** As one of Renfrewshire's MPs, I would not like my hon. Friend to sit down without clarifying for the record that both he and my hon. Friend the Member for Dundee West (Chris Law) are

talking mince. William Wallace was born in Renfrewshire and educated at Paisley Abbey, no less. Does he accept those facts?

**Alan Brown:** No! Clearly, I do not accept my hon. Friend's facts. I am sure that William Wallace was born in Ellerslie in Ayrshire.

Before I conclude, Mr Speaker, I want to go back to the village of Newmilns where I grew up. It was another of Scotland's lace centres, and one of the companies there, Johnstone Shields, built a lace factory in Gothenburg. The guys went out there and founded Gothenburg FC. Effectively, they founded football in Sweden. They also founded a factory in Barcelona, and I would like to be able to claim that they founded Barcelona FC, but that is not quite true. They did found a football team in Barcelona, and it did play the mighty Barcelona FC. I am sure it taught Barcelona everything it needed to know to become the blueprint for the successful team of the future.

There have been other contributions from my constituency. Alexander Fleming was born in Darvel. He discovered penicillin, which has saved so many people around the world. Andrew Fisher, from Crosshouse, became Prime Minister of Australia, and Kilmarnock Academy is the only school in Scotland to have produced two Nobel prizewinners. As we said earlier, education is very important. Scotland has given a great many inventions to the world, but collaboration goes along with that, and we do not want Brexit to risk that collaboration in education and entrepreneurship around the world.

**Chris Stephens:** Surely the best contribution that Scotland has given to the world is the greatest Ayrshireman ever: not my hon. Friend, but Robert Burns.

**Alan Brown:** I would agree with that wholeheartedly. Mr Speaker, you were unfortunate not to hear all that I said about the contribution that my constituency and Scotland have made to the world, but you will be able to catch up with it in *Hansard*. I will now conclude my remarks.

*Debate interrupted*

## Speaker's Statement

**Mr Speaker:** Order. Just before I invite the Minister of State to reply to the Adjournment debate, I want to say the following. I have received a letter signed by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), the hon. Member for North East Fife (Stephen Gethins), the right hon. Member for Carshalton and Wallington (Tom Brake), the right hon. Member for Belfast North (Nigel Dodds) and the hon. Members for Arfon (Hywel Williams) and for Brighton, Pavilion (Caroline Lucas). I have also received a letter within the last 10 minutes from the Attorney General. The letter that I received from the Members mentioned at the start of this statement asks me to give precedence to a motion relating to privilege in relation to the failure of Ministers to comply with the terms of the resolution of the House of 13 November—[*Interruption.*] I will just wait until the Government Chief Whip has finished his conversation with his ministerial colleague. It would seem courteous if he could just hold off for a moment and allow me to make my statement. That would perhaps appear to show the proper politeness. I have considered the matter carefully, and I am satisfied that there is an arguable case that a contempt has been committed. I am therefore giving precedence to a motion to be tabled tonight before the House rises and to be taken as first business tomorrow, Tuesday. It will then be entirely for the House to decide on that motion.

## Scotland's Foreign Policy Footprint

*Debate resumed*

9.24 pm

**The Minister for Europe and the Americas (Sir Alan Duncan):** I am grateful to the hon. Member for North East Fife (Stephen Gethins) for securing this debate—or at least I was at the outset. I pay tribute to him for his valuable work as a member of the Foreign Affairs Committee and as the Scottish National party's foreign affairs spokesman. My father and many Duncans before him were born and brought up in Caithness, so I share the hon. Gentleman's pride in Scotland's contribution to the United Kingdom's international work. I am happy to join him in celebrating St Andrew's Day, although I must say that his notion of the soft power of Robbie Burns's poetry solving the conflicts in Georgia rather stretched me.

**Marion Fellows:** Will the Minister give way?

**Sir Alan Duncan:** No, I will not. [HON. MEMBERS: "Oh."] I have only just started, for goodness' sake, and the party has been going in full flight for nearly two hours.

Having spoken to the hon. Member for North East Fife earlier today, I appreciate the need to distinguish the Scottish contribution from the English, Welsh or Northern Irish, because my view and the view of this Government is that our job and that of the Foreign and Commonwealth Office and other Departments is to harness all the UK's soft power and other assets for the benefit of the Union as a whole. I will now give way to the hon. Lady who was trying to intervene a moment ago.

**Marion Fellows:** If the Minister is going to talk about our national bard, will he please refer to him as Rabbie Burns?

**Sir Alan Duncan:** I am happy to describe the hon. Lady and her party in any way that she wishes. She knows me well, and I always wish to observe the courtesies of this House and courtesies to those across the Floor of the House. I hope that I have always shown that, and indeed the tone of this debate is that we wish to express certain things in a collegiate way.

I was grateful to the hon. Member for North East Fife for contacting me in advance of the debate to give me an idea of what he intended to say. Despite having spoken to him, I did not fully anticipate what everyone else on the SNP Benches intended to say, nor the length or the imagination with which they would contribute to a debate entitled "Scotland's Foreign Policy Footprint". It seemed that the hon. Gentleman wanted to name every distinguished Scot born in his constituency, and the soft power of Scottish education that I have enjoyed this evening is very much down to his knowledge and his wish to impart it to the wider world at this extraordinary hour in the House of Commons. I have learned more about William Wallace than I ever learned at school, and about all the other names from his constituency. I cannot totally pronounce them all, but I think I heard him right.

I genuinely speak as someone with a Scottish heritage. My late aunt was a Church of Scotland medical missionary for 30 years. She was teaching basic health in Nepal,

Sikkim, Bhutan and Tibet 40 years ago, telling people how to wash their hands and drink fresh water. That is an example of the soft power of Scottish origin that all the SNP Members were trying to illustrate tonight.

**Brendan O'Hara:** I commend the Minister's aunt's work. He may want to hold on to his hat, because I just read in the *Scottish Catholic Observer*—my former employer—that the UK Government announced today that any contribution to Mary's Meals between now and 1 March will be doubled under the "Double the Love" campaign. I give credit where it is due, Minister.

**Sir Alan Duncan:** I am grateful to the hon. Gentleman for giving credit where it is due. It is very much an illustration of the legacy from my time as an International Development Minister, when in many areas we tried to have match funding. We thought that match funding—"double the love," in his words—is a good way of raising money. The Government saying that they would double the money encouraged people to give. For non-governmental organisations doing the sort of work that has been described tonight, people giving is a good thing. Where the Government can enhance what people have given, it doubles the love and therefore doubles the efficacy of some of the very good work done by NGOs across the country.

When I was an International Development Minister, I went to Scotland especially to meet all the Scottish NGOs to make sure they were not ignored by the central system in Whitehall, which somehow thinks it is only central money that matters. Of course, the Department for International Development has a massive headquarters in Scotland. I wonder whether the Member for that constituency is here tonight, in which case it would be good to hear them sing the praises of DFID's headquarters—I think it is in East Kilbride, which I visited on many occasions to see the good work being done from that Scottish centre of excellence.

The hon. Member for North East Fife particularly focused on conflict prevention, which is a very important area. People somehow think that the only way to stop conflict is if the big forces of government do things, but actually it goes far deeper. Empowering women, having girls in education and making sure that women are included in any sort of peace process are essential for concluding conflict and making sure that the peace thereafter is properly embedded in societies where conflict has been ended. In the absence of women being included, a conflict resolution will never endure.

I applaud the hon. Gentleman's focus on conflict resolution and, indeed, on conflict prevention. One could argue that NGOs that can go in and make sure that conflicts do not happen in the first place do far more good than those that have to go and mop up afterwards. The cost of a conflict is many times the cost of spending money and investing resources to prevent that conflict in the first place.

The UK Government are committed to building peace and stability around the world, and we wish to draw on the best of British expertise from across the UK as well as overseas.

**Mark Menzies (Fylde) (Con):** My right hon. Friend talks about drawing on British expertise, but among that there is a considerable amount of Scottish talent.

Indeed, many of our embassies, high commissions and international development teams are staffed, and often headed, by incredibly talented Scots. Perhaps he should recognise the talent and depth of talent in the diplomatic community that emanates from Scotland.

**Sir Alan Duncan:** I most certainly do. My hon. Friend was my Parliamentary Private Secretary when I was an International Development Minister. When I was briefed in DFID, around many a table were people with Scottish voices. Their knowledge is amazing and their contribution is special, and I always valued the advice I got from such officials.

In passing, I congratulate my hon. Friend on his appointment as trade envoy to Argentina. I am proud of the progress we are making with Argentina. The joint communiqué in 2016 began to build friendship 30 years after the conflict in the Falklands. We are now making very good progress, and I am delighted that, as the Prime Minister was flying to the G20 only last week, we were able to announce that we have further flights going to the Falklands as a result of the good relations that are now being built between the UK and Argentina.

As the hon. Member for North East Fife and my hon. Friend the Member for Fylde (Mark Menzies) have said, Scottish people and the Scottish Government have played a part in so much peace building and stability—

**Dr Caroline Johnson (Sleaford and North Hykeham) (Con) rose—**

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. Just a second. Please at least give it a little longer before intervening. I understand that things are in play, but I am sure Sir Alan will keep it going. Let us hear a little more of the debate before everybody starts intervening. In fairness to Mr Menzies, he did come up to me to ask permission.

**Sir Alan Duncan:** I am sure Members will do exactly as you request, Mr Deputy Speaker, despite the challenge you are now making me face.

Let me pay proper tribute to some of the successes of the Scottish Government. For example, they hosted Syrian peacemakers in 2016 and provided funding to train 50 peacemakers a year. Those peacemakers were women, and it is very good that they were. I congratulate the Scottish Government on the way in which they shaped that important peacekeeping initiative. Similarly, I wish to highlight the willingness of the Northern Ireland Executive to share their experience of the Good Friday agreement and of community reconciliation with our international partners.

Let me draw again on my experience as an International Development Minister, as I was deeply involved in the peace talks in Nepal. In drawing together former combatants, the experience of Northern Ireland perhaps most persuaded some of those who had been fighting each other to lay down their arms, hand them in and move into camps where they could gradually start the process of reintegration into civil society. The experience of Northern Ireland contributed massively to the current peace in Nepal, so the experience of all the UK can add importantly to peace making and conflict resolution.

Members have alluded to soft power, for which the UK is rightly held in high regard. I have always argued that one of the most important elements of soft power

[Sir Alan Duncan]

that the UK enjoys, perhaps above all other countries, is the integrity and honesty of our diplomatic network abroad. When a British ambassador says something, we know that they are looking at the best interests of the world and trying to solve problems rather than stir them up. We see so many other countries—I could name one in particular—that, whenever they see a problem, like to try to make it worse, whereas when we see a problem we want to solve it. When we see something going wrong we want to put it right. The integrity and effectiveness of our international network and our network of ambassadors contributes enormously to the betterment of the world in that regard.

**Alex Chalk** (Cheltenham) (Con): Does the Minister agree that Britain's diplomatic punch is assisted by the fact that we have people of the highest calibre representing our country overseas? The Foreign Office continues to attract such high-quality people, and that is to this country's great benefit.

**Sir Alan Duncan:** My hon. Friend will appreciate that I, of all people, am someone who likes to be able to punch above his weight—perhaps he tries to punch below his height. He rightly says that the effectiveness of our Foreign Office diplomatic network is massive. I very much hope that if right hon. and hon. Members have not seen the three-part series on the Foreign Office that concluded last Thursday on BBC2, they will play it back, because they will see the amazing effectiveness of the UK's soft power. There was an amazing programme that showed how the consular staff rescued people in the British Virgin Islands after the hurricane, and how they managed to extract someone who was going to be a victim of forced marriage in Baghdad. That soft power has a dramatic effect not just on countries but, importantly, on the lives of individuals.

**James Heapey** (Wells) (Con): Does the Minister agree that one way in which the UK shows the breadth of our culture and the richness of all parts of the United Kingdom is by recruiting people into the diplomatic service from all nations in the United Kingdom, so that they can represent the whole United Kingdom overseas rather than just England?

**Sir Alan Duncan:** I totally agree with my hon. Friend, who has experience of the armed forces, in which the same principles apply. No part of the United Kingdom should be forgotten about or left to one side when it comes to recruitment to Whitehall, Government Departments or our armed forces—or, I hope, to any company—because we are a united kingdom and all four parts of it should be equally valued and used to the benefit of the whole.

In 2018, we returned to the No. 1 spot in the Portland soft power 30 index. Soft power is at the heart of our global Britain agenda.

**Stephen Gethins:** The Minister is quite right to commend officials in the Foreign Office. He mentioned “Inside the Foreign Office”; may I commend in particular those whom we saw advising the previous Foreign Secretary, the right hon. Member for Uxbridge and South Ruislip (Boris Johnson)? They were seen doing an excellent job

in that programme. May I also welcome so many colleagues to the Chamber? It is a shame that they missed the entirety of the debate, but they are welcome nevertheless.

**Sir Alan Duncan:** I am happy to commend all those officials who advised the former Foreign Secretary on the skill with which they did so, often in very challenging circumstances.

Soft power is very much at the heart of the global Britain agenda.

**Mark Menzies:** Will my right hon. Friend perhaps say something about the role of the British Council? It often works hand in hand with the Foreign Office to project British soft power and culture. It is also important to recognise the unique nature of Scottish culture and the British Council's role in promoting it.

**Sir Alan Duncan:** My hon. Friend is absolutely right. Soft power is an important asset in the building of relationships with people and nations around the world that help us to secure our global influence. It promotes our prosperity and ultimately protects our people. The British Council is an important part of that network. [Interruption.] It is all very well for SNP Members to gesture to the topic of the debate, from which they deviated with extraordinary skill over two hours, with imagination that I have so rarely seen deployed from their Benches. I congratulate them on the ingenuity that they have shown over the past two hours. I was looking forward to some nice dinner.

**Jim Shannon:** The Minister is absolutely correct. Scotland's foreign policy footprint is successful because Northern Ireland's foreign policy footprint, the Welsh foreign policy footprint and the English foreign policy footprint work well together. That is what the Minister is saying and that is what makes this great United Kingdom of Great Britain and Northern Ireland better together.

**Sir Alan Duncan:** I am so glad that the hon. Gentleman is such an assiduous attender of these debates and that we can benefit from his wisdom in pointing out so precisely the importance of the Union, how much stronger we are together and how much weaker we would be were we to be fragmented.

**James Heapey:** Perhaps, for those of us who have not been able to attend the whole debate, the Minister could update the House on some of the deviations that SNP Members deployed, so that we can understand the full breadth of the debate that we have missed.

**Sir Alan Duncan** *rose*—

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I do not think we will bother with that.

**Sir Alan Duncan:** I was trying to recall from my schooling the definition of a standard deviation, but all I know is that I am probably not one of them.

**Nigel Huddleston** (Mid Worcestershire) (Con): Before the Minister moves on from the important topic of soft power, will he join me in expressing great pride that in taking the No. 1 soft-power position the UK pushed France down to No. 2 and Germany to No. 3? What

role does he believe that great British institutions such as the BBC and our arts and culture can play in making sure that we retain that No. 1 spot?

**Sir Alan Duncan:** I am very grateful to my hon. Friend for making that point. Although I stand here as a Foreign Office Minister, soft power goes far beyond the Foreign Office. Soft power and our influence and the respect in which we are held and therefore the manner in which we can have some bearing on the course of international events is not just a matter of departmental activity on the part of the Foreign Office; it is also, of course, international development where we are the only major western economy to commit to spend 0.7% of our GDP on international development. I have to say that I was very proud to have spent four years as an International Development Minister at a time when that 0.7% commitment was first being applied, which coincided with the Arab spring and what was happening in Syria. Essentially, we turned on a sixpence in order to commit the best part of £1 billion, and subsequently more, to relieve the suffering of people hit by conflict and instability.

**Dr Johnson:** I thank my hon. Friend for giving way. He talked about recent events, so will he update us on how the recent event at the G20 has had an impact on foreign policy both for the whole UK and for Scotland in particular?

**Mr Deputy Speaker:** I think that we will stick with the Scotland part.

**Sir Alan Duncan:** There are people of definite Scottish heritage in Argentina and therefore the obvious link with the topic of this debate is absolutely clear, as Mr Deputy Speaker will, of course agree—I hope. The G20 is very important. The fact that we were there in southern America at a time when Venezuela is in such turmoil is not an insignificant moment in the UK making its mark on what we hope will be an improvement in events there. We are working very closely with the Lima Group to try to improve what is happening in Venezuela. I am sure that the soft power of Scotland will want to play its full part in resolving Venezuela. I hope that there is no coincidence of political opinion between anyone on the SNP Benches and President Maduro.

**Stephen Gethins:** When it comes to Scottish links with South America, may I recommend to the Minister the film “Nae Pasaran”, which is about the workers in Scotland standing up to the Pinochet regime.

**Sir Alan Duncan:** I, of course, hear what the hon. Gentleman says.

**Kevin Foster (Torbay) (Con):** On a point of order, Mr Deputy Speaker. I apologise for interrupting this fascinating debate. Mr Speaker's announcement earlier this evening of the contempt motion to be considered tomorrow, is obviously quite a rare thing. As a relatively new Member, it is not something that I have experienced before. Given your procedural excellence and extreme knowledge of this area, I am sure that you will be the best person to advise me. What would be the procedure if a Member wished to table an amendment to that? Could it be done as a manuscript amendment tomorrow

given that this is quite a new thing and quite a significant motion? I felt that it was appropriate to raise it on the Floor of the House and ask for guidance on this point.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** What I will say is that there is still tonight to go, so it is possible tonight, and a manuscript amendment as you well know, which is why you have asked me the question, subject to the Speaker's agreement tomorrow.

**Paul Masterton (East Renfrewshire) (Con) rose—**

**Sir Alan Duncan:** Of course I will give way.

**Paul Masterton:** First, let me give my apologies. I was so assiduously preparing for tonight's debate that I did not notice that it had started two and a half hours early. I am very pleased to talk about the soft power through international aid, with the Department for International Development being based in East Kilbride, in the neighbouring constituency to East Renfrewshire. Will the Minister join me in paying tribute to all the fantastic people who live in East Renfrewshire who travel into East Kilbride each day to work for DFID?

**Sir Alan Duncan:** I urge my hon. Friend not to worry too much about being two hours late; he did not miss that much before he came into the Chamber. It seems to have livened up somewhat since he did, so I am grateful to him for coming here to add an extra spark to our proceedings. Of course, he also gives me the opportunity to acknowledge exactly what he said. Indeed, when it comes to those in Scotland who work in NGOs, in DFID and in all the charities that do so much good across the world, whatever teasing there has been across the Chamber tonight, I think we all agree that we should salute those who do such good work.

**Damian Green (Ashford) (Con):** Will the Minister give way?

**Mark Menzies:** Will the Minister give way?

**Simon Hoare (North Dorset) (Con):** Will the Minister give way?

**Sir Alan Duncan:** I am spoilt for choice but, on the grounds of seniority, I will give way to my right hon. Friend the Member for Ashford (Damian Green) first.

**Damian Green:** I am grateful to my right hon. Friend for that remark about my age. Let me extend the point made by my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) about soft power in relation to the creative industries, especially TV. The particular relevance to Scotland is that the TV industry was, in a way, invented by John Logie Baird, and I understand that Scottish colleagues are particularly proud of this contribution. Actually, it has been one of the great institutions that Britain has given the world. That has improved Britain's reputation and extended our influence throughout the world, and still does today.

**Sir Alan Duncan:** My only complaint about John Logie Baird is that I am not on his great invention nearly enough, but I will endeavour to be so more.

**Victoria Prentis (Banbury) (Con):** When we are talking about the soft power that we give across the world, does the Minister share my concerns about the teaching of modern languages, particularly in Scotland, where the number of children taking foreign language GCSEs has fallen even further than in the rest of the UK?

**Sir Alan Duncan:** I totally agree with my hon. Friend. Indeed, language teaching is extremely important for the effective deployment of soft power. The teaching of the English language is—

**Carol Monaghan:** Will the Minister give way?

**Sir Alan Duncan:** If I can just complete the sentence, I will be very happy to give way to the hon. Lady, who has been very active tonight and is clearly approaching this debate with enormous enthusiasm.

Teaching English as a foreign language is massively important as it competes with other languages across the world, but remains the most dominant and important language in it. This is where the British Council does so much good. I never cease to be amazed when I visit another country—as a Foreign Office Minister, or as I did when I was a DFID Minister—to see the enthusiasm with which people queue up to benefit from British Council courses to learn English. It would be a disaster if we were ever to turn our backs on this massively effective effort. Of course, we are not in any way choosy about the accents that are taught; what matters is that the language is there. It really is amazing the way that people lap up the opportunity to learn and do so with great enthusiasm.

**Simon Hoare:** A moment ago, the Minister mentioned NGOs and the work that we do in all parts of the United Kingdom to help and support countries overseas. He also mentioned Venezuela. There is growing concern about an enormous diaspora of need fleeing out of Venezuela, away from the regime there. What role does my right hon. Friend see for those who are working in our NGOs, under the DFID umbrella and elsewhere in ensuring that the philanthropy for which the United Kingdom—including Scotland—is known can come to the fore to provide the help, support and succour that those persecuted people in a communist country now need?

**Sir Alan Duncan:** I hope that Scotland, in looking at the priorities it sets for the deployment of its soft power resources, can appreciate that Venezuela is rising up the ladder of need and desperation. Scotland has a very close development programme association with Malawi, which I supported when I was an International Development Minister. It was of a scale that Scotland could sensibly do, and there were therefore results. It is very important, when having a development plan, to make sure that when we put the money in, we really do get the results out and get effective outcomes.

**David Linden:** The Minister is spot on to reference Malawi. While he is on that subject, can he tell us where the United Kingdom Government are with sorting out the 1955 double taxation treaty?

**Sir Alan Duncan:** I have to confess that I am not the world's greatest expert on the 1955 double taxation agreement, but I note what the hon. Gentleman says. Whether it is immediately pertinent to the debate is beyond me. [*Interruption.*] He says that it is. However, I will, if I may, confess to less knowledge about the taxation agreement than he would wish—although he probably wishes that I knew even less.

**Mark Menzies:** My right hon. Friend is right to raise the humanitarian crisis in Venezuela. Will he pay tribute to the Scots who are actively involved within our diplomatic mission in Bogotá? The deputy head of mission and the head of our prosperity fund are two Scots among many who are playing their role at the forefront of the emerging crisis of the Venezuelan refugees seeking refuge in Colombia and beyond.

**Sir Alan Duncan:** My hon. Friend is absolutely right. I know there will be a further chance to discuss this tomorrow in Foreign Office questions, but it is a matter of deep seriousness. I have had Scottish Members of Parliament come to see me particularly about the Colombian peace process. They feel that they can have a significant influence on that peace process by imparting some of their experience in the area and by using NGOs and working with them to do something. The Colombian peace process is facing some threats and difficulties. Around the region, there is a danger of further disintegration because of Venezuela. Countries next door to it have received hundreds of thousands of people—in some cases, more than 1 million—who are fleeing an utterly man-made economic crisis.

**Bill Grant:** Will my right hon. Friend share with me some of the successes of Scotland such as Robert Burns; Alexander Graham Bell; John Logie Baird; James Keir Hardie—dare I say it?—the Labour party founder; Sir William Arrol, who worked on the Titanic and the Forth rail bridge; and two Nobel prize winners from Kilmarnock Academy, one of whom was Sir Alexander Fleming? These individuals are a great success for Scotland, with the common bond that they were all part of the United Kingdom.

**Sir Alan Duncan:** My hon. Friend is absolutely right. The history of invention from Scotland almost beggars belief. You can go on a steam engine, had you one nearby, knowing that it had been invented by James Watt; you can speak on a telephone, invented by Alexander Graham Bell; and if you are ill, it is Mr Fleming's penicillin that could probably save you. That is but one of many, many Scottish inventions that we applaud and salute.

**Chris Law:** I want to ask the Minister a serious question. While we filibuster towards the end of this debate, which is of course what we are doing, I would like to make a point about trade envoys. I am looking at the Government's record. Since 2012, they have had 32 trade envoys for 62 countries, and they are cross-party, yet the SNP is not included. Does the Minister agree with my suggestion that the SNP should be included, from this day forward? We look forward to our first trade envoys.

**Sir Alan Duncan:** I answer for the Foreign Office, not for the Department for International Trade, so the hon. Gentleman would have to address such a question to a Minister in that Department.

**Simon Hoare:** I am grateful to my right hon. Friend for giving way. He is being uncharacteristically generous with his time—and what a lot of time he has to be generous with. He is a long-serving Member of this

House. Would he share with the House the emotional response that he had when those great inventions were actually invented?

**Sir Alan Duncan:** Despite my ageing looks, I can assure my hon. Friend that I was not there at the time of the invention of the steam engine or, indeed, the light bulb. I missed the invention of penicillin by a whisker, but I am sure there will be future inventions that coincide with my lifetime.

10 pm

*Motion lapsed (Standing Order No. 9(3)).*

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

**Sir Alan Duncan:** By some extraordinary act of fate, I seem to have got a second wind.

**Simon Hoare:** May I advise my right hon. Friend that they produce tablets for that now as well?

**Sir Alan Duncan:** No doubt invented and made in a laboratory in Scotland.

**Dr Johnson:** Earlier this year, I was fortunate enough to go to the Falkland Islands with the armed forces parliamentary scheme. The Minister has spoken so much tonight about foreign policy and South America. While I was in the Falkland Islands, I met constituents of mine from Lincolnshire and also constituents from Scotland working at RAF Lossiemouth. Can the Minister update us on the new air bridge between the Falkland Islands and Argentina?

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Let us at least try to address the issue. If Members do not have a question that links to it, they should not bother.

**Sir Alan Duncan:** I could, but my negotiating skills are such that I did not negotiate a route taking it from Brazil to Argentina via Scotland. Mr Deputy Speaker, we will of course speak directly to the topic at hand, and we respect your judgment that we should continue to talk about Scotland's foreign policy footprint.

**Kirstene Hair:** To go back to the point about great inventors from Scotland, does my right hon. Friend share my pride in Robert Watson-Watt, who was a lead in developing radar and comes from my constituency—in fact, my home town of Brechin?

**Sir Alan Duncan:** We may well have a competition among Government and Opposition Members over which great Scottish inventions emanated from their constituencies. I of course acknowledge what my hon. Friend said.

The cultural diversity and international prominence of our constituent nations, cities and regions, particularly in areas such as tourism, culture, education, trade and sport, is becoming increasingly important and recognised on the global stage. As I said to my right hon. Friend the Member for Ashford (Damian Green), we are actively promoting the devolved nations abroad, and that continues to be a priority for the Government.

The GREAT campaign remains our most iconic brand and has delivered an estimated £4 billion of economic returns to the UK economy. I am sure there are many examples of what the GREAT campaign has done.

**Alex Chalk:** Scotland's power and influence are best projected as part of the United Kingdom; that is the view of Government Members. There are lessons from history. Before the Act of Union, in the 1690s, the Kingdom of Scotland sought to establish a colony in Panama under the Darien scheme, and that did not work very well. Does my right hon. Friend agree that it is as a Union that we have been able to project more power, and more power for Scotland?

**Sir Alan Duncan:** I absolutely agree that Scotland benefits from being part of the Union. Its great strengths are all the stronger for being part of a United Kingdom.

**David Linden:** On a point of order, Mr Deputy Speaker. I wonder whether you could instruct the Serjeant at Arms to do a check of offices, and in particular the annunciators in Conservative MPs' offices. It strikes me, as someone who has sat through the entirety of the debate, that a number of Conservative Members who perhaps did not know the debate was ongoing have come in and made the same points again. Could you instruct that the annunciators in their offices be checked?

**Mr Deputy Speaker:** Thank you for that non point of order.

**Brendan O'Hara:** This is not a point order, but may I point out to at least half a dozen Government Members that, had they bothered to turn up at the start of the debate, they would know that almost every single point made from their Benches has already been covered—and, although I say it myself, covered in some detail?

**Sir Alan Duncan:** My hon. Friends are assiduous readers of *Hansard*, and when they do so tomorrow, they will see that their contributions in calibre, learning and style far exceed those of the SNP Members tonight.

**Carol Monaghan** *rose*—

**Sir Alan Duncan:** I did say I would give way to the hon. Lady, so of course I will and I must.

**Carol Monaghan:** I thank the Minister for giving way. Does he agree that it is rather ironic that following a mere 15-minute debate on devolution in June, the UK Government are now dependent on talking about Scotland to save their necks?

**Sir Alan Duncan:** I am always happy to talk about Scotland because, without a bit of Scotland, I would not be here tonight. My family lived in Caithness through many generations, and I feel my Scottish roots very deeply. When it comes to Caithness and Wick, I can of course look on many SNP Members as southerners, but I will resist the temptation to rub it in tonight.

**Kevin Foster (Torbay) (Con):** I must say I am very much enjoying this debate, which I am finding very interesting. Does the Minister agree with me that it is quite bizarre to have Scottish National party Members complain about the interest in their own debate and the fact that people have shown up for it? Compared with their usual moan, it is really quite bizarre.

**Sir Alan Duncan:** I am so glad my hon. Friend is enjoying this debate at the moment. I can assure him that I am doing so, with all my normal enthusiasm, too.

**Sir Greg Knight** (East Yorkshire) (Con): Does my right hon. Friend acknowledge that Scotland's footprint also includes music, and we should give credit to the hon. Member for Perth and North Perthshire (Pete Wishart), who is an excellent musician?

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I thought this was about soft power, not hard rock. [*Laughter.*]

**Sir Alan Duncan:** There is no way of beating that, Mr Deputy Speaker. I congratulate you on leavening tonight's proceedings.

My right hon. Friend, who is the greatest drummer in the House of Commons, plays in a band—MP4—with a fellow Member of the House who is of course from Scotland. Buy their records now. I am sure they will make one for Christmas; if not, they have about a week to do so, but that should be fine.

**Mark Menzies:** My right hon. Friend is right to have mentioned Latin America on a number of occasions. One very prominent Scot whom we have not mentioned is Thomas Cochrane, the 10th Earl of Dundonald, who was actually the founder of the armada de Chile—the Chilean navy—which is celebrating its 200th anniversary this month. Without that Scot playing his role historically in Latin America, the Chilean navy would not be as it is today, and a hugely important part of the United Kingdom's relationship would be much weaker as a result.

**Sir Alan Duncan:** Indeed, what is probably one of the greatest examples of the outreach of British naval power did come from Scotland. When I was in Chile recently—my hon. Friend has been there, too—I found that the name of Lord Cochrane is absolutely revered for having helped set up the navy 200 years ago. It is revered rather like the name of Admiral Duncan, who, in what could be better described as Scottish hard power, beat the Dutch in the battle of Camperdown—appropriately named—in 1797.

**Alan Brown:** You have to wonder how long it takes the Government to table an amendment, Mr Deputy Speaker. Had they had some cleverness and some diplomacy skills, they would have managed it by now. Rather than Government Members going on about the Chilean navy, let me help the Minister out: I put it on record that John Paul Jones founded the US navy.

**Sir Alan Duncan:** The House may be pleased to know that I can press down on the accelerator a little and need not delay the Scottish National party much longer.

In what I hope is a proper answer to the speech of the hon. Member for North East Fife, let me say that we host offices of the devolved Administrations in several countries, and work closely with their trade and investment representatives in many more. This ensures that they have an effective platform for engaging on devolved matters, if they wish to do so. It also allows them to contribute their perspectives and expertise in delivering the UK's broader agenda for the bilateral relationship with those countries.

In formulating foreign policy, the Foreign and Commonwealth Office draws on the principles of what is called open policy making. That is about broadening the range of people we engage with, and the quality of that engagement. That is why, when developing the UK policy on the Arctic earlier this year, we consulted all the devolved Administrations and worked particularly closely with the Scottish Government, who are formulating their own Arctic strategy.

We are working hard to strengthen our partnership with the devolved nations. In the build-up to the Commonwealth Heads of Government meeting earlier this year, my ministerial colleague, Lord Ahmad of Wimbledon, spent time in both Scotland and Wales seeking views on strengthening the Commonwealth. In addition, over the last two years, more than 100 senior Foreign Office officials, including new and existing ambassadors, have held meetings in the devolved nations to share expertise and strengthen relationships.

Let me conclude by making it clear that the Government remain absolutely committed to devolution, which we believe strengthens our Union. Our four nations each have distinct capabilities and strengths, which we recognise, celebrate and put to work to the benefit of all citizens of this United Kingdom and to support and promote the values that unite us all. These values of tolerance, democracy, equality and fairness are at the heart of the Government's work, at home and abroad. We are united by these values, and by our common purpose of serving the needs of all our people, wherever they live on these islands. Let us be proud of our individual strengths, and even prouder that we can achieve great things when, together, we harness those strengths for the benefit of all.

*Question put and agreed to.*

10.12 pm

*House adjourned.*

# Westminster Hall

Monday 3 December 2018

[MR PHILIP HOLLOBONE *in the Chair*]

## EU Membership: Second Referendum

4.30 pm

**Paul Scully** (Sutton and Cheam) (Con): I beg to move,

That this House has considered e-petition 226071 relating to not holding a second referendum on EU membership.

It is a pleasure to serve under your chairmanship, Mr Hollobone. As of about an hour ago, the petition had 122,320 signatures. It follows a number of petitions that we have considered on Brexit over the last couple of years. Recently, we debated having a second referendum—I cannot remember how many signatures that got. For the purpose of *Hansard*, I will read the full wording of the petition:

“Stop possible second referendum on E.U. membership. There is a growing band of people that want to reverse the result of the democratic vote of this country to leave the European Union and are calling for a second referendum. This is mainly by the people that lost the vote two years ago and cannot accept the democratic vote of the majority decision. Although not legally binding the referendum on whether we stay or leave the EU carried out on the 23rd June 2016 was the clearest indication of the will of the electorate. At that time our Prime Minister David Cameron assured us that the result of the referendum would be carried out. We must ensure the democracy rules”.

I could sit down, having said that I agree with every word and that that is the Government’s policy, but you will rely on me, as a Member of Parliament, to expand a little, Mr Hollobone. In the Petitions Committee we bring petitions to debate to allow people to have their voice, and the debate is part of the campaign—it is not the end result. Having this debate will not end the debate about Brexit, not least given that we are about to embark on a large exercise in the main Chamber as of tomorrow.

I appreciate that there is strong feeling on either side. Some people are passionate about pretending that the referendum never happened—they wish that they could wake up with Brexit having gone away. Other people just want to leave tomorrow, perhaps because they are ambitious for this country and want to look for global trade; there could be any number of reasons why they wanted to leave. But there is a great chunk of people in this country who are sitting in the middle.

I had a moment of clarity this time last week while I was chatting to a couple of friends. One said, “Can we please just get Brexit done? I’m so bored with it!” The other chap looked up from his phone and said, “Would you like to see a video of my dog singing with a tennis ball in its mouth?” Brexit sits firmly behind the love of his dog, the trivial stuff on the internet, “I’m a Celebrity...Get Me Out of Here” and “The X Factor” final. All those things divert people’s attention away from the wall-to-wall noise about Brexit.

Next week, we will take one of the most important decisions—if not the most important decision—in this place. Over the next few months we will steer this

country out of the European Union in an orderly way, to ensure we have a bright future and our best years over the next 40 or 50 years. That is why that decision was taken. The choice was clear. It was an unambiguous vote: do we want to stay part of the European Union, or do we want to leave the European Union?

I remember leading a petition debate when the Government spent £9.4 million on a leaflet that said that they would adhere to the result of the vote. The leaflet laid out clearly the Government’s position on Brexit, and 17.4 million people voted to leave. After that, 499 Members of Parliament voted in favour of invoking article 50, and 122 voted against. A clear majority legitimised that referendum. People say the referendum was advisory, but we took the decision in this place to abide by the result and to invoke article 50.

**Mike Hill** (Hartlepool) (Lab): I have been lobbied by many constituents who are in favour of a people’s vote or second referendum. However, the number of people who want out remains high. Does the hon. Gentleman agree that the will of the people in high leave areas such as Hartlepool has changed, but not enough to support the call for a second referendum?

**Paul Scully:** The hon. Gentleman makes an interesting point. People speculate either way about polls they have read. There are studies dressed up as polls about what would happen now if there was a second referendum, predominantly because a lot of money is funding the campaign for the so-called people’s vote and that money has to be justified somehow. The hon. Gentleman is absolutely right that people had their voice heard and want us to get on with the job they tasked us to do—they gave us that mandate. That is really important.

I campaigned to leave and voted to leave, and I take my responsibility seriously to ensure that we get out in the best way possible and in as orderly a way as possible. I understand that 48% of people did not want to go and that we want to be able to trade with European Union partners beyond Brexit. That is why we need the whole gamut, rather than me sitting in my corner saying, “Yay, I won—fantastic! I’m off now.” That is not realistic. Inevitably, there will be complexities and compromises. We have to factor all that in, but that is what we are put in this place to do. It will test the mettle of many of us over the next week and a half, as we wrestle with some very complicated and important decisions that will have an impact on this nation for many years to come.

On the mandate, both the main parties pledged in their 2017 election manifestos to respect the result of the referendum. Eighty per cent. of the electorate voted for one of those two parties. That shows that the two parties have taken people with us as best we can, and that people want us to get on with the job—they have tasked us with the responsibility.

The draft withdrawal agreement and the political declaration will allow us to respect the referendum result and get out of the EU in an orderly manner. The choppy times we have had over the last couple of years and that undoubtedly are coming up are not due to a lack of mandate. Largely it is remainers who are trying to wish away the result. After the referendum, many people said, “Crikey, the debate was poor quality and really divisive.” Now they are saying, “I’ll tell you what—let’s just do it again.” That makes no sense. We have a responsibility. Many of us may have gone to a

[Paul Scully]

family gathering and seen a new baby or young child, played with it and got it excited, and then handed it back crying to its angry parents. I will not hand back this Brexit baby to its parents, because we have a responsibility.

Even if we choose a second referendum, we have run out of time to have one. Trying to get the legislation through would be an absolute nightmare. We would have to do it within a month or six weeks, but with Christmas coming up that would take us well into the new year. Can we even imagine what the referendum question would be? People would say that remain should not even be an option on the ballot paper because we have had that discussion and leave won. They might say, “Why don’t we choose whether to have the deal as proposed, or no deal and leave on World Trade Organisation terms?” Other people would say, “Let’s have a three-way choice of the deal on the table, no deal or remain.” That would be so complex.

Let us say that the remain option got 40% of the vote, the Government deal got 30% and the leave with no deal option got 30%. Clearly, remain would win and we would stay in the EU—if that was even possible—but 60% of people would have voted for one of the leave options. That would cause a huge democratic deficit: a constitutional crisis. That is why the question itself would be a problem if we went down that road. Who is to say that the debate would be of any better quality? Frankly, I suspect we would have one group shouting, “Vassal state!” and another shouting, “Cliff edge!” back. There would be a lot of heat, but I do not think much light would be shed on the issue. Clearly, we need to move on and bring ourselves together. Let us not ask again, but understand why people voted the way they voted in the first place.

**Graham Stringer** (Blackley and Broughton) (Lab): The hon. Gentleman is making a significant point. The question in the 2016 referendum was very simple—“Do you want to be in the EU or out of the EU?” The deal, which is 575 pages and an addendum—I tried to read it, without success—is a much more complex item to put to the electorate. Given that remainers say voters did not understand the original proposition, does he agree that the argument that the question in a second referendum would be simple and the electorate would understand it is ridiculous?

**Paul Scully:** The hon. Gentleman makes some very important points. There are complexities that we need to debate in this place. I suspect that boiling 575 pages down to a relatively simple question on a ballot paper would be difficult. We need to understand and put across to people what the withdrawal agreement actually does.

There are many reasons why people voted to leave, but they relate predominantly to sovereignty, immigration, and trade and future prosperity. Clearly, lots of people do not think the withdrawal agreement is perfect. I certainly do not, but I can deal with it, because it means that we will leave the EU’s political institutions, which is fundamental to our leaving the EU, and we will stop paying huge membership fees. That is all in there. It will be up to us, as a sovereign state, to opt back into things and accept joint sovereignty.

Anyone who was driven to vote to leave by immigration will see that ending free movement of people is in the agreement, and those who were motivated by our future prosperity will see that it means we will be able to start negotiating our own trade deals. That is a work in progress—the second bit of the negotiation will determine when we can crack on and implement those trade deals, but we will be able to start negotiating them right from the off. I have to say to the friend I referred to who is bored of Brexit that we are only halfway through the process, so he has another couple of years to go while we agree our future relationship.

Let us not be distracted by a people’s vote—a second referendum. Let us concentrate on what is in front of us: on getting the best deal possible in an incredibly complex set of negotiations, which have to satisfy different people. There is no perfect Brexit, so we need to chart our way carefully through choppy waters, take our responsibilities seriously, get rid of the egos and the ideological positions, and work out what is best for the country. Let us not be distracted by a second referendum.

4.44 pm

**Graham Stringer** (Blackley and Broughton) (Lab): I am disappointed by the number of people who have turned up to the debate. I came to listen to it because I spoke in the debate on the counter-proposition—that there should be a second referendum—two weeks ago. This is one of the most important constitutional issues of our time, so I expected more right hon. and hon. Members to be present. However, I am grateful for the opportunity briefly to contribute. I will not repeat the arguments of the previous debate but, I hope, make one or two new points.

I am sure you remember, Mr Hollobone, as a learned person, that in 1953, after the uprising in East Berlin, Bertolt Brecht said ironically that the regime should dismiss the people and appoint a new one. It seems to me that those people who now argue for a second referendum are saying that in 2016 the electorate got it wrong. They make a number of supporting statements, such as, “The electorate didn’t understand.” I think the electorate did understand what was a very simple proposition. Worse than that to my mind is the statement that the electorate were motivated by anger, disillusionment and alienation because they live in poorer regions of the country. That all boils down to the same point: that people in Hartlepool, Wales, the north of England, the south-west of England, the midlands—all the areas that voted to leave—dealt not with the question before them but with their own internal situation.

My experience was quite the reverse. I talked to people while I was out and about on the day of the referendum, and they had a very simple and direct definition of democracy and sovereignty. A couple of them said something like, “We should make our own laws, shouldn’t we?” That is a pretty simple question and a pretty fundamental way of defining democracy and sovereignty, which are at the core of this issue. I therefore dismiss that suggestion by people who argue for a second referendum.

The establishment took one in the guts on this. They did not expect to lose the referendum, so they denigrated people who voted to leave as a way of not dealing with the fundamental arguments. Those arguments were about democracy and sovereignty—the right of an electorate

to dismiss the people who raise taxes and make laws. The EU, since its inception, has been a challenge to that process.

I do not really want to repeat the arguments that have been made, but some are worth addressing in detail. There are practical problems. If there were agreement in both Houses that there should be a second referendum—I do not think there is—how long would it take to pass the necessary law? It is not obvious what the question, or questions, would be. Would it be about the 575-page document we have been presented with, which I suspect even lawyers would find difficult to decipher? Would we have another in/out vote? Or would we vote on all three things? I have heard hon. Friends argue on television and radio that there should be a three-point question. They never seem to have the answer to the question posed by the hon. Member for Sutton and Cheam (Paul Scully): what happens if the electorate vote a third, a third and a third, or if there are other contradictions in the result?

It seems to me that because of those complicated issues, the timetable for getting a second referendum through both Houses would be long. It is not obvious what the decision would be, and interpreting it would be difficult. I am sure the Scottish National party spokesperson, the hon. Member for Edinburgh East (Tommy Sheppard), will correct me if I am wrong, but the debate on the Scottish referendum took more than two years. He will not have been happy with the result, but a thoroughgoing debate was had in Scotland on its future.

We had just over a year to debate the 2016 referendum, which came after the 2015 general election when a significant majority of people voted to have a referendum, and still people claimed that there was not sufficient time to hold a referendum. There would be the time taken on the complicated issues of what questions the referendum would ask and what it would be about, and then there would be the time to have a thorough debate. If one of the problems with the first referendum was that the debate was not thorough and detailed enough, one would want at least as long to debate a more complicated question.

Those are practical problems, but there is a deep problem of principle with the belief—this applies to Plaid Cymru, the SNP and others—that referendums are the solution to a problem. If this referendum result is not honoured, what will happen with the honouring of any future referendum results? It calls into question whether Parliament means it when it says, “This is for the people to decide, even by a majority of one.” I can give quotes from Labour, Conservative and Lib Dem spokespeople who said that. That was the decision of the House of Commons and it was passed by a large majority.

**Jon Cruddas** (Dagenham and Rainham) (Lab): I want to go back to what my hon. Friend talked about earlier, given the points he is making now. He said that the initial vote was not driven by anger or alienation. Will he comment on the consequences of shoe-horning in a second referendum? Would it not incite greater anger and alienation of the kind that we did not necessarily see in the first referendum?

**Graham Stringer**: There has been an outpouring of anger by the establishment—those whom we on the left used to call the ruling class—who suddenly found that

they were not ruling anymore. They have gone from being completely nonplussed and surprised to being angry. The electorate were told that they had a decision to make, but they are now being told, “We didn’t like the decision you made; think again and do as you’re told this time.” I realise that that is what the EU has done on a number of occasions. The EU has ignored referendums in Greece and France, and it has made the Irish vote on two occasions on different treaties. That fits in with the EU, but I think people in this country would be angry if that happened.

Opinion polls are all over the place; until there is a campaign on whatever the question is, nobody knows what decision will be made. I think the people of the United Kingdom in total are a rather cussed lot and would not like to be told that they have got it wrong and to do it again. Their initial response would be anger and it would not resolve anything. Fundamentally, those people who say that holding a second referendum is a solution are wrong. It would not solve bitterness and it would not necessarily solve the constitutional problems faced by the Government. It really would not solve anything.

Importantly, we should not follow Brecht’s ironic suggestion, which I mentioned at the beginning of my speech, to change the electorate or tell them to do it again. This is the responsibility of Government. The Government said that they would implement the result. They have come back with a deal, about which there are different views. I find the backstop, which I believe our civil service would like us to be locked into forever because it effectively locks us into the customs union, is anathema. It means that we cannot do our own trade deals. Nobody can tell me what we would be getting for £39 billion. I know what the Minister’s position has been over the years, but it is not clear that the £39 billion is anything but a blackmail payment to the EU. It is about the same amount as we would have paid had we had a seat around the table and had we still been a member of the EU. I have been told by Ministers on a number of occasions that there is no legal basis and it is not an obligation to pay that money. There are some smaller obligations. Not only is there a backstop and a lack of trade deals, but we will also be paying a fortune.

I was a member of the board of Vote Leave and one of the biggest criticisms of the leave campaign was that the amount on the side of the bus was exaggerated and was a distortion, because it used the gross payment to the EU and not the net. The figure that the Government are suggesting that we pay for nothing, which will not go into children’s services, social services, protection of the elderly or the NHS, is £60 million per constituency. For what? £60 million per constituency is £1,100 per individual member of the electorate in this country.

I am grateful for the opportunity to talk on this matter again. I do not believe that a second referendum would resolve anything. It is impractical, it is not principled, and I do not think it should be given the time of day to be debated. It should be thrown out.

4.56 pm

**John Grogan** (Keighley) (Lab): It is a great pleasure to follow my hon. Friend the Member for Blackley and Broughton (Graham Stringer). Like him, I came here expecting to listen and learn, rather than contribute. I am a Bradford City supporter—they are in the second

[John Grogan]

division at the moment. It feels like a night when we are playing at home and Manchester United are also playing at home in the premier league, not too far away. To continue the football analogy, sometimes the chance arises to come off the bench when all the stars are elsewhere. I feel that it is right that a slightly different view be given during this debate.

I want to say why the Labour party is right not to rule out a second referendum; I hope we will go further than that in coming days. I hope our leader will come back energised from Mexico, where he has been at the very important inauguration of the new President over the weekend, and that he will then join our deputy leader and our shadow Chancellor in beginning to talk up the prospects of a second referendum.

I am not one of those who has ever said that people did not understand what they were voting for. I was a remainer, but it is ridiculous to say that people did not understand what they voted for in the referendum. Generally, they thought long and hard about it. Rather unfashionably, I also think that in 40 or 50 years' time we may look back at this time in British history—in a short period, we have had two referendums, on Scotland and the European Union, that challenged the whole nature of the British state—and find that, although families and communities were riven, it all showed the strength of British democracy. There was high turnout in both referendums and they have energised a whole new generation into politics.

Obviously, the story is not yet finished and we all have a responsibility over the coming months to make sure that the outcome is good for our nation. I do not believe that our greatness depends on whether we are in or out of the European Union; I believe that we are a great country in any regard and a strong enough democracy. Should this House decide to go down the lines of a second referendum, I do not think there would be riots in the street—we would take it in our stride in a phlegmatic, British way, and there would be strong debates.

I was at the Unison political conference in the great county of Yorkshire on Saturday, and a couple of delegates were pointing out that it is quite common in trade union practice to decide on a course of action, go and negotiate with the employer and then come back to the membership and ask whether they support the precise deal that has been agreed or not. I think that is the stage we are at now.

I want briefly to say why I cannot support the deal that is before Parliament. It creates too much uncertainty for businesses and unions on jobs, and so on, and it kicks into the long grass all the difficult problems about the precise nature of our relationship to the customs union and single market. I hope we would be close to both those institutions, but the issue is left in doubt, and uncertain, which means the nation will have a weak negotiating hand. Once we are out, any trade agreement that we reach with the European nations depends on unanimity, whereas at the moment that is not the case. Once we are out, anything we agree depends on every nation agreeing the precise details. We would be far better off coming to agreement before we are out on important issues such as the single market and the customs union. Uncertainty on the economy and a weak negotiating hand in the future are the reasons why I shall vote against the deal.

If the deal goes down—and it looks very much as if it will—someone will have to do something. There will be a plan B. I suspect that the shadow Minister will know what is going on in the Government—

**The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng):** I am not the shadow Minister.

**John Grogan:** I am sorry. I meant the Minister—I was looking at him. The shadow Minister, my hon. Friend the Member for Sheffield Central (Paul Blomfield), probably does not know precisely what is going on in the Government, but I am sure the Minister, to whom I apologise, will be in the know; the shadow Minister is nodding his head.

I have great respect for the Minister. He will be one of the few people who know exactly what plan B is—among a number of possible ones. I understand that the Trade Bill is coming back the day after the meaningful vote and some people say the Government will adopt the Labour party policy of pretty well staying in the customs union, and possibly a close relationship with the single market. If not, a referendum is one of the only options open to Her Majesty's Government. There are practical difficulties, of course, but if there was a request to the European Union from Her Majesty's Ministers to hold a further referendum and remain was to be one of the options, I think we would undoubtedly get the time necessary.

Incidentally, unlike some, I think that if there was a second referendum there would have to be three main options. One would have to be no deal. My constituency was split, as many were—about 53% to come out and roughly 47% to stay in; the different wards ranged from 63% to 32% for those who wanted to stay in, so it is a split constituency. People should be able to say, “No deal”. It would be a disaster for our nation and economy, but it should be one option. How do we do it? We ask two questions.

There is a precedent in Scotland. I understand that the Scottish referendum had two questions—whether people wanted devolution, and about whether they wanted the Parliament to have tax-raising powers. The second Brexit referendum would obviously be a two-question referendum—possibly, “Do you want to stay in or come out?” and, if people wanted to come out, “Is it the deal negotiated by the Prime Minister or not?”—the deal or no deal, in effect. It could be done and would be a way to bring things to a conclusion if there were a complete impasse in Parliament.

We have asked the people once. If Parliament cannot come to a clear conclusion, the second referendum must be something we consider. Mr Speaker will, I think, ensure that there is a vote on it, if the deal goes down. The crucial vote will not be on the amendments to the meaningful vote, but afterwards. If Her Majesty's Government do not agree that that is their plan B, they will quickly have to come back with proposals on the customs union and single market, to try to get on side a broad range of people in this Parliament who would favour a close relationship with both those institutions.

The one thing that could persuade me to vote for the deal is the situation in Ireland. I shall not vote for the deal next Tuesday, but the one thing I am torn about is the fact that many people—other than the Democratic

Unionist party—are writing to me. The Labour party’s sister party, the Social Democratic and Labour party, and business and trade unions in Northern Ireland, say that they want to support the deal because of the consequences in Ireland.

I disagree with my hon. Friend the Member for Blackley and Broughton on the issue. The Prime Minister is to be commended on the backstop arrangements. Ironically, they would put Northern Ireland in the best position economically of any part of the United Kingdom, because it would be linked to the single markets of the United Kingdom and of the European Union.

Whatever decision we take, we must be cognisant of the fact that possibly the greatest political achievement of my lifetime, which I have observed and in which I was a bit-part player, is peace in Ireland. Whatever the House does in the coming weeks, it must not by any decision jeopardise that.

5.6 pm

**Jon Cruddas** (Dagenham and Rainham) (Lab): I, too, was just going to come and listen to the debate this afternoon, but I find I have the opportunity to speak for two and a half hours. I have a couple of points to make, given that some I would have made have already been covered.

As to what my hon. Friend the Member for Keighley (John Grogan) said about favouring a second referendum including no Brexit, I cast my mind back to a conversation I had with a leading member of my party over lunch last week. I asked him how a second referendum would work, and he said it would be pretty simple. We would have the deal and the case for staying in—the default prior to the last referendum. I simply said, “Okay, I can see where you are coming from. What would be the consequences in terms of the levels of social disquiet and anger that would develop?”

It seems to me that anyone who argues for a second referendum on the basis of the deal versus staying in has a responsibility to provide a risk assessment of the consequences of that argument—because there would be many in communities such as mine. People would feel they had, in a sense, been humiliated, if their contribution in an earlier referendum, and the passion and energy released in that process, could be parked. I fear how that would play out, and how it would affect the texture of the country.

I will lay my cards on the table. My constituency voted 70:30 to leave, although it is quite complicated to ascertain the precise figures, as we straddle two different authorities. I voted remain, so my powers of persuasion were very effective in that debate. What has worried me throughout is the fact that the conversation so far has been dominated by technical issues about our departure—the 530-page document, and so on—at the expense of the sentiments, concerns and views of the people, often quite viscerally presented in the course of the referendum. They seem to have been marginal in the conversation since then. To date, the righteous anger has appeared to be primarily on the hard Brexit side of the debate, but a bit more righteous anger now seems to be developing on the hard-line remainder side—those who simply want to rewind the result.

I am a passionate remainder, not least because of the Irish issue that my hon. Friend the Member for Keighley mentioned. I think that partly relates to our historic origins. However, the situation means we can play fast

and loose with some big issues and, arguably, the great hallmarks and legacies of the previous Labour Administration. We should be careful what we wish for.

My point is simple. I can see how things could move quickly in the next few weeks. As someone said in the papers, we could move through the gears pretty quickly, and we have to game out what the consequences will be, after next Tuesday. One of those, which is appearing front and centre now, is the question of the second referendum. I simply say that anyone who is going to be vociferous in an argument for a second referendum must be clear about what they view as the consequences of that.

It seems to me that the key task of the political class should be national reconciliation in the months and years ahead. There is a danger that we could build and cement a canyon down the centre of the country. With that notion of caution, I simply say that I worry about the speed at which this second referendum is moving front and centre in the debate. I fear we could trip into positions that we should be wary of, unless we have done the preparatory work of fully understanding the consequences of them, which could shape the country for years ahead.

5.9 pm

**Tommy Sheppard** (Edinburgh East) (SNP): Like other hon. Members, I am a little surprised at the level of attendance at this afternoon’s debate. I can never tell with these things whether it is a lack of empathy across the House for the sentiments behind the petition or whether it is just that the Attorney General is bigger box office than this discussion, but we are where we are.

The way I see it is this: I do not think that in a free, open and democratic society we can say that people do not have the right to change their minds. Of course they do. A group of people voting in a referendum one day in history cannot forever bind people for the future. Any of us would be on very thin ice if we were to get into a situation of saying, “You can never have a second referendum on this question.” On the other hand, we have to accept that with big questions of governance and constitutional politics, we cannot go changing our mind every day, or every month, or even every year.

Therefore, we have to ask ourselves in what circumstances it is legitimate to consider a second referendum, a so-called people’s vote. There are three tests that need to be applied before the legitimacy test is passed. First, it must be demonstrated that the information on which people made their original decision is in some way compromised, either because it was wrong or because it is now obsolete and has been superseded by further developments. With regard to the Brexit referendum, I do not think anyone can argue other than that the information on which people based their decision was fatally flawed.

In response to the statement by the hon. Member for Blackley and Broughton (Graham Stringer), I am not one of those who blame the electorate; I do not say that people were stupid or did not understand the question. I say they were deliberately misled by people. I say that they were given information that was false, and deliberately so. In many ways the mendacity in that campaign was on an industrial scale. That is why people were conned in many ways into making the decision they did in June 2016.

[Tommy Sheppard]

Now we have an awful lot more information about what is at stake and what the consequences are, so we move on to the second test: have a significant number of people changed their minds on the question? By “significant”, I mean enough to produce a different result, were the question put again. Again, that test is met. It is consistently clear from opinion polls over three or four months—the latest one only today—that a large number of people have changed their mind on the question, sufficient to produce a different result were the question put again. The Prime Minister and the Government are fond of saying that 17.4 million people voted to leave the EU, the biggest number in our history that have ever voted for anything. That is true, but here is the inconvenient truth: at least 2 million of them have now changed their minds. I think it is disrespectful to those people not at least to consider whether the circumstances are such that they should be consulted again.

The third test is that the Parliament or legislature charged with discharging the mandate from the referendum is either unwilling to do so, or incapable of doing so. We are not at that point yet, but I am fairly certain, and I have no reason to change my view from the speeches so far today, that next Tuesday evening Parliament will reject the withdrawal agreement that has been put before it by the Government. In those circumstances, we will be entering a period of unknown chaos, where the Parliament may well be incapable of making any decision. That political gridlock or stasis can perhaps only be resolved by putting the question back to the people who started the process in the first place—all the citizens of the country. I say therefore that a people’s vote should not be regarded as an alternative way of agreeing the withdrawal deal. It is going to happen, if it does, as a consequence of the failure of the Parliament and the Government to prepare a withdrawal deal.

I speak for the Scottish National party, the third party in the United Kingdom Parliament, so it would be remiss of me not to try to give some sort of perspective from north of the border. Scotland, as colleagues know, took a different view from the rest of Britain.

**Graham Stringer:** I am following but do not agree with many of the points that the hon. Gentleman is making. On his final point, that there is a failure of Parliament, is it not primarily a failure of the Government? If the Government fail, should not the Government go back to the electorate?

**Tommy Sheppard:** The hon. Gentleman predicts my next point, but let me first say something about the situation in Scotland, where 62% of the people voted to remain in the European Union. By all polling evidence, if that question were asked again it would be more like 68% to 70%, so the opinion is quite different in Scotland from in England and Wales.

The attitude of the minority SNP Government in Scotland, when faced with a question of what to do with this result, where Scotland had voted one way and the rest of the United Kingdom had voted another way, is interesting. We had tried, as colleagues will remember, in the debate on the European Union Referendum Act 2015 to get some provisions in the Act itself that would recognise the different nations within the United Kingdom, but we failed in that endeavour.

The Scottish Government did not say, “Oh well, we don’t recognise the result in the UK because we are against Brexit and this is the Scottish position.” Quite the contrary: a Government that believed in and aspired to an independent Scotland and membership of the European Union produced a detailed document that advocated neither of those things. “Scotland’s Place in Europe”, published in December 2016, was a detailed and comprehensive policy analysis of how Brexit could take place in a way that would not have such effects on the Scottish economy and would better respect public opinion in Scotland. We were basically arguing, as we still argue to this day, for a compromise on what has become known as a Norway-plus position, where we aim to stay in the single market and the customs union. We have not yet been successful in that endeavour, but it is interesting that for 24 months the Scottish Government have been trying to offer this compromise and to get a discussion going about it, and for 24 months they have effectively been ignored.

That brings me to the point about how the Government have managed this process. Here we are, 30 months after the original referendum result, a result that was, by any observation, a narrow and divided one, with the country clearly split. A better Government would have taken that result and tried to steer a course that respected the majority of public opinion to leave the European Union and no longer formally be a member of it, but also recognised that almost half the country valued their European citizenship and tried to find some compromise that would allow Brexit to take place in a way that minimised the depression of their European identity.

The Government did not do that—not at all. The Government took an absolute position and said, “This is clearcut, it is black and white; the 52% won and we are now no longer going to talk about the 48%.” They were written out of history as if their opinions did not matter. That is one of the things that has caused so much resentment and anger and is now fuelling the demand for a people’s vote. In fact, it is even worse than that, because the 52% were disrespected as well; we had every right-wing cause in the country trying to tack its ideas on to the 52% as if that was a mandate for what they wanted. Many people in the 52% were misrepresented as well.

If we had had a Government that could have been more inclusive in their approach and had a dialogue with people, with Opposition parties, with local government and with the national Governments in the devolved legislatures, we might be in a slightly better position. We might have had more of a consensual approach that could possibly command support on the Floor of the House next Tuesday. But we are where we are; we do not have that, and we have a Prime Minister who, Canute-like, seems to be just ignoring wave after wave of concern and opposition that is expressed.

Over the next five days we will spend a lot of time talking about the detail of the 585-page withdrawal agreement and the 24-page framework document, so I will not go into that here. However, the Government getting themselves into this position is calamitous. It did not need to happen. Even at this eleventh hour they could pull back. They need to understand that, by setting their impossible red lines in the first place, they put themselves on a course to deliver a product that was

never going to command the support of the House and, worse, does not really seem to satisfy anyone in the country, never mind the 52% who voted to leave in June 2016.

In many ways, the Government have to think again. It seems to me that, once we get past next Tuesday, giving people the opportunity to vote again on this question may provide the Government with a lifeline to try to get out of the mess they have created for themselves. If they do not do that, I certainly agree that the time has come for this Government to get out of the road and be replaced by a Government that will do a better job.

5.20 pm

**Paul Blomfield** (Sheffield Central) (Lab): As ever, it is a pleasure to speak for the Opposition under your chairmanship, Mr Hollobone. I take this opportunity to welcome the Minister, the hon. Member for Spelthorne (Kwasi Kwarteng), to his place in the Department for Exiting the European Union team. Taking up the point made by my hon. Friend the Member for Keighley (John Grogan), I shall be impressed if the Minister knows the Government's plan B; he will be the first Minister to have achieved that objective if he does. I look forward to hearing from him later.

I thank the hon. Member for Sutton and Cheam (Paul Scully) for opening the debate. He made an important point on public polling reflecting his friend's opinion that everybody is fed up with hearing about Brexit. There is almost a momentum behind the current process of people looking forward to 29 March, because then it will all be over. However, as he rightly pointed out, it will not be. We are certainly not nearing the end, and we are not really nearing the end of the beginning. The biggest discussion is yet to be had, because the declaration on our future relationship is so lacking in detail. He also made the important point that this is a critical moment in our history. The decisions that we take over the next few days will shape our country for generations. The situation could not be more serious.

The Labour party campaigned in the referendum to remain, because we believed that it was right, economically and politically, for our country and for the continent that we share, but we accepted that we lost, which is why we voted to trigger article 50, to begin the negotiations to leave. However, the last two years have been largely squandered, with negotiations within the Conservative party taking precedence over the negotiations that needed to take place with the EU27. I understand the predicament of the Government and the warring factions within the Conservative party, but it has left us in a difficult position, and the country is paying the price.

It did not have to be like this, as the hon. Member for Edinburgh East (Tommy Sheppard) indicated. The Opposition urged the Prime Minister to reach out two years ago to the majority in Parliament in favour of a sensible Brexit and, in the spirit of my hon. Friend the Member for Dagenham and Rainham (Jon Cruddas), to look towards national reconciliation by saying that, yes, people voted to leave the European Union, but by the closest of margins. The referendum gave a mandate that we should no longer be members of the EU, but not that we should rupture that relationship, which was built over 45 years.

If the Prime Minister had said then that she would seek a deal that was right for the people of this country and their livelihoods, she could have begun to pull together the 48% and the 52%. If she had said that that would have involved a customs union, a close relationship with the single market and continued participation in the agencies and partnerships we built together with the EU, I think she could have achieved that. She would have had a clear majority in Parliament and united the country, and the Northern Ireland border, as raised by my hon. Friend the Member for Keighley, would certainly not have been an issue.

However, the Prime Minister instead let the Brexit extremists within the European Research Group shape the agenda. She set her red lines and boxed herself in, and the result is this doomed deal that satisfies nobody. We face a vote next Tuesday in which the Government are likely to be defeated, and we will then move into uncertain territory. It appears that a clear majority in Parliament will reject the deal and, while there is also certainly a majority in Parliament that will ensure that we do not leave without a deal, it is not clear whether there is a majority for any other outcome. Parliament, like the people we represent, is conflicted.

When the deal is voted down, we will need maximum flexibility. The Opposition will demand a general election, as we have made clear. I hope that, despite their experience in the general election last year, Conservative Members may yet come to recognise that an election to break this deadlock would be in the interests of the country. If they do not, other options must be kept open, including a public vote.

I understand the concerns of the petitioners who made the case against a public vote, which have been reflected by hon. Members, including my hon. Friend the Member for Blackley and Broughton (Graham Stringer). However, it is interesting that, as we move towards the Brexit endgame, the debate is changing fundamentally. Some honesty is finally beginning to break out. Those who spent the last two years endlessly repeating the mantra that no deal is better than a bad deal have been hitting the TV studios over the last couple of weeks to urge MPs to back the Prime Minister's deal because, they argue, the alternative is no deal, which they rightly say would be a catastrophe.

Even more significantly, claims that the country will be more prosperous have been abandoned, including by the Prime Minister and the Chancellor. Instead they argue for the Prime Minister's deal on the basis that failing to deliver on the 2016 referendum would have serious social and political consequences. That serious point has been made in the debate and it should not be lightly dismissed. However, we should also recognise that there will potentially be even more serious social and political consequences if Parliament votes for a damaging Brexit on a false prospectus.

The Government have confirmed that we will be economically worse off, to varying degrees, under every Brexit option. Instead they say that the Prime Minister's deal deserves support because it delivers on other pledges, with a particular focus on taking back control of our borders. On the Government's website, "40 reasons to back the Brexit deal", the top reason is on migration, with a promise that free movement will come to an end once and for all.

[Paul Blomfield]

However, the expectations unleashed by the rhetoric of taking back control are a long way from the reality. The Government have had complete control of non-EU migration for the last eight years. In every one of those years, net migration from outside the EU was higher than from within it, and it has stayed at a steady level. As last week's figures from the Office for National Statistics show, the recent decline we have seen in EU migration has simply been replaced by rising numbers from beyond the EU, with non-EU migration hitting a 14-year high. But on that central issue, the Home Secretary has said this morning that we are unlikely to see the Government's plans before next Tuesday's vote; the much-promised White Paper on immigration has apparently been delayed again—and beyond next Tuesday.

We potentially face a future that is poorer, with less money for public services, and with migration numbers changing little. That is a long way short of the wild promises made during the Brexit campaign, and potentially the social and political consequences of people being in that position five years down the road are very serious.

Therefore, when the Prime Minister's deal is inevitably voted down, all options have to remain open. As I said, that includes a further public vote. That is not something on which there are divisions between Opposition and Government Members. The hon. Member for East Surrey (Mr Gyimah) made the case for a public vote when he resigned as Minister for Universities, Science, Research and Innovation on Friday. His predecessor as Universities Minister, the hon. Member for Orpington (Joseph Johnson), has also made the case, as have former Conservative Cabinet members and the current Secretary of State for Work and Pensions, saying that a public vote may be the only way out of the predicament in which we find ourselves.

A public vote would not be without difficulties, and nobody could predict the outcome. However, the public do have information that was not available two years ago. They can see now, in contrast with then, what Brexit looks like, so there is a case for giving them a chance to reject Brexit or give informed consent to the Prime Minister's deal. We will explore all the options available, but we believe that we should not rule out the chance to give the people the final say.

5.31 pm

**The Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng):** I am delighted to stand here, on my first outing as a Minister to represent the Government and make the Government's case, under your chairmanship, Mr Hollobone; I am very pleased about that. This has been a very interesting debate. As has been observed, more right hon. and hon. Members could have participated, but I think that quality is better than quantity. That has always been a principle of mine, and I was delighted to hear as many speeches as I did.

I thank my hon. Friend the Member for Sutton and Cheam (Paul Scully) for opening the debate on behalf of the Petitions Committee. I also thank all those who participated in the debate. The petition brings up a very important question—the idea that we should have a second referendum. I want to make it as categorically clear as possible that this Government will respect the

result of the referendum and we will not—I repeat, we will not—hold a second referendum. Let me go into some of the reasons why we do not want to do that.

The hon. Member for Blackley and Broughton (Graham Stringer) made a very good point when he referred to the levels of condescension and the idea that people were too stupid to understand what membership of the EU meant and what leaving it would mean. It is ridiculous to assume or to think that people in this country, who have been debating this issue for 45 years—it has been an issue ever since we joined the EU—were too stupid to understand the question on the ballot paper. It is also offensive—it is ridiculous and offensive.

Then we heard the other idea. The hon. Member for Edinburgh East (Tommy Sheppard) said, “Well, people weren't stupid, but they were conned.” That is like me saying to a friend, “When you lost your money, you weren't stupid, but you were conned.” Essentially, it is saying that, for whatever reason, people were misled; they were gulled into making a choice, which they actually knew perfectly well about. They simply did not want, as an electorate, to stay in the EU, and it is the job of the Government, as it always has been, to deliver on the vote.

Let me give my personal point of view. I was in the Vote Leave campaign. I represent a constituency that voted 60% to leave the EU. My sense, as a constituency MP talking to people, is this. A large number of remainers are very quiet. They voted remain for all sorts of reasons. Perhaps some of them believed that the fear and uncertainty were too great. But now that the electorate as a whole have embarked on this course, many of those remainers want to see it through.

The hon. Member for Edinburgh East suggested, “Oh, the polls have changed wildly.” They have not. If we look at the polls a week before the campaign started in 2016, we see that they were exactly where they are now. Remain, as I recall, had a 10-point lead and, in the course of the campaign, its lead was reversed.

**Tommy Sheppard:** I take the Minister's point, but does he not accept that there is a considerable difference between the result in June 2016 of 52:48 and the average of polls now, which is 55:45 against?

**Kwasi Kwarteng:** My very point was that the hon. Gentleman should not place too much credence in the polls. If the polls had been right, this would never have happened. If the polls four months before the actual result had been right, remain would have won by a huge margin. I question the notion that because the polls are essentially saying exactly the same thing as they did four months before the last referendum, that means that the public have changed their mind; I dispute that. The hon. Gentleman was absolutely right to suggest that we cannot simply relitigate this issue year after year. The previous Prime Minister, David Cameron, made it very clear that the result would be respected. It was a close result, but a clear and authoritative one.

I was musing on this question during the hon. Gentleman's speech. If, by some misfortune, the Scottish National party had got its wish and won the independence referendum in 2014, how enthusiastic would it be about another referendum on that question? It would simply have shut down the issue.

**Tommy Sheppard:** That is a good debating point, but let us be clear: the 2014 Scottish referendum was conducted, as has been said, on the basis of a campaign and discussion that lasted more than two years, a vast debate and a 670-page White Paper that spelled out exactly what the proposition was. Surely the Minister is not drawing a comparison between that and something that was based on a slogan on the side of a bus?

**Kwasi Kwarteng:** I will absolutely make the comparison and I suggest to the hon. Gentleman that the United Kingdom's membership of the European Economic Community and now the EU had been a top-line issue for 45 years. If it had not been, why was there a referendum in 1975, the year I was born? This issue has gone on for two generations, so I suggest respectfully to the hon. Gentleman that the electorate did have a sense of what they wanted.

We cannot go down the route of simply relitigating referendums when we do not like the result, because that essentially is what this boils down to. That is essentially what is driving the call for a second vote—the so-called people's vote. Former Prime Minister Mr Blair has said as much. He makes no bones about the fact that he thinks that Brexit is a disaster and the way to reverse Brexit is by means of a second referendum. It is an instrument by which one can reject the will of the people as expressed in June 2016. Let us not be fastidious or naive about this. The people who generally are driving for a people's vote and a second referendum want to reverse the result. They think—mistakenly, in my view—that the way to reverse the result is to get a second referendum, which will confirm or reconfirm our membership of the EU. I think they are wrong and, as I have said, the Government have made a clear undertaking that we will not have a second referendum.

The question on 23 June 2016 was clear; it was absolutely unequivocal. The question was simply:

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

Many of us in the Chamber took part in the referendum campaign—some with Vote Leave and some with the Stronger In or remain campaign. It was a very hard-fought and widely trailed discussion. Some people have said that the quality of the debate was not good enough or that some pieces of information were withheld, but generally it was an extraordinary exercise in democracy. As has been said many times, it was the single biggest vote that this country had ever seen in a general election or any other kind of election. And as we all know, 17.4 million votes were cast to leave the EU. That was the highest number of votes cast for anything in UK electoral history.

What those calling for a second vote—the so-called people's vote—are saying is that the people should think again. Essentially, they are saying, metaphorically, to the electorate, “Your homework was not good enough. Please do it again.” As the hon. Member for Blackley and Broughton suggested, the electorate—certainly in my constituency—are quite a cussed lot. I do not see the floods of support for remain described by others. I strongly suspect—this is my personal view—that a second referendum would not deliver a different result.

That is irrelevant, however, because the Government are tasked to enact the will of the majority of the people, as expressed in the 2016 referendum. All major political

parties were committed to respect the outcome. We fought a general election on the basis that we would leave the EU. As has been said, 499 Members of this House voted to invoke article 50, which we all knew would involve a two-year process, at the end of which we would leave the EU. All of that is in the public record and everyone understood the consequences of it. Furthermore, the Labour party committed in its 2017 manifesto to leave the EU and the customs union. More than 80% of the British people voted either Conservative or Labour in the general election. They voted for parties that were absolutely committed to respect the 2016 referendum result. That is exactly what the British people expect us to do.

I fully understand the emotional impetus behind the call for a second referendum, but I think it is a ruse by which people seek to stay in the EU. We are pledged to leave the EU. The full democratic process of the referendum delivered a clear directive, which this Government hope to deliver. The call for a second referendum opens up a huge question about the levels of trust in our Government and our democracy. We have to respect the will of the people. To do otherwise and say, “We will have a second referendum and try to reverse the result of the first referendum, because you got the wrong answer first time,” is not only an abnegation of democracy, but profoundly disrespectful of the electorate. As a Minister, I would not want to see that.

We have to look at the nature of the referendum itself. It was a long, four-month campaign, but we cannot just think of the referendum as those four months in 2016, because this debate had been going on for decades, not only in my party but in the Labour party. I am old enough—just—to remember the 1983 general election, in which the Labour party was pledged to leave the EEC. That created great divisions and caused great debate within the Labour party. My own party has been a scene of great discussion and lively debate on this issue. It is not right to say that those four months of the referendum campaign in 2016 encapsulated the whole debate, because it has been ongoing for 45 years and more.

I sense that I am in a room of clairvoyants, because everyone has told me that the Government will lose the vote on Tuesday. I have been in the House long enough—let us see what happens. People have asked, “What about plan B?” If I knew plan B, I would not divulge it in this Chamber—I assure hon. Members of that—so the question is redundant. I remind hon. Members that the choice is between a deal and no deal, because, as others have suggested, the hourglass is running quickly. We are running out of time. Article 50 was invoked on 29 March 2017. It does not take a mathematician to work out that 29 March 2019 will be the end of our formal membership of the EU. Nor does one have to be mathematically gifted to work out that there are fewer than four months between today and exit day. In that timeframe, the notion that the Government will throw off their policy of the last two and half years and then bring in some parliamentary device for a second referendum to take place before the exit day is, frankly, ridiculous. We do not have the time to do it and people would feel that it would be extremely irresponsible to do so.

I could spend the next hour and three quarters trying to convince hon. Members of the merits of the deal. I do not want to do that, because they probably want to

[*Kwasi Kwarteng*]

do other things. However, I will say that the deal does precisely what the electorate voted for. On immigration, we have heard about restrictions to freedom of movement.

**Paul Blomfield:** Given that the Minister has raised the question of immigration, does he agree that it is incumbent on the Government to do as they previously promised and publish the immigration White Paper before we vote on the deal?

**Kwasi Kwarteng:** The shadow Minister is trying to tempt me down paths I do not want to go down. We will have a plan. At the moment, the Government are focused on winning the vote on Tuesday and getting on with Brexit, as so many of our constituents want them to do. My hon. Friend the Member for Sutton and Cheam said that someone was bored of Brexit. I have used that phrase myself—not of me: I love Brexit and am fascinated by it, but a lot of my constituents want to get the ball rolling. They want to get on with wider political debate and to get on with their lives. They see that the deal is a way of getting to the finishing post of 29 March. Anything we do to jeopardise that would not only frustrate Brexit, but be a great abnegation of democracy.

The debate about our relationship with Europe will not end with our formal exit from the EU. There will be all sorts of ongoing discussions and debates about bits of the EU that we might want to pay into and others that we might not. That is the nature of democracy: we can debate it. It will not be set in stone, but we will have an evolving and, I hope, co-operative and fruitful relationship with the EU. However, we seek to close the question of membership of the EU and we will formally end it on 29 March.

People have talked about the money—the £39 billion. The figure of £35 billion to £39 billion has been quoted as a divorce payment. That is actually a small fraction of the £100 billion that we saw in the newspapers and the other huge amounts that were trailed across the media. Looking at our 46-year commitment to the EU, we see that £39 billion works out as four years of net payments to the EU—what I call the annual subscription.

The annual subscription in the 2014 to 2020 budget period was about £10 billion a year net, depending on how it is calculated. After the payment and the implementation period, we will not have to pay a penny piece. The golf club subscription, as one of my constituents once referred to it, will be over. We will not be paying into the common kitty to the tune of £10 billion a year. We will secure—we hope and confidently expect—a free trade deal. We will be able to co-operate with the EU, but our formal membership and the annual tribute or payment that we used to make will be over.

My last point is about sovereignty, which was raised by the hon. Member for Blackley and Broughton. People wanted to have a sense that they were electing to this

Parliament Members who would exercise the sovereign will of the British people and make our own laws. That is a fundamental point that cannot be captured in trade deals, money or economics; it is about fundamental independence and sovereignty. That was a big driver of the vote and this deal delivers it. I am pleased to speak on behalf of the Government in this debate. I congratulate my hon. Friend the Member for Sutton and Cheam on introducing it and I look forward to his concluding remarks.

5.49 pm

**Paul Scully:** I thank the Minister for his reassuring remarks. It was remiss of me not to have welcomed him to his place for his first Westminster Hall debate. He gave a good amount of reassurance that we will not get distracted from our important task by the so-called people's vote. We need to concentrate on making sure that we deliver for the people of this country.

In the last couple of years, the Government and the Prime Minister have had the incredibly difficult job of squaring seemingly impossible circles. It is impossible to find a solution to the Labour party's six tests when the last one says that leaving must deliver the exact same benefits as membership. Clearly, at the golf club that the Minister referred to, pay-as-you-play is not the same as membership.

**Paul Blomfield:** Does the hon. Gentleman acknowledge that the Prime Minister said that she was determined to meet the six tests set by the Labour party?

**Paul Scully:** The Prime Minister will go as close as she can, but that last one is clearly impossible. She is working to satisfy as many people as she can in incredibly difficult times.

We then have the Liberal Democrats, who want to have their Bobby Ewing moment and pretend this all away, frankly. Those are the dynamics that we have been working on.

We are now at the dénouement—the end of the first part of the process. Let us try to get through this week and a half, get the vote next Tuesday, and move on to the exciting, optimistic global Britain thing that we can do—trade with the rest of the world and with our European partners. I look forward to the fact that our 40 or 50-year decision will allow us to make sure that our best days are still ahead of us.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petition 226071 relating to not holding a second referendum on EU membership.

5.51 pm

*Sitting adjourned.*

# Written Statements

*Monday 3 December 2018*

## EXITING THE EUROPEAN UNION

### Exiting the European Union: Publications

**The Attorney General (Mr Geoffrey Cox):** Today I am laying before Parliament the following document:

“EU Exit: Legal position on the Withdrawal Agreement”.

This document sets out the Government’s legal position on the proposed withdrawal agreement and provides a legal commentary, covering each part of the withdrawal agreement and the three protocols.

I will make an oral statement to the House later today.

[HCWS1131]

## INTERNATIONAL TRADE

### Prime Minister’s Trade Envoy to Argentina

**The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox):** The Prime Minister has appointed the hon. Member for Fylde (Mark Menzies) as the Prime Minister’s Trade Envoy to Argentina. This extends Mark’s current portfolio as Trade Envoy to Chile, Colombia and Peru. This appointment increases the number of markets covered by the programme to 64, as we look to deepen our relationships across the globe. The Prime Minister’s Trade Envoy programme is an unpaid and voluntary cross-party network of people, who support the UK’s ambitious trade and investment agenda in global markets.

[HCWS1127]

### UK WTO Membership

**The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox):** I have previously informed the House that in order to fulfil our obligations at the World Trade Organisation (WTO) as we leave the European Union we will prepare UK-specific schedules of concessions and commitments. On 19 July I informed the House of the start of the process for certification of the UK schedule for goods. I have today sent to the secretariat of the WTO the UK schedule for services and I will place a copy in the Library of the House.

This schedule replicates, as far as possible, our current obligations at the WTO. We see this as a technical exercise for which the WTO’s procedures for rectifications or improvements to schedules provide the appropriate legal mechanism. These procedures include a period for WTO members to raise objections to the proposed schedule, and it is usual for some of them to do so. If

objections are raised, we will continue to work with WTO members to resolve any concerns and see the objections withdrawn. The UK can continue to trade on current terms on an uncertified schedule, with no impact on trade flows, as is the case for other countries trading on uncertified schedules.

Presenting our own UK schedules at the WTO is a necessary part of our leaving the EU. It does not in any way prejudge the outcome of the eventual UK-EU trading arrangements.

[HCWS1128]

## TRANSPORT

### EU Transport Council

**The Secretary of State for Transport (Chris Grayling):** I will attend the last Transport Council under the Austrian presidency (the presidency) taking place in Brussels on Monday 3 December.

The Council will consider proposals from the first tranche of the ‘Mobility Package’. Under the ‘social pillar’ of the package the presidency will seek a general approach on proposals to establish a specific regulatory regime for the posting of workers in the road transport sector; to introduce new regulatory provisions in relation to ensuring that drivers have the option regularly to return home; and to enable drivers to take their regular weekly rest in their vehicles provided that certain welfare-related conditions are met. Under the ‘market pillar’ of the package the presidency will seek a general approach on proposals to introduce new regulatory requirements for the operation of light commercial vehicles (vans); and to modify the ‘cabotage’ rules for vehicles operating in countries other than their country of establishment. The Government consider the package to be a necessary response to current issues with the functioning of the EU road transport market, in particular, unco-ordinated national enforcement action in relation to posting of workers rules, and exploitation of some aspects of the regime by some non-compliant operators. The Government are broadly content with the specific proposals, particularly with the compromise gained on limiting the extension of regulatory obligations to operators of larger vans which are also undertaking international haulage work.

Next, the Council is expected to reach a general approach on a proposal from the second tranche of the ‘Mobility Package’ to revise the current directive on combined transport. The proposal contains provisions that could improve promotion of modal shift across the EU and reduce congestion. The Government consider that the proposal includes some positive changes to modernise the processes and, as currently drafted, will provide an acceptable balance between EU-wide action and national discretion.

Following this, the Council will consider a general approach on a proposal from the third tranche of the ‘Mobility Package’ to amend the current directive on road infrastructure safety management (RISM). The current directive was adopted to ensure that road safety considerations are at the forefront of all phases of the planning, design and operation of road infrastructure and currently applies to roads on the trans-European

transport network (TEN-T). The Government consider that the proposed increase in scope to include motorways and 'primary roads' is a proportionate expansion of the directive and is content with the proposal that member states define the 'primary roads' covered by it. The Government believe the proposal strikes a balance that will allow member states to retain judgment over where the directive is applied in their own countries, while upholding the shared principles of robust safety inspection and excellence in road design.

There will be a progress report on the proposal to amend the directive on discontinuing seasonal changes of time, which the Government oppose. We have no plans to change daylight saving time within the UK, and feel that the Commission has not provided enough evidence to demonstrate a strong case for changing the existing arrangements.

Afterwards, there will be a progress report on the proposal to revise the regulation on rail passengers' rights and obligations, aimed at strengthening the rights of rail passengers, including by improving access for people with disabilities or reduced mobility.

Following this, the Council is expected to reach a general approach on the proposal to amend the directive on the minimum training of seafarers. These changes will ensure that the legislation is up to date, and will provide the European Maritime Safety Agency (EMSA) with additional time to decide whether to recognise an outside state's certification. The Government consider the general approach to be satisfactory on the basis that the amendments are justified and appropriate to ensure that maritime directives are in line with international norms, and so that EMSA can make appropriately informed decisions.

The Council is also expected to reach a general approach on another proposal from the third tranche of the 'Mobility Package', to revise the current directive establishing a European maritime single window environment. This is intended to further harmonise the electronic submission of ship pre-arrival reporting formalities. The Government support digitisation here as it can provide benefits for business. The UK has engaged constructively in negotiations and has been able to share its existing expertise in many areas. The Government welcome the proposed general approach, which is satisfactory.

The Council is expected to reach a partial general approach on a proposed regulation on the Connecting Europe Facility. The proposal will move into the next multiannual financial framework with broadly the same funding allocation for transport as the current MFF. The Government support the value that a well-managed funding programme like the Connecting Europe Facility can bring to transport infrastructure. However, the regulation will take effect after the UK has left the EU, and the Government are still considering their position on future involvement in the programme.

There will be a progress report on a proposal from the third tranche of the 'Mobility Package' on the proposed regulation on streamlining measures for the realisation of the trans-European transport network (TEN-T). The proposal sets out requirements for the administrative procedures to be followed by the competent authorities in member states in providing approval for projects of common interest on the TEN-T Core Network.

There will be a progress report on a proposal from the second tranche of the 'Mobility Package' to amend the directive on the promotion of clean and energy-efficient road transport vehicles. The directive looks to drive the uptake of clean vehicles, including cars, and light and heavy duty vehicles (including vans, trucks and buses).

There will also be a progress report on a proposal from the third tranche of the 'Mobility Package' for a regulation on electronic freight transport information. This regulation is designed to correct a perceived lack of standardisation of acceptance by member states of electronic freight documents.

The Council will be asked to agree conclusions, which the UK supports, on the potential of inland waterway transport as an environment-friendly transport mode, offering existing capacity to alleviate congestion on roads.

Finally, under any other business, the presidency will provide information on other current legislative proposals. Additionally, it will report back on the informal meeting of Transport and Environment Ministers that took place in Graz on the 29-30 October 2018, followed by an update on ASEAN negotiations. The Luxembourg delegation will present information on the social agenda in aviation. The Commission will supply information on sustainable transport infrastructure charging and internalisation of transport externalities, and finally, the Romanian delegation will provide information on the work programme of their forthcoming presidency of the Council of the European Union.

[HCWS1129]

## WORK AND PENSIONS

### Pensions Dashboards Feasibility Report and Consultation

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** Pensions dashboards will give consumers information about their pensions savings from multiple sources through an online service. Consumers will be empowered by the presentation of information, helping them to engage with their pensions savings. The service support informed decisions and prepare the consumer for the transition between working age and retirement.

Conscious of the complexity of this project, my Department has undertaken an extensive study of the elements required of pensions dashboards. The Government believe that dashboards will deliver for savers, and today we have published the feasibility report so starting the process of consultation.

It is my firm belief that industry is best placed to finance and deliver this project and to create a technical dashboard infrastructure. This will advance a range of dashboard options.

The Government have listened to views that suggest compulsion is needed to maximise pension scheme participation in a reasonable timeframe. We propose to act to deliver this legislation, when parliamentary time allows, and following the creation of a robust delivery model with the appropriate governance. It is not our

proposal to compel all schemes to provide data—we have outlined limited exemptions. We will work with the regulators and industry to help ensure responsibilities to protect consumers are upheld, while ensuring the safeguarding of consumer data.

We have met with the Chair and the Chief Executive of the Single Financial Guidance Body. We believe that this body is ideally suited to oversee the industry delivery group. It will bring together industry representatives, FinTech and consumer organisations to ensure successful implementation. We propose that a non-commercial dashboard, hosted by the Single Financial Guidance Body, will offer an impartial service to those for whom there is not a commercial offering.

It is a continued priority of this Government, with the support of the pensions, financial services and consumer community, to restructure the UK's pension savings culture against the backdrop of a new generation

of savers. Dashboards will build upon the successful introduction of automatic enrolment, which has led to almost 10 million people either newly saving or saving more towards their retirement.

We are confident that the “Working together for the consumer” document, published today, demonstrates the Government's and the Department's strong and sincere belief that pensions dashboards have great potential to transform the pensions landscape for the consumer's benefit. We look forward to receiving feedback and proposals as to how Government can best facilitate an industry-led delivery of this online service.

For ease of reference, I shall deposit a copy of the feasibility report and a related fact sheet in both Libraries of the Houses of Parliament.

[HCWS1130]



# Petition

Monday 3 December 2018

## OBSERVATIONS

### EDUCATION

#### Home Education: draft guidance and the consultation

*The petition of residents of the Cotswolds,*

Declare that the “Home Education—Call for Evidence and revised DfE guidance” has been written following significant consultation with local authorities and no consultation whatsoever with the home education community; further that the consultation is consequently for little more than show as an intention to implement the content has already been stated: further that it seeks to encourage local authorities to breach the ECHR Article 8 and the GDPR; and further that the report provides no accessible means for a parent to address ultra vires behaviour by their local authority, where many of those authorities already act routinely in an ultra vires manner.

The petitioners therefore request that the House of Commons urges the Government to withdraw the draft guidance and the consultation, until it has put in place an accessible and workable complaints procedure and further has consulted with home educating parents, as it has with Local Authorities, what the contents should include.

And the petitioners remain, etc.—[Presented by Sir Geoffrey Clifton-Brown, *Official Report*, 25 October 2018; Vol. 648, c. 2P .]

[P002278]

*Observations from the Minister for School Standards (Nick Gibb):*

The consultation “Home Education—Call for Evidence and revised DfE guidance” closed on 2 July 2018. The relevant documents can be found at:

<https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/>.

As well as the call for evidence, the consultation includes draft versions of two guidance documents on the current arrangements for home education. These are intended to replace the Department for Education’s current non-statutory guidance for local authorities, which is to be found at:

<https://www.gov.uk/government/publications/elective-home-education>.

The Department discussed home education with stakeholders in the normal course of business up to the launch of the consultation on 10 April.

All responses to the consultation will be considered before publishing the finalised guidance documents. At no point has the Department stated an intention to publish them as final versions without revision in the light of responses received to the consultation.

Representations on whether the contents of the two draft guidance documents breach Article 8 of the European Convention on Human Rights (right to private and family life) or the provisions of the General Data Protection Regulation (as embodied into UK law in the Data Protection Act 2018), will be taken into account as we consider responses to the consultation.

The documents in their draft form contain no reference to remedies for behaviour by local authorities. This is because no special provision for this is necessary in respect of home education. The Education Act 1996 already contains general provisions for this purpose relating to local authorities. However, the Department will consider whether the finalised versions of the guidance documents should contain specific information on this.

This Department does not recognise the suggestion that consultation has been flawed or inadequate. Several thousand responses, the majority of which have come from home educating families, have been received, as well as a substantial petition, and there has been considerable opportunity for detailed comment and input from such families. Following the consultation and consideration of the responses, the two guidance documents will be published in the autumn of 2018 in their revised and finalised form. In addition, a formal Government response document analysing responses to the call for evidence, and setting out next steps, will also be published in the autumn of 2018.



# Ministerial Corrections

Monday 3 December 2018

## TREASURY

### Finance (No. 3) Bill

*The following are extracts from the Finance (No. 3) Public Bill Committee, on Tuesday 27 November 2018.*

**Mel Stride:** The hon. Lady makes an entirely reasonable request for that information. As I indicated, I am happy to provide it to her. In fact, divine inspiration has just arrived—I have an answer; I knew it was lost somewhere in my mind. There have, in fact, been 12 opinions, all of which have been supportive of HMRC. If she would care for any further information, I am happy to provide it outside the Committee.

*[Official Report, Finance (No. 3) Public Bill Committee, 27 November 2018, c. 28.]*

**Mel Stride:** If it is in order, Ms Dorries, I will give the hon. Member for Oxford East an additional piece of information on the issue of referrals to the panel. There were nine cases rather than 12; there were 12 opinions on those nine cases, all of which supported HMRC. That might explain how I had a figure of nine while the hon. Lady was focused on 12.

*[Official Report, Finance (No. 3) Public Bill Committee, 27 November 2018, c. 29.]*

*Letter of correction from the Financial Secretary to the Treasury:*

Errors have been identified in my responses to questions raised during the debate on clause 2, Corporation tax charge for financial year 2020.

The correct responses should have been:

**Mel Stride:** The hon. Lady makes an entirely reasonable request for that information. As I indicated, I am happy to provide it to her. In fact, divine inspiration has just arrived—I have an answer; I knew it was lost somewhere in my mind. There have, in fact, been 16 opinions, all of which have been supportive of HMRC. If she would care for any further information, I am happy to provide it outside the Committee.

**Mel Stride:** If it is in order, Ms Dorries, I will give the hon. Member for Oxford East an additional piece of information on the issue of referrals to the panel. There were nine cases rather than 12; there were 16 opinions on those nine cases, all of which supported HMRC. That might explain how I had a figure of nine while the hon. Lady was focused on 12.

## JUSTICE

### Civil Liability Bill [Lords]

*The following are extracts from the Report stage of the Civil Liability Bill [Lords] on 23 October 2018.*

**Rory Stewart:** I want to emphasise that the phrase “minor injuries” is derived from Judicial College guidelines, not from the Government or any political party. It is simply a long-standing convention to refer to injuries of under two years’ duration as minor injuries, and that relates to Sentencing Council guidelines for injuries of under two years’ duration.

*[Official Report, 23 October 2018, Vol. 648, c. 216.]*

*Letter of correction from the Minister of State, Ministry of Justice, (Rory Stewart).*

An error has been identified in a response I gave during the debate on the Report stage of the Civil Liability Bill [Lords].

The correct response should have been:

**Rory Stewart:** I want to emphasise that the phrase “minor injuries” is derived from Judicial College guidelines, not from the Government or any political party. It is simply a long-standing convention to refer to injuries of under two years’ duration as minor injuries, and that relates to **Judicial College** guidelines for injuries of under two years’ duration.

On the arguments of the hon. Member for Hammersmith about the levels of the tariffs, we have attempted to achieve a reduction in the tariff at the lower end. For example, an individual who suffers an injury of under three months’ duration could receive damages considerably less than those in the current guidelines, but I hope that the hon. Gentleman accepts that, as we approach a duration of two years, the compensation offered begins to merge much more closely with the existing guidelines at a level of £3,600.

*[Official Report, 23 October 2018, Vol. 648, c. 216.]*

*Letter of correction from the Minister of State, Ministry of Justice, (Rory Stewart).*

An error has been identified in a response I gave during the debate on the Report stage of the Civil Liability Bill [Lords].

The correct response should have been:

**Rory Stewart:** On the arguments of the hon. Member for Hammersmith about the levels of the tariffs, we have attempted to achieve a reduction in the tariff at the lower end. For example, an individual who suffers an injury of under three months’ duration could receive damages considerably less than those in the current guidelines, but I hope that the hon. Gentleman accepts that, as we approach a duration of two years, the compensation offered begins to merge much more closely with the existing guidelines at a level of **£3,910**.

## JUSTICE

### Civil Liability Bill [Lords]

*The following are extracts from the Third Reading debate of the Civil Liability Bill [Lords] on 23 October 2018.*

**John Howell:** Earlier this afternoon, the Minister will have heard my hon. Friend the Member for Croydon South (Chris Philp) give an example of how he was approached—hassled, in fact—by a claims management company. I, too, have been in that situation for a fictitious accident and I still get calls about that. Is dealing with this not one of the real ways that we will be able to prevent our being the whiplash capital?

**Rory Stewart:** My hon. Friend makes a very good point, which has been made by the shadow Front-Bench team and others: dealing with claims management companies is going to be a central part of this. Consultation has taken place on this, and measures have been taken

against claims management companies. A significant issue remains, which we are **consulting on and** trying to resolve—to be honest with the House, it is the fact that many of these calls come from foreign jurisdictions, so the challenge is trying to work out the best way to deal with that.

[*Official Report, 23 October 2018, Vol. 648, c. 228.*]

*Letter of correction from the Minister of State, Ministry of Justice, (Rory Stewart).*

An error has been identified in a response I gave during the Third Reading debate on the Civil Liability Bill [*Lords*].

The correct response should have been:

**John Howell:** Earlier this afternoon, the Minister will have heard my hon. Friend the Member for Croydon South (Chris Philp) give an example of how he was approached—hassled, in fact—by a claims management company. I, too, have been in that situation for a fictitious accident and I still get calls about that. Is dealing with this not one of the real ways that we will be able to prevent our being the whiplash capital?

**Rory Stewart:** My hon. Friend makes a very good point, which has been made by the shadow Front-Bench team and others: dealing with claims management companies is going to be a central part of this. Consultation has taken place on this, and measures have been taken against claims management companies. A significant issue remains, which we are trying to resolve—to be honest with the House, it is the fact that many of these calls come from foreign jurisdictions, so the challenge is trying to work out the best way to deal with that.

**Rory Stewart:** I have the following on a formal piece of paper here, so that I can make my Pepper v. Hart statement to make sure that this is clear for the judiciary. In subsection (3), therefore, we have excluded those soft tissue injuries in the neck, back or shoulder which are part of or connected to another injury, so long as the other injury is not covered by subsection (2). The effect of subsection (3) would be to exclude, for example, damage to soft tissue which results only from the fracture of an adjoining bone or the tearing of muscles arising from a penetrating injury, which would otherwise fall within subsection (2). It has been suggested that the words “connected to another injury” in subsection (3)(a) could mean an injury resulting from the same accident. There is therefore a concern that a number of soft tissue injuries that would otherwise fall under the definition of whiplash injury will be excluded, and so not subject to the tariff of damages, simply by reason of being suffered on the same occasion as a whiplash injury.

[*Official Report, 23 October 2018, Vol. 648, c. 229.*]

*Letter of correction from the Minister of State, Ministry of Justice, (Rory Stewart).*

An error has been identified in a response I gave during the Third Reading debate on the Civil Liability Bill [*Lords*].

The correct response should have been:

**Rory Stewart:** I have the following on a formal piece of paper here, so that I can make my Pepper v. Hart statement to make sure that this is clear for the judiciary. In subsection (3), therefore, we have excluded those soft tissue injuries in the neck, back or shoulder which are part of or connected to another injury, so long as the other injury is not covered by subsection (2). The effect of subsection (3) would be to exclude, for example, damage to soft tissue which results only from the fracture of an adjoining bone or the tearing of muscles arising from a penetrating injury, which would otherwise fall within subsection (2). It has been suggested that the words “connected to another injury” in subsection (3)(a) could mean an injury resulting from the same accident. There is therefore a concern that a number of soft tissue injuries that would otherwise fall under the definition of whiplash injury will be excluded, and so not subject to the tariff of damages, simply by reason of being suffered on the same occasion as a **non-whiplash injury**.

## LEADER OF THE HOUSE

### Business of the House

*The following is an extract from Business questions in the Chamber on 22 November 2018.*

**Thangam Debbonaire** (Bristol West) (Lab): On 9 May, 12 July and 6 September, I asked the Leader of the House about the whereabouts of the immigration Bill. I think that there is still no answer, but let me give her a break and ask her about a different Bill. Would not 25 November, International Day for the Elimination of Violence Against Women, be a terribly good day on which to lay the domestic abuse Bill before Parliament?

**Andrea Leadsom:** The hon. Lady will know that the Government have published a draft Domestic Violence and Abuse Bill. It is intended to be groundbreaking, and will be extremely comprehensive. We want to be sure before we introduce it that we have taken into account all considerations in our efforts to put an end to the appalling problem of domestic violence once and for all.

[*Official Report, 22 November 2018, Vol. 649, c. 1035.*]

*Letter of correction from the Leader of the House:*

An error has been identified in my response to the hon. Member for Bristol West (Thangam Debbonaire) during Business questions on 22 November 2018.

The correct response should have been:

**Andrea Leadsom:** The hon. Lady will know that the Government **will publish the** draft Domestic Violence and Abuse Bill **later this Session**. It is intended to be groundbreaking, and will be extremely comprehensive. We want to be sure before we introduce it that we have taken into account all considerations in our efforts to put an end to the appalling problem of domestic violence once and for all.

# ORAL ANSWERS

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Monday 10 December 2018**

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