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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Wednesday 2 September 2020

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Virtual participation in proceedings commenced (Order, 4 June).

[NB: [V] denotes a Member participating virtually.]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

The Economy

Julie Marson (Hertford and Stortford) (Con): What recent assessment he has made of the strength of the economy in Northern Ireland. [905439]

The Secretary of State for Northern Ireland (Brandon Lewis): While the Northern Ireland economy does have its challenges, I am confident that it has a promising economic future, with its talent, great companies, entrepreneurial spirit and world-leading sectors and universities, as well as world-class hospitality, leisure and cultural offerings. We will continue as a Government to work with businesses, the Northern Ireland Executive and local partners to ensure that we not only get the economy back up and running but are laying the foundations for a sustainable, growing and stable economic future.

Julie Marson: In my constituency of Hertford and Stortford, the eat out to help out scheme has been a massive success and given our local economy a huge boost. Will my right hon. Friend let the House know what the uptake has been in Northern Ireland?

Brandon Lewis: I have not tested all the venues in Northern Ireland that were taking part in the eat out to help out scheme, but I did my bit to support the sector, as I am sure many colleagues around the House did. Comprehensive figures are not yet available, but I do know that over 1,500 restaurants in Northern Ireland signed up to the scheme in the first week of operation, highlighting just how important the scheme has been to give people confidence to go out and businesses a chance to see their customers again.

Mr Speaker: The next two questions have been withdrawn, so we will go to Sir Jeffrey Donaldson.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will be aware that Northern Ireland businesses are concerned about the impact of the Northern Ireland protocol. Businesses I have spoken to report very little or no progress on export health certificates for animal-related food products being shipped from

Great Britain to Northern Ireland. That potentially means increased costs for Northern Ireland businesses, and those costs will be passed on to Northern Ireland consumers. What will he do to ensure that arrangements are put in place to prevent that from happening?

Brandon Lewis: I thank the right hon. Gentleman for his question. We recognise the unique position of authorised traders, such as supermarkets, with stable supply chains and comprehensive oversight of warehousing and distribution operations, moving pre-packaged products for retail sales solely in Northern Ireland. We continue to look at specific solutions for the trade, working with the trade. EHCs and accompanying notes for guidance will be made available from 1 November on the EHC form finder, to allow exporters and certifying officers to familiarise themselves with the requirements.

Sir Jeffrey M. Donaldson: I welcome that news, and I want to follow that up with a question about the formal guidance that is required from the Government on the definition of unfettered access. Can the Secretary of State explain how a trader in Northern Ireland will get qualifying status in order to benefit from unfettered access in shipping goods from Northern Ireland to Great Britain and in the other direction? What extra processes would a trader in Northern Ireland face if they did not have qualifying status? The Secretary of State will be aware that this has significant cost implications for Northern Ireland businesses. Will he therefore commit to discussing this matter urgently with his colleagues in the Cabinet Office, to ensure that guidance is issued to Northern Ireland businesses on the definition of unfettered access as soon as possible?

Brandon Lewis: I can confirm that we are very keen to give as much guidance and information to businesses as early as possible. We are committed, as I said, to providing Northern Ireland's businesses with unfettered access to the rest of the UK market. I am very clear about what that means. It means no import customs declarations as goods enter the rest of the UK from Northern Ireland. It means no safety or security declarations as goods enter the rest of the UK from Northern Ireland, no tariffs to be applied to Northern Ireland goods entering the rest of the United Kingdom in any circumstances, no customs checks, no new regulatory checks and no additional approvals required for placing goods on the market in the rest of the United Kingdom. For further reassurance, I can tell the right hon. Gentleman that we will introduce legislation for unfettered access shortly, and we will continue to provide that guidance.

Karin Smyth (Bristol South) (Lab): I listened carefully to the very good questions put by the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson), but I do not think that that will reassure businesses. The Northern Ireland Affairs Committee was very clear about what we already knew: the movement of goods from Britain to Northern Ireland will be subject to a number of administrative requirements; businesses will trade at a competitive disadvantage; and consumers in Northern Ireland are likely to see increased prices as a result. The economic facts are—and this is a real worry—that, for a population of 1.9 million, the burden on British firms will be too much, and they will cease wanting to export in large numbers to Northern Ireland. Export health certificates are a major concern and a major cost. I will

check the record, but I think the Secretary of State just said that there will be more formal guidance. He has his own view. That is not an agreement, and there are additional costs, so what will the costs be for those businesses?

Brandon Lewis: I did say that notes for guidance will be available from 1 November this year. We are very clear that we are one single market—we are one customs union within the United Kingdom—and that is why we are very clear about the fact that we want unfettered access and we will deliver unfettered access for Northern Ireland businesses to Great Britain. We have already said that there will be some limited checks from Great Britain to Northern Ireland. We have announced the trader support scheme. The guidance that we issued just before the recess was warmly welcomed by Northern Ireland businesses. We continue to work with them so that, as we develop our processes, we ensure that there is good, smooth, fast, efficient delivery, as the protocol outlines, that does not disrupt the lives of people in Northern Ireland, in a way that works for business as well as the people of Northern Ireland.

Kirsten Oswald (East Renfrewshire) (SNP): On 7 August the Cabinet Secretary flew into Northern Ireland to announce a business package of £335 million. That money is apparently designed to alleviate the costs of border checks and Brexit red tape that the Prime Minister has repeatedly said does not exist. As a signed-up member of the Brexit Cabinet, can the Secretary of State assure Scottish businesses that the same level of financial support will be put in place to meet all the costs of Scotland being dragged out of the European single market?

Brandon Lewis: The support package that we put in place, which is £155 million for the IT systems we have outlined and £200 million for the Treasury support scheme, is in order to recognise the unique situation of Northern Ireland—one that Scotland has a rather different position to. I am very clear that one of the things we will be looking to deliver as we go forward is the ability for Northern Ireland to trade prosperously as part of the whole of the United Kingdom—something I am sure that Scotland will benefit from as well.

Claire Hanna (Belfast South) (SDLP) [V]: In line with the protocol, Border Force is currently recruiting for jobs in Northern Ireland advertised as open to UK nationals only. In the press this week, the Home Office claimed that this does not prevent those who identify as Irish from applying. But will the Minister accept, as indeed the Home Office did when this previously happened in 2018, that the words “Irish nationals are not eligible for reserved posts” does not reflect the rights framework in the Good Friday agreement, and will he ask the Home Office to rework the advertisement and the rules to make them compatible with Northern Ireland’s fair employment legislation?

Brandon Lewis: I am very happy to have a look at that. Obviously, as the hon. Lady will know, the Home Office outlined an update to the citizenship situation to rectify it for people so that however they wish to identify they can have the full rights that they wish to exert. However, I will happily follow up on that and come back to her.

The Union

Elliot Colburn (Carshalton and Wallington) (Con): What steps the Government are taking to strengthen the Union between Northern Ireland and the rest of the UK. [905441]

The Minister of State, Northern Ireland Office (Mr Robin Walker): The UK Government will never be neutral in expressing our unequivocal support for the Union. We are committed to strengthening the link between our four great nations, levelling up the whole country. That is why the Prime Minister has created a Cabinet committee on Union policy implementation. Our commitment to Northern Ireland is demonstrated in the £2.2 billion we have provided to help fight coronavirus, including an extra £300 million announced at the summer economic update.

Elliot Colburn: May I begin by welcoming today’s news on same-sex marriage in Northern Ireland? Carshalton and Wallington residents have noticed that next year will be the centenary of the creation of Northern Ireland, so what plans does the Northern Ireland Office have to commemorate the United Kingdom as we know it today?

Mr Walker: I agree with my hon. Friend on both points. This centenary represents a significant national anniversary. In the new decade, new approach deal, the Government recognised that the centenary provided an opportunity to reflect on the past as well as to build for the future in Northern Ireland across the UK and internationally. We are committed to facilitating national recognition and international awareness of the centenary. On his recent visit to Northern Ireland, the Prime Minister announced the establishment of a centenary forum and a centenary historical advisory panel. This approach will offer us the opportunity to work with a broad spectrum of people to deliver an ambitious and exciting programme of events to mark this important national anniversary. Further details about the centenary programme will be set out in the autumn.

Northern Ireland Protocol: Infrastructure at Ports

Rosie Cooper (West Lancashire) (Lab): What assessment he has made of the infrastructure that will be required at ports in Northern Ireland under the Northern Ireland protocol. [905442]

The Secretary of State for Northern Ireland (Brandon Lewis): There will be no new customs infrastructure in Northern Ireland, and we see no need to build any.

Rosie Cooper [V]: With just four months left until the protocol comes into force, the National Farmers Union has warned that a clear lack of guidance is threatening the trade in agrifood products—Northern Ireland’s largest import. So can the Secretary of State clear one thing up—will each agrifood product require an export licence certificate, costing up to £200, or not?

Brandon Lewis: As I have set out previously, the protocol obliges both the UK and the EU to seek to streamline trade between Great Britain and Northern Ireland and to avoid controls at Northern Ireland ports as far as possible. As the hon. Member may well know, discussions are ongoing about the process by which this

is conducted and the frequency. We want to bring the level of checks down to a proportionate and pragmatic level, as we have outlined before, for agrifoods and live animals. At Larne and Belfast there have been checks of one form or another in place since, I think, about the 19th century, and that is what we are building on. But there will be no new infrastructure.

Border Control Posts

Dr Philippa Whitford (Central Ayrshire) (SNP): If he will publish details of the UK Government request to the EU to establish border control posts at Northern Ireland ports.

If, as the Prime Minister has claimed, there will be no checks or border controls for British goods entering Northern Ireland, what exactly are the new border posts at Northern Ireland sea ports and airports for exactly? [905443]

The Secretary of State for Northern Ireland (Brandon Lewis): I will answer the substantive and supplementary questions together and just repeat what I said a few moments ago—there will be no new infrastructure in Northern Ireland for borders.

Payments for Victims of the Troubles

Julian Smith (Skipton and Ripon) (Con): What assessment he has made of the timescale for the implementation of the pension scheme payments for victims of the Troubles in Northern Ireland. [905444]

Tom Randall (Gedling) (Con): What assessment he has made of progress on implementing the payment scheme for victims of the Troubles in Northern Ireland. [905445]

Mark Fletcher (Bolsover) (Con): What assessment he has made of progress on implementing the payment scheme for victims of the Troubles in Northern Ireland. [905450]

The Secretary of State for Northern Ireland (Brandon Lewis): We welcome the formal designation of the Department of Justice in Northern Ireland to provide administrative support for the scheme. Victims should never have had to go to court to see such progress. The Executive must now move to ensure that the scheme can be opened as soon as is practical, so that applications can be processed and payments made to victims who have already waited too long. The implementation of the scheme, including timescales for delivery, is a matter for the Northern Ireland Executive, but I look forward to seeing them progress this issue as quickly as possible.

Julian Smith: Paddy Cassidy and Raymond Trimble have died since the pension and payment scheme became law, and many other victims are extremely ill. I urge my right hon. Friend to do whatever he can to provide the Executive with confidence that money will be forthcoming in the usual way through the block grant. Will he also do everything possible to dispel the horrendous myths that have been peddled about the payment scheme over the past few weeks? The scheme will primarily benefit civilians on both sides of the community who are desperate to have the recognition that they have been promised.

Brandon Lewis: My right hon. Friend makes a good point. He was intrinsically involved in driving forward this issue. Words fail me: it should never have taken this long to get to this stage and it should never have taken a court case. My right hon. Friend is quite right that the Northern Ireland Executive are funded for the scheme through the block grant, and he is also quite right that this is about recognising people who have suffered for far too long. He and at least four of the party leaders in Northern Ireland were keen to see this scheme move forward; thankfully, that will now happen—and yes, I will give all the support that I can and that the Northern Ireland Executive need to see the scheme deliver as quickly as possible.

Tom Randall: I, too, welcome the news that the Department of Justice has been designated to implement the victims' payment scheme, but does my right hon. Friend share my disappointment that it took a court to tell Sinn Féin to stop playing politics and finally designate the Department?

Brandon Lewis: My hon. Friend is right. I have consistently expressed my disappointment—to say the least—at the lack of progress in establishing the scheme, as have the First Minister and others. It was wrong for Sinn Féin to hold up the process of designating the Department. I am pleased that it has now happened, but it is a shame that it took a court case.

Mark Fletcher: Last week, Sinn Féin's Martina Anderson described victims of the troubles applying for the victims' payment scheme as
“mainly...those who fought Britain's dirty war”
or were
“involved in collusion.”

Will my right hon. Friend join me in condemning those grossly insulting comments to the victims, many of whom live in my constituency?

Brandon Lewis: The simple answer is yes. Particularly with people having waited so long, to see an insensitive, ill-advised and inappropriate comment like that was the last thing that anybody needed. It should never have been made in the first place, and we should all condemn it and move forward to make sure that victims get what they have morally and legally been waiting far too long for.

Louise Haigh (Sheffield, Heeley) (Lab): May I begin by reflecting on the fact that this summer we lost the great John Hume, a peace campaigner and politician who, more than any other, is responsible for the peace these islands enjoy today? I am sure the whole House will join me in sending our deepest condolences to his extraordinary wife Pat, his family and our friends in the Social Democratic and Labour party.

Yesterday would have been the 40th birthday of Tim Parry who, along with three year-old Johnathan Ball, was killed by an IRA bomb in Warrington in 1993. The peace foundation set up in their name supports victims of terrorism nationwide, but at the end of this month that service will close unless Ministers deliver on the funding that they have promised in the House. In this week, of all weeks, will the Secretary of State step up and secure the future of this vital service?

Brandon Lewis: First, I join the hon. Lady in her comments about John Hume and his family. I was honoured to be able to attend the funeral, which was a great example of how something can be done so sensitively, delicately and appropriately, even at a difficult time such as with covid. It was a real honour to be there.

As I said earlier, a range of victims have waited too long for things such as victims' pensions and victims' payments, so we need to see that moving on. We need to see a whole range of areas moving on. I hope that, with the work we can do with the Northern Ireland Executive, not least with the introduction of the independent fiscal council, we can see the Executive start to allocate their funding and move on with these projects.

Louise Haigh: I think the Secretary of State may have misheard me: I was talking about the Warrington Peace Centre, which previously enjoyed funding directly from the Home Office. I hope he will consider that and raise it with his colleague the Home Secretary.

The father of Tim Parry, Colin, has said, on the anniversary of his son's 40th birthday, that the appointment of Claire Fox to the House of Lords offends him deeply. Given her continued refusal to apologise for defending the Warrington bombing, may I ask whether the Secretary of State was consulted on her peerage? Has he raised any concerns with his colleagues in No. 10?

Brandon Lewis: As I think it has already been outlined, Claire Fox will be sitting as a Cross-Bench peer. She has already provided her own answer to that question, and I will let her words deal with the matter. I will certainly talk to the Home Secretary about the issue that the hon. Lady raises about the funding for the Warrington bombing. What we have seen over the past few weeks is that there is still a need and a determination for us to keep a focus on security issues. I also want to take a moment to pay huge credit to the Police Service of Northern Ireland and its partners for the amazing operation that they ran just two weeks ago, arresting some 10 people, which is probably the biggest step forward that we have seen in a generation in ensuring the peace and security of the people in Northern Ireland.

Mr Speaker: We now head to Dorset to the Chair of the Select Committee.

Simon Hoare (North Dorset) (Con) [V]: My right hon. Friend is right to draw attention to the £150 million that has been set aside in the New Decade, New Approach agreement with regard to legacy resolution issues, but the funding of the pension scheme is of concern to all parties, as it was to the Select Committee. Can he confirm that he will ensure that, through the block grant, moneys that are required on top of the £150 million will be forthcoming so that justice can be done and the money paid in a full and timely way?

Brandon Lewis: My hon. Friend the Chair of the Select Committee is absolutely right. This matter is devolved and it is for the Northern Ireland Executive to pay for through the block grant. Those discussions will go ahead in the normal way, but, as I have said, as the money is already there, this is something that the Executive can be moving on with. They can start getting this process going and start getting these payments out to the people who have already waited too long.

Jim Shannon (Strangford) (DUP): I also thank the Secretary of State for all he has done with regard to the victims' pension fund. May I ask him to outline what steps have been taken to claw back the money from Sinn Féin that was spent on the court case that took place solely because of Sinn Féin's refusal to do the right thing and appoint a Minister to oversee the fund. Sinn Féin should pay the legal fees.

Brandon Lewis: The court was clear that the Executive, through their action of not designating, or refusing to designate, a Department, which was down to the Deputy First Minister, were acting illegally. The hon. Gentleman puts forward an interesting proposal, which I am sure that the Finance Ministry, in terms of wanting to make sure that Northern Ireland's finances are well spent, will consider properly.

Leaving the EU: the Economy

Mr Alistair Carmichael (Orkney and Shetland) (LD): What recent discussions he has had with Cabinet colleagues on the effect on the Northern Ireland economy of the UK leaving the EU. [905448]

Alun Cairns (Vale of Glamorgan) (Con): What assessment he has made of the potential benefits to the Northern Ireland economy of the proposals set out in the Government's July 2020 UK internal market White Paper. [905456]

The Secretary of State for Northern Ireland (Brandon Lewis): By the end of this year, the process of transition to our new relationship with the EU will be completed. I and colleagues across the Cabinet are determined to ensure that Northern Ireland benefits fully from the opportunities that that will bring.

Mr Carmichael: I am sure that all in business will welcome the announcement from the Secretary of State that there will be guidance given to all those trading in Northern Ireland by 1 November, but can he explain to the House how one formulates guidance for the implementation of a deal that has not yet been done, or will that guidance be written on the presumption that there will be no deal?

Brandon Lewis: As we did with the guidance that we outlined just before the House broke for the summer recess, we have done it in conjunction with our partners in businesses across Northern Ireland through the business engagement forum that we have put together. We are consulting with businesses about what they need to live on the protocol, and that protocol does give confidence to businesses about what will be in place next year.

Alun Cairns: Does my right hon. Friend recognise that the UK internal market is the cornerstone of simplicity in terms of uncertainty over attracting investment to all parts of the United Kingdom, and any detractors from the Government's plan and policy to maintain the integrity of the UK internal market would be undermining the potential investment in their community.

Brandon Lewis: Absolutely right. My right hon. Friend makes a hugely important point. The UK internal market Bill will outline that integral structure of the

United Kingdom as one customs union and one single market, which will give confidence to businesses and investors to the benefit of all our economies.

Northern Ireland-Republic of Ireland Border

Dr Andrew Murrison (South West Wiltshire) (Con): What recent discussions he has had with the Irish Government on the operation of the border between Northern Ireland and the Republic of Ireland after the end of the transition period. [905449]

The Secretary of State for Northern Ireland (Brandon Lewis): I and ministerial colleagues speak regularly with our counterparts in the Irish Government. The protocol itself provides for a practical solution that avoids a hard border on the island of Ireland in all circumstances, including in the event that we do not agree a free trade agreement, while ensuring that the UK, including Northern Ireland, can leave the EU as a whole.

Dr Murrison: I am very grateful to the Secretary of State. He will know that small and medium-sized enterprises with business across the border are in a state of uncertainty at the moment, given what is potentially going to hit them in four months' time. Given that, the trader support service announced last month is particularly welcome. What discussions has he had with trade organisations in Northern Ireland about the trader support service? When does he anticipate the service actually providing services to SMEs?

Brandon Lewis: My right hon. Friend is absolutely right. We—not just myself, but ministerial colleagues—have had continual engagement with businesses. The Business Secretary and the Chancellor of the Duchy of Lancaster have both been in Northern Ireland engaging with businesses and representative organisations, as has my hon. Friend the Minister of State, Northern Ireland Office. We will continue to do that and we aim to have the scheme running in September.

Covid-19: Film and TV Quarantine Exemptions

Joy Morrissey (Beaconsfield) (Con): If he will hold discussions with the Northern Ireland Executive on implementing exemptions from covid-19 quarantine rules for international film and TV productions in Northern Ireland similar to those recently implemented in England. [905451]

The Minister of State, Northern Ireland Office (Mr Robin Walker): Self-isolation exemptions have been in place since 5 July for the whole of the United Kingdom for all international cast and crew working on qualifying TV and film productions. We have worked closely with the Northern Ireland Executive and the film and TV industry, which has been a major success in Northern Ireland and represents a significant part of its economy estimated to be worth £270 million a year. This has seen important projects such as “The Northman” and “Line of Duty” restart filming, bringing significant investment to Northern Ireland's economy.

Joy Morrissey: Does my hon. Friend agree that the quarantine exemption arrangements could be the catalyst for reigniting the Northern Ireland film industry, where 49 locations were used for “Game of Thrones”, including Winterfell. Although the days of House Stark have

passed, I hope that the exemption will allow for Northern Ireland to continue to be a beacon for the film industry across the world.

Mr Walker: My hon. Friend is absolutely right. As I said, over the summer we introduced the exemptions. We absolutely recognise what a crucial and important sector this is, and the benefits of its success can be seen across Northern Ireland, not least for the tourism industry. Local success stories such as “Game of Thrones” and “Derry Girls” benefit every part of Northern Ireland. Programmes such as “The Fall” have firmly established Northern Ireland as an ideal destination for film and TV projects. The restart of filming in significant projects shows that the industry can continue to achieve global success.

Aerospace Sector

Stephanie Peacock (Barnsley East) (Lab): What assessment he has made of the future of the aerospace sector in Northern Ireland. [905452]

Gavin Robinson (Belfast East) (DUP): What discussions he has had with the Secretary of State for Business, Energy and Industrial Strategy on support for the aerospace sector in Northern Ireland. [905478]

The Minister of State, Northern Ireland Office (Mr Robin Walker): The Government recognise that this industry is key to Northern Ireland's economic success, with the sector in Northern Ireland valued at over £1.8 billion. Like many sectors, aerospace has come under immense pressure during the pandemic. That is why we put unprecedented support in place through the job retention scheme and the Bank of England's covid corporate financing facility. Last week, I met Bombardier at its Shorts site and Stratospheric Platforms to discuss the challenges and opportunities for developing the sector and how the UK Government can support their success.

Stephanie Peacock: Ministers seem to be doing little more than shrugging their shoulders as the UK's world-leading aerospace sector goes to the wall. When will they step in with sector-specific support?

Mr Walker: The UK Government have made available £2.1 billion to the UK aerospace sector through the covid corporate financing facility and additional flexibility for UK export finance, which is supporting £3.5 billion of sales in the next 18 months. I continue to work closely with my colleague the aerospace Minister, the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Stratford-on-Avon (Nadhim Zahawi). I am determined that we do support businesses in Northern Ireland, as across the UK.

Gavin Robinson: I trust that the Minister's visit to Bombardier last week was successful. He knows how important aerospace is to the Northern Ireland economy, but he also knows that there is a cliff-edge coming in the job retention scheme and in the support for our aerospace sector in particular. He also knows that should redundancies continue and the situation gets worse, the skills will be lost and they will not come back. The time is coming. Talk is talk. We need to see action. We need to see a bespoke package of support for aerospace in Northern Ireland and across the United Kingdom.

Mr Walker: I absolutely sympathise with the point the hon. Gentleman is making, and the crucial importance of this sector and its skills to his constituency. The covid-19 outbreak has seen a severe impact on aviation and aerospace industries around the world. The UK Government have provided significant support to the sector, including the business interruption scheme and the job retention scheme. The Chancellor has confirmed that that commitment remains in place until October, but one of the things I discussed with Bombardier on my visit last week is the vital importance of maintaining that skills base. That is a point I will absolutely take to colleagues across government.

Security Situation

Mrs Sheryll Murray (South East Cornwall) (Con): What recent assessment he has made of the security situation in Northern Ireland. [905457]

The Secretary of State for Northern Ireland (Brandon Lewis): The threat from dissident republican terrorism continues to be severe in Northern Ireland. The Government's first priority is to keep people safe and secure across the UK. Terrorism, paramilitary violence and criminality have no place in Northern Ireland. They must not hold us back from progress towards a peaceful and prosperous future. As I said earlier, thanks to the hard work and professionalism of the Police Service of Northern Ireland and its partners, 10 people have recently been arrested and charged with a range of terrorism offences under the Terrorism Act 2006. Those arrests are the biggest step in tackling violent dissident republicans in Northern Ireland in a generation, and I thank the PSNI for its work.

Mrs Murray: What action have the Government taken to protect those who provided security in Northern Ireland, in both the police and military, from vexatious historical accusations?

Brandon Lewis: I thank my hon. Friend for her question. We as a Government are clear: we will put an end to vexatious claims against our brilliant armed forces. We are also determined to address the legacy of the troubles, as I set out in my written ministerial statement on 18 March, and we will deliver on that.

Mr Speaker: Order. That is the end of Northern Ireland questions, so we now come to Prime Minister's questions. As we await that, may I wish the Leader of the Opposition a happy birthday?

PRIME MINISTER

The Prime Minister was asked—

Engagements

[905324] **Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): If he will list his official engagements for Wednesday 2 September.

The Prime Minister (Boris Johnson): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Andrew Bowie: Three weeks ago today, the community in my constituency of West Aberdeenshire and Kincardine, and indeed I think the entire country, was rocked by the events on the railway line just south of Stonehaven: the tragic events in which three men—Brett McCullough, Chris Stuchbury and Donald Dinnie—tragically lost their lives. I am sure my right hon. Friend and indeed the whole House will join me in sending our deepest condolences to the family and friends of those three men today, as well as our thanks and heartfelt gratitude to the incredible men and women of our emergency services and multiple agencies who worked in incredibly difficult conditions to help the survivors from that incident.

The interim report is on the desk of the Transport Secretary as we speak, and I know that the full report will take time to run its course, as is only right, but what assurances can my right hon. Friend give my constituents that the serious questions that they have will be answered, that any recommendations will be implemented and that the Government will do everything they can to prevent an accident like this from ever happening again?

The Prime Minister: I thank my hon. Friend, and I know the whole House will want to join me in sending our condolences to the family and friends of Brett McCullough, Donald Dinnie and Christopher Stuchbury. I would like to join my hon. Friend in paying tribute to the extraordinary work of the emergency services and the public for the bravery that they showed. Britain's railways are among the safest in Europe, partly because we take accidents like this so seriously, and therefore we must ensure that we learn the lessons of this tragic event to make sure that no such incident recurs in the future.

Keir Starmer (Holborn and St Pancras) (Lab): Can I join the Prime Minister in those comments about the tragic events of just a few weeks ago? Can I also begin by paying tribute to John Hume, who passed away during recess? John was a beacon of light in the most troubled of times. He will be seriously missed.

Let me start today with the exams fiasco. On the day that thousands of young people had their A-level grades downgraded, the Prime Minister said, and I quote him:

“The exam results...are robust, they're good, they're dependable”.

The Education Secretary said there would “absolutely” not be a U-turn; a few days later—a U-turn. We learned yesterday that the Education Secretary knew well in advance that there was a problem with the algorithm, so a straight answer to a straight question, please: when did the Prime Minister first know that there was a problem with the algorithm?

The Prime Minister: Perhaps I could begin by congratulating the right hon. and learned Gentleman on his birthday? I say to him, on the exams and the stress that young people have been through over the summer, that both the Secretary of State for Education and I understand very well how difficult it has been for them and for their families, going through a pandemic at a time when we have not been able, because of that pandemic, in common with most other countries in the world, to stage normal examinations. As a result of what we learned about the tests—the results—that had come in, we did institute a change. We did act. The students, the pupils of this country now do have their grades, and I really ask the right hon. and learned

Gentleman whether he will join me in congratulating those pupils on their hard work, and whether he agrees with me that they deserve the grades they have got.

Keir Starmer: I have already expressed congratulations to all those students and I do so again, but I want to go back to my question, which the Prime Minister avoided. I know why he avoided it, because he either knew of the problem with the algorithm and did nothing, or he did not know when he should have. Let me ask again: when did the Prime Minister first know that there would be a problem with the algorithm?

The Prime Minister: As the right hon. and learned Gentleman knows perfectly well, Ofqual made it absolutely clear time and again that in its view the system that was in place was robust. Ofqual is, as he knows, an independent organisation and credit had to be given to its views. All summer long, he has been going around undermining confidence and spreading doubts, in particular about the return to school in safe conditions—*[Interruption.]* It is absolutely true. And today is a great day because the parents, pupils and teachers in this country are overwhelmingly proving him wrong and proving the doubters wrong, because they are going back to school in record numbers, in spite of all the gloom and dubitation that he tried to spread. It would be a fine thing if, today, after three months of refusing to do so, as pupils go back to school, he finally said that school was safe to go back to. Come on!

Keir Starmer: The Prime Minister is just tin-eared and making it up as he goes along. I am surprised—*[Interruption.]* The Education Secretary stood at that Dispatch Box yesterday and acknowledged that Labour's first priority has been getting children back to school. That has been our first priority. I have said it numerous times at this Dispatch Box, and the Prime Minister knows it very well. He is just playing games.

The Prime Minister is fooling nobody. Even his own MPs have run out of patience. The vice-chair of the 1922 Committee, the hon. Member for Broxbourne (Sir Charles Walker), has said that the Government are “saying one thing on Monday, changing its mind on Tuesday, something different presented on Wednesday.”

That sounds familiar doesn't it? Another of his MPs, who wisely wants to remain anonymous, is perhaps in the Chamber today. He or she said—*[Interruption.]* I am speaking for you, because this is what was said by his own MPs. He or she said, “It's mess after mess, U-turn after U-turn...It's a fundamental issue of competence, God knows what is going on. There's no grip.” His own MPs are right, aren't they?

The Prime Minister: This is a Leader of the Opposition who backed remaining in the EU and now is totally silent on the subject. Now he has performed a U-turn. He backed that, and perhaps he still does. This is a Leader of the Opposition who supported an IRA-condoning politician who wanted to get out of NATO and now says absolutely nothing about it. This is a Leader of the Opposition who sat on the Front Bench—

Mr Speaker: Order. I think that questions are being asked, and we do need to try to answer the questions that have been put to the Prime Minister. It will be helpful to those who are watching to know the answers.

The Prime Minister: I think it would be helpful to all those who are watching to know—

Mr Speaker: Order. Prime Minister, I think I will make the decisions today. Come on!

The Prime Minister: Mr Speaker, if I may say so, I think it would be helpful to all those who are watching to know that this Opposition, and this Leader of the Opposition, said absolutely nothing to oppose the method of examinations that was proposed and, indeed, they opposed the teacher accreditation system that we eventually came up with. Is he now saying that those grades are not right, or is this just Captain Hindsight leaping on a bandwagon and opposing a policy that he supported two weeks ago?

Keir Starmer: The problem is that he is governing in hindsight, as well as making so many mistakes.

Mr Speaker, before I go on, the Prime Minister said something about the IRA, and I want him to take it back. I worked in Northern Ireland for five years with the Police Service of Northern Ireland, bringing peace. As Director of Public Prosecutions, I prosecuted serious terrorists for five years, working with the intelligence and security forces and with the police in Northern Ireland. I ask the Prime Minister to have the decency to withdraw that comment.

It is the same every time: pretend the problem does not exist, brush away scrutiny, make the wrong decision, then blame somebody else. This has got to change, because the next major decision for the Prime Minister is on the furlough scheme. The jobs of millions of people are at risk. The longer he delays, the more they are at risk, so will he act now, finally get this decision right and commit to extend the furlough scheme for those sectors and those workers that desperately need it?

The Prime Minister: What we are doing in this Government is getting our pupils back to school, in spite of all the doubts that the right hon. and learned Gentleman has tried to sow, and we are getting people back to work. What he wants to do is extend the furlough scheme, on which this country has already spent £40 billion. What we would rather do is get people into work through our kick-start scheme, which we are launching today—£2 billion to spend to support people, young people in particular, to get the jobs that they need. He wants to keep people out of work in suspended animation. We want to move this country forward. That is the difference between him and us.

Mr Speaker: There was a question about the allegation regarding Northern Ireland, and I was very concerned—that was the point I was making. I think that, in fairness, I am sure you would like to withdraw it.

The Prime Minister: Mr Speaker, I am very happy to say that I listened to the protestations of the right hon. and learned Gentleman, and I think they would have been more in order, throughout the long years in which he supported a leader of the Labour party—

Mr Speaker: We are leaving it as it was. I call Keir Starmer.

Keir Starmer: When the Prime Minister has worked with the security and intelligence forces on prosecuting criminals and terrorists, he can lecture me. I asked him to do the decent thing, but doing the decent thing and this Prime Minister don't go together.

This has been a wasted summer. The Government should have spent it preparing for the autumn and winter. Instead, they have lurched from crisis to crisis, U-turn to U-turn. To correct one error, even two, might make sense, but when the Government have notched up 12 U-turns and rising, the only conclusion is serial incompetence. That serial incompetence is holding Britain back. Will the Prime Minister take responsibility and finally get a grip?

The Prime Minister: I take full responsibility for everything that has happened under this Government throughout my period in office. Actually, what has happened so far is that we have succeeded in turning the tide of this pandemic, and, despite the negativity and constant sniping from the Opposition, we are seeing a country that is not only going back to school but going back to work. Britain is in the lead in developing vaccines and in finding cures for this disease—dexamethasone—and treatments for this disease. Not only that, but we are taking this country forward, despite the extreme difficulties we face. What I think the people of this country would appreciate is the right hon. and learned Gentleman and I, the Labour Front-Bench team and everybody across this House coming together, uniting and saying that it is safe for kids to get back to school. I must say that we still have not heard those words from him. Will he now say, “School is safe”?

Keir Starmer: I have said it so many times. School is safe. My own children have been in school throughout. There is no issue on this. The Prime Minister is seeking to divide, instead—[*Interruption.*] I wrote to him on 18 May, in confidence and in private, offering my support to him to get kids back to school. The only reason they were not back before the summer was because of his incompetent Education Secretary.

The Prime Minister will recall that before the recess I asked him whether he would meet the Covid-19 Bereaved Families for Justice UK group. I had the privilege of meeting the families on 15 July. They gave me incredibly moving accounts of how covid-19 had taken their loved ones from them. On Sky News last week, the Prime Minister was asked whether he would meet the families and he said:

“of course I will meet...the bereaved—of course I will do that.” But yesterday they received a letter from the Prime Minister saying that meeting them was now “regrettably not possible”. The Prime Minister will understand the frustration and the hurt of those families that he said one thing to camera and another to them. May I urge him to reconsider, and to do the right thing and find time to meet these grieving families?

The Prime Minister: May I say to the right hon. and learned Gentleman that it is absolutely typical of him that he should frame it in that way? Of course I am very happy to meet the families and the bereaved and I sympathise deeply with all those who have lost loved ones throughout this pandemic; we all feel their pain and their grief. But it turns out that this particular group he refers to are currently in litigation against the

Government, and I will certainly meet them once that litigation is concluded. I say to him that it would be a better thing if, rather than trying to score points in that way, he joined together with this Government and said not only that school is safe to go back to—[*Interruption.*] By the way, that is the first time in four months that he has said it, so I am delighted to have extracted it from him over this Dispatch Box—[*Interruption.*] He has never said it to me in the House of Commons. I hope he will also say that it is safe for the workforce of this country to go back to work in a covid-secure way.

We want to take this country forward. Not only are we getting the pandemic under control, with deaths down and hospital admissions way, way down, but we will continue to tackle it, with local lockdowns and with our superlative test and trace system, which, before Opposition Members sneer and mock it, has now conducted more tests than any other country in Europe. The right hon. and learned Gentleman might hail that, rather than sneering at this country's achievements.

[905330] **Mr David Jones** (Clwyd West) (Con): Discussions in the Joint Committee established under the withdrawal agreement will have the most crucial bearing on the future of trade, not only between the UK and the EU but within the UK itself. Unless otherwise agreed in that Committee, goods passing from Great Britain to Northern Ireland will be subject to the full rigour of the European customs code and to the imposition of tariffs. That would be quite unacceptable, so will my right hon. Friend commit to do whatever it takes to ensure that it does not happen?

The Prime Minister: My right hon. Friend is absolutely right to raise the concern that he does. We must, of course—and will—deliver on what the protocol says, which is that there shall be unfettered access between GB and NI, and NI and GB, and there shall be no tariffs. We will legislate in the course of the next months to guarantee that.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I associate myself with the remarks of the Prime Minister and the Leader of the Opposition on the tragedy that we witnessed close to Stonehaven, and indeed with the Leader of the Opposition's tribute to John Hume—a man who did so much for the delivery of peace in the island of Ireland?

Yesterday the Prime Minister told his Cabinet:

“I am no great nautical expert but sometimes it is necessary to tack here...in response to the facts as they change”.

It was surprisingly honest for the Prime Minister to admit that his Government are all at sea—a UK Government now defined by eight U-turns in eight months. But if the Prime Minister is true to his word, surely he must see sense and change tack for a ninth time. With the clock ticking for struggling businesses and workers, will the Prime Minister commit today to extend the job retention scheme beyond October—or are Boris's Government making the political choice to accept levels of unemployment last seen under Thatcher in the early 1980s?

The Prime Minister: Opposition Members of all parties seem to want to extend the furlough scheme, which has already cost the country £40 billion. It has supported

11 million people, but, after all, keeps them in suspended animation and prevents them from going to work. We want to get people back to work, and that is why I hope the right hon. Gentleman will instead support our kick-start scheme to get young people into jobs and support them in those jobs. How much better is that than languishing out of work?

Ian Blackford: My goodness, “languishing out of work”; the furlough scheme is there to protect people so that they can come back to work when the time is right. France, Germany and Ireland have extended their furlough schemes until 2021. They have made a moral choice. They are not prepared to punish their people with record levels of unemployment. People in Scotland are seeing a tale of two Governments. While the Tories are cutting furlough scheme support, yesterday Nicola Sturgeon was announcing new investment to protect jobs, including a youth guarantee. We all know that jobs are under threat if the furlough scheme ends in October. The power to end this threat lies with the Prime Minister. Will he do his duty and extend the furlough scheme, or are we going to return to levels of unemployment last seen under Thatcher, with the resultant human misery?

The Prime Minister: We are not only continuing with the furlough scheme until the end of this month, as the right hon. Gentleman knows—a scheme that is far more generous, by the way, than anything provided in France, Germany or Ireland. We are continuing with that scheme, but after it elapses we will get on with other measures to support people in work. Starting today, there is the kick-start scheme to help young people to get the jobs that they need. That is in addition to a £160 billion package that we have spent to support the economy throughout this crisis. The Government have put their arms around all the people of this country to support them throughout the crisis. That is what we are doing, and we will now help them to get back into work.

[905331] **Damian Green** (Ashford) (Con): I share my right hon. Friend’s enthusiasm that those who can get back to work safely in their offices should do so, but realistically many will only want to do so for two or three days a week. May I urge him to use his considerable powers of persuasion to encourage the rail industry to introduce flexible season tickets immediately so that those people are not tied into traditional work patterns—both to help many thousands of commuters in areas such as mine in Ashford, but also to help to save the rail industry?

The Prime Minister: My right hon. Friend is absolutely right. We are working at pace with rail companies to try to deliver new products in terms of ticketing that would ensure better value and enable people to get back to work in a flexible way.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): May I thank the Prime Minister and the Chancellor for the financial and economic interventions the Government have made to date? The Prime Minister will be aware that, as much as we want to see people back in work, there are certain sectors, such as tourism, travel, hospitality and aerospace, where that will not be possible in the short to medium term. Therefore, may I encourage the Prime Minister to look at a targeted extension for those

sectors, and also to look at a specific UK-wide scheme to help those who have so far been excluded from the current schemes, including the newly self-employed?

The Prime Minister: As the right hon. Gentleman knows, there are a great number of schemes in addition to the job retention scheme that support people in work in all sorts of sectors—the coronavirus loans, the bounce-back loans, and the grants that we have made to businesses of all kinds. He mentions the tourism and hospitality sector, and we have made huge investments in those, including the very successful eat out to help out scheme that we have been running. But it is also very important that we get people back into the workplace in a covid-secure way and, unlike the Leader of the Opposition, we do everything we can to give them confidence that it is a good idea to go back. An ounce of confidence is worth a ton of taxpayers’ money.

[905332] **Kevin Hollinrake** (Thirsk and Malton) (Con): The bounce-back loan scheme has been a huge success, delivered by the Prime Minister and, indeed, the Chancellor, with 1.3 million loans being granted in vital support for small and medium-sized enterprises. The all-party parliamentary group on fair business banking, which I co-chair, has established that 250,000 businesses who currently bank with FinTechs and alternative lenders do not have access to those loans because they cannot get access to the Bank of England’s term funding scheme, and lenders who do have those loans are not accepting loan applications from new customers. Will the Prime Minister use his best offices to persuade the Governor of the Bank of England to open up the term funding scheme to those alternative finance organisations or open the doors of other lenders who can provide those loans to other SMEs?

The Prime Minister: I thank my hon. Friend, who raises an important point. As he will know, the rules around access to schemes for alternative finance are not the responsibility of my right hon. Friend the Chancellor, but of the Bank of England. I am sure the Governor will have heard my hon. Friend today.

[905325] **Owen Thompson** (Midlothian) (SNP): Over the summer months many people undertake a range of activities. For some it is camping, for others it is festivals and events. In my constituency,

we have a number of highly successful employers in audio-visual technology, hospitality and creative industries, none of whom can currently undertake their normal activities. In the face of this, when furlough ends, those companies could face collapse. What should I tell them—that the Government will extend the scheme to ensure that the industry can get back on its feet, or have the Government completely given up on them?

The Prime Minister: Not at all. We have supported the arts industry alone with about £1.7 billion of support. In Scotland, as I am sure the hon. Gentleman never tires of saying, the overall support for tackling coronavirus has been in the order of about £4 billion. We will continue to give support, but we happen to think—and I hope it is common ground across the House—that it would be better for the UK economy and better for all the people he rightly cares about to get back into work.

[905333] **Dr James Davies** (Vale of Clwyd) (Con): One positive among the gloom of the covid pandemic is that this year's "I'm a Celebrity" will be filmed not in New South Wales, Australia, but in our own north Wales. Even if I cannot tempt the Prime Minister to take part in a Welshtucker trial, would he commend ITV on its choice of venue and welcome the positive impact that that can have on the regional economy?

The Prime Minister: My hon. Friend is right to draw attention to the wonderful attractions of north Wales, which I know very well, as I tried to get elected there many years ago—unsuccessfully. I congratulate him on his success, and may it be long repeated.

[905326] **Neil Gray** (Airdrie and Shotts) (SNP) [V]: Earlier this summer, the Treasury floated a story in the *Telegraph* suggesting a public sector pay freeze to save money. Given that so many public sector workers, such as nurses, police officers, firefighters, teachers and others have put their lives on the line to fight covid, surely that would be an unconscionable betrayal? Will the Prime Minister therefore unequivocally not only rule out a pay freeze but commit to fully funding a package to ensure that they are remunerated to reflect their sacrifices?

The Prime Minister: I must say that I listened carefully to what the hon. Gentleman said, but he seems to have ignored the fact that we have just had an inflation-busting public sector pay rise. As part of the package that we agreed in 2018, nurses alone have had a 12.5% pay increase since then. I appreciate his sentiments—he is on the right lines—but he should look at what is actually happening.

[905334] **Angela Richardson** (Guildford) (Con): Alexander Dennis has been manufacturing buses in Guildford for more than 100 years, with exciting new low and zero emission vehicles. I am sure my right hon. Friend will be as saddened as I was to hear that 200 people have been made redundant locally. Does he agree that those workers' fantastic skills are vital as part of our green recovery? Will he work with me and colleagues to ensure the long-term success of UK bus manufacturing for both domestic and export markets?

The Prime Minister: I thank my hon. Friend for her apposite intervention on behalf of Alexander Dennis. I was a keen customer of Alexander Dennis's fantastic machines. I cannot guarantee this, but I hope that our green recovery and our massive investment in green buses will be of benefit to the workforce of Alexander Dennis.

[905327] **Geraint Davies** (Swansea West) (Lab/Co-op) [V]: The Prime Minister is stumbling forward into mass unemployment with the sudden and universal removal of furlough, and towards a further spike and resurgence of coronavirus due to making people who are working from home travel to work. To minimise further and future bad decisions and U-turns, will he fully restore the online Parliament so that all voters can be fully represented in all debates and law making, as happens in the Welsh Government, the Scottish Government and the Lords, whether their MPs are shielded or unshielded, so that we make the best decisions with the least harm during the pandemic and the recession through the reintroduction of proper online democracy.

The Prime Minister: I thank the hon. Gentleman. I encourage him to return from New York, Shanghai or wherever he is and join us in this House as fast as he can. Actually, what the people of this country want to see is their representatives back on their seats as fast as possible in the Palace of Westminster. That is what we should work for, and that is why we are working together to drive down this virus and create a covid-secure environment.

[905335] **Andrew Lewer** (Northampton South) (Con): When I buy a copy of the *Mirror*, the *Mail* or the *Telegraph*, I am not required to buy a copy of *The Guardian*, yet when I want to watch live TV on Sky, Amazon Prime or ITV, I am forced to pay for the BBC. Does the Prime Minister believe that that is a sustainable situation in the medium or longer term?

The Prime Minister: My hon. Friend makes a very interesting point, and I am sure that point of view is shared by many people in this country. My right hon. Friend the Secretary of State for Digital, Culture, Media and Sport will be setting out a roadmap for reform of the BBC shortly and addressing the very issues he mentions.

[905328] **Ruth Cadbury** (Brentford and Isleworth) (Lab) [V]: Last week, the *Financial Times* published a list of the 12 Government U-turns made under this Prime Minister, from the exam results fiasco to the contact tracing app and the wearing of masks. He has just said that he takes full responsibility, so I wonder which of those 12 U-turns is the Prime Minister's favourite.

The Prime Minister: It is a rare privilege to ask a question in the House, so you would have thought, Mr Speaker, that they could have come up with something better than that. This is a global pandemic, which this Government are dealing with extremely effectively at a medical level. What we want to do now, in a covid-secure way, is to get our children back into school. That is happening today, in spite of the Leader of the Opposition and his colleagues; I do not know where the hon. Lady has stood on this issue. We also want to get our country's economy back on its feet again and get us back to work. So I hope that she and her colleagues will say that it is also safe to go back to work in a covid-secure way.

[905336] **Jeremy Wright** (Kenilworth and Southam) (Con): My right hon. Friend will be well aware that, welcome though it is, the start of the new term this week will be challenging for all schools. It will be particularly so for Burton Green Church of England Academy in my constituency, where HS2 has just closed the road that many parents use to access the school. It has done that for several months, with little notice or consultation, and contrary to assurances given during the passage of the High Speed Rail (London – West Midlands) Act 2017. This is not, as my right hon. Friend well knows, the first or only example of high-handedness or poor communication on the part of HS2. So will he please help me to require of HS2 that it does better for the people of Burton Green and elsewhere on the route?

The Prime Minister: I heartily endorse, I am afraid, the sentiments that my right hon. and learned Friend has expressed. Anybody who has worked with HS2 over

the past few years will know that it does treat local residents with, I am afraid, a high-handed approach—or has done. What I can tell him, however, is that where there is damage to local roads HS2 will pay compensation. I will certainly take up his point with HS2.

[905329] **Kate Osborne** (Jarrow) (Lab): Low public confidence in social distancing measures means that many businesses are struggling. If the job retention scheme ends in October, there will be catastrophic consequences for workers, businesses and the economy. So despite earlier waffle from the Prime Minister, I am asking him again: will he commit to extending the job retention scheme or are we to expect more governmental incompetence, resulting in unnecessary redundancies and further strains on our already collapsing economy?

The Prime Minister: I direct the hon. Lady to what I have said already, which is that there will always be those who argue for an infinite extension of the furlough scheme, and who want to keep people off work, unemployed, being paid very substantial sums, for a very long time. I do not think that is the right thing. I think the best way forward for our country is, as far as we possibly can, to get people back into work. As she knows, there is the job retention bonus at the end of the year, and there are abundant schemes. Already £160 billion has been spent to support the economy throughout the crisis, and we will continue, as I said, to put our arms round the entire people to keep them going throughout this crisis. But furlough—indefinite furlough—is just not the answer.

[905338] **Lee Anderson** (Ashfield) (Con): Our nation has a proud history as a safe haven for desperate souls, but now the asylum system has broken and been abused.

So the people of Ashfield would like to know: when will the Prime Minister introduce legislation to fix the asylum system, which will save lives by taking back control of our borders?

The Prime Minister: I thank my hon. Friend. I have a great deal of sympathy with those who are so desperate as to put their children in dinghies, or even children's paddling pools, and try to cross the channel, but I have to say that what they are doing is falling prey to criminal gangs and they are breaking the law. They are also undermining the legitimate claims of others who would seek asylum in this country. That is why we will take advantage of leaving the EU by changing the Dublin regulations on returns, and we will address the rigidities in our laws that make this country, I am afraid, a target and a magnet for those who would exploit vulnerable people in this way.

[905337] **Gavin Robinson** (Belfast East) (DUP): I trust that the Prime Minister had an enjoyable visit to Harland and Wolff's new yard in Appledore. He knows well the mother yard of Harland and Wolff in my constituency of Belfast East, and I just ask that he recognises not only the important strategic purchase of Appledore, but that Harland and Wolff is now in an incredibly well-placed position to assist this country in our future defence needs.

The Prime Minister: I am grateful to the hon. Gentleman and, yes, it was incredibly exciting to go to Appledore and see the potential of that yard and see what Harland and Wolff is doing there. Also, of course, he is absolutely right in what he says about the potential for various other contracts both in Devon and in Belfast; I cannot give him the kind of guarantees he wants over the Dispatch Box now, but watch this space.

Point of Order

12.35 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): On a point of order, Mr Speaker.

Mr Speaker: You have given me notice of this point of order, Mr Blackford, and it is important to clear up this matter. I would not normally allow urgent questions or statements to be interfered with in this way, but on this occasion I will allow it.

Ian Blackford: Thank you, Mr Speaker; I am most grateful.

On Friday 21 August, the *Daily Mail* ran a front-page story revealing the location of the Prime Minister's holiday in Scotland. This was a violation of his family's privacy that neither myself nor my party in any way condone. Later the same day, a senior Conservative source in Downing Street told *The Sun* newspaper:

"The finger of blame for this all getting out is being pointed at the SNP, particularly Ian Blackford who is local."

This was subsequently repeated in a number of newspapers and broadcast outlets.

This allegation and briefing was entirely and deliberately false; it was a targeted political smear from the Prime Minister's office. The photographer who provided the material for the original *Daily Mail* front-page later confirmed that I was not the source in revealing the Prime Minister's location—a location, I might add, I was not even aware of. However, by this point, the damage was done.

This matter has not only been the worst kind of political smear; the false allegation has equally resulted in security implications for myself and my family, given its serious and personal nature. *[Interruption.]* I can see the Prime Minister pulling a face, but all we have to do is go to social media to see the threats I was then forced to witness.

It is a very serious situation when the apparatus of the UK Government can be deployed in this way, manufacturing false briefings in order to attack an Opposition politician. I raised this issue with the Prime Minister's office in writing. However, as I have not received a response, I am raising this point of order today to ensure that these false briefings are now stopped and are never repeated for any parliamentarian.

The Prime Minister (Boris Johnson): May I first say what a wonderful staycation holiday I had in the right hon. Gentleman's constituency, what a fantastic part of the world it is, and how thoroughly I commend it to everybody? It is an absolutely beautiful location and he is very lucky to represent it.

On the substantive point that the right hon. Gentleman raises, I am very happy to accept the assurances that he gives. However, he talks about going to social media and I just draw his attention to a tweet by a chap called Torcuil Crichton on 17 August, saying,

"Ferocious midge count in Wester Ross tonight, I hear. Must be bad if you're fair-skinned and camping",

to which an account that purports to be the right hon. Gentleman's—but I am sure that it is not because of what he has just said—says,

"I wonder if an education at Eton stands you in good stead for these blighters."

Anyway, I am happy to accept his assurances and his protestations, and I think we should leave it at that, Mr Speaker.

Mr Speaker: What I would like to say, obviously—*[Interruption.]* Mr Brennan, please. May I just say that what I am very concerned about is the security implications for the Prime Minister and the security implications for the parliamentary leader of the SNP? Please may I just say to everyone, let us be very careful and learn from this? Obviously, this is on the record from both parties, and I hope we can draw a line under it, but please let us take each other's security very, very seriously. Thank you.

12.39 pm

Sitting suspended.

Channel Crossings in Small Boats

12.43 pm

Nick Thomas-Symonds (Torfaen) (Lab) (*Urgent Question*): To ask the Secretary of State for the Home Department if she will make a statement on those crossing the English Channel in small boats.

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): In recent months, the UK has seen a completely unacceptable increase in illegal migration through small-boat crossings from France to the UK. This Government and the Home Secretary are working relentlessly to stop these crossings. Illegal migration is not a new phenomenon. Every Government over the last 20 years and more have experienced migrants—often economic migrants—attempting to reach the UK through illegal means. The majority of these crossings are facilitated by ruthless criminal gangs that make money from exploiting migrants who are desperate to come here.

We are working with the National Crime Agency to go after those who profit from such misery. Already this year, 24 people have been convicted and jailed for facilitating illegal immigration. In July, I joined a dawn raid on addresses across London, which saw a further 11 people arrested for facilitating illegal immigration, and £150,000 in cash and some luxury cars were seized. Just this morning, we arrested a man under section 25 of the Immigration Act 1971 who had yesterday illegally piloted a boat into this country. Further such arrests are expected.

These crossings are highly dangerous. Tragically, last month a 28-year-old Sudanese man, Abdulfatah Hamdallah, died in the water near Calais attempting this crossing. This morning, the Royal National Lifeboat Institution has been out in the English channel and has had to rescue at least 34 people, and possibly more, who were attempting this dangerous journey.

These criminally facilitated journeys are not just dangerous; they are unnecessary as well. France, where these boats are launched, and other EU countries through which these migrants have travelled on their way to the channel, are manifestly safe countries with fully functioning asylum systems. Genuine refugees seeking only safety can and should claim asylum in the first safe country they reach. There is no excuse to refuse to do so and instead travel illegally and dangerously to the UK. Those fleeing persecution have had many opportunities to claim asylum in the European countries they have passed through long before attempting this crossing.

We are working closely with our French colleagues to prevent these crossings. That includes patrols of the beaches by French officers, some of whom we fund, surveillance and intelligence sharing. Over 3,000 crossing attempts were stopped this year alone by the French authorities, and approaching 50% of all crossing attempts are stopped on or near French beaches. This morning alone, French authorities prevented at least 84 people from attempting this crossing, thanks in significant part to the daily intelligence briefings provided by the National Crime Agency here in the United Kingdom.

It serves both French and UK interests to work together to cut this route. If this route is completely ended, migrants wishing to come to the UK will no

longer need to travel to northern France in the first place. We are therefore urgently discussing with the French Government how our current plans can be strengthened and made truly comprehensive. We have already in the last two months established a joint intelligence cell to ensure that intelligence about crossings is rapidly acted upon, and this morning's interceptions on French soil are evidence of the success of that approach.

It is also essential to return people who make the crossings where we can, and we are currently working to return nearly 1,000 cases where migrants had previously claimed asylum in European countries and, under the regulations, legally should be returned there. Last month, my right hon. Friend the Home Secretary announced the appointment of former Royal Marine Dan O'Mahoney as clandestine channel threat commander. He will collaborate closely with the French to build on the joint work already under way, urgently exploring tougher action in France, including—

Mr Speaker: Order. Advisers should know that it is three minutes; we are now nearly on five. I do not understand how the mistake has come about.

Chris Philp: Mr Speaker, I sincerely apologise. In that case, let me conclude by saying that these crossings are dangerous, illegal and unnecessary. They should simply not be happening, and this Government will not rest until we have taken the necessary steps to completely end these crossings.

Nick Thomas-Symonds: I am grateful to you for granting this urgent question, Mr Speaker, and for the Minister's response. I would first like to send my thoughts to the family of Abdulfatah Hamdallah, who died in the English channel—a powerful reminder of the gravity of this issue.

Over a year ago, the Home Secretary said:

"We've been working extremely closely with our French colleagues to tackle the use of small boats but we both agreed more needs to be done."

Why does the Minister think that that work last year has proved so inadequate? The Minister himself scrambled to France on 11 August and announced the joint action plan, but can he outline when that will be available for scrutiny? We all agree on the need to tackle criminal gangs, but does he also accept the importance of safe routes for those seeking asylum? The Government were warned, including by the Select Committee on Foreign Affairs, that the collapse of safe routes would lead to growing numbers of people taking to the sea.

The expectation around the Dubs amendment across the House was that 3,000 children would be accepted under the scheme. Does the Minister now agree that it was a profound error and, frankly, lacking in compassion to close down that scheme when only a 10th of that number had been accepted? What provisions have been put in place for the welfare of any children who have been intercepted on the crossing? What safeguards are being put in place to ensure that all accommodation is kept safe and covid-secure, as well as protected from far-right attacks, which have unfortunately been reported in recent days?

What we need now are solutions, not empty headlines trying to sound tough. I have deep concerns that in recent weeks the Government, through talking up the deployment of the Navy and the RAF, have tried to

[Nick Thomas-Symonds]

militarise the solution when lives are at risk. Ultimately, the sad truth is that people are fleeing their homes as a result of poverty, war and persecution. Does the Minister accept that abolishing the Department for International Development is a great mistake? Is it not the truth that the Government's approach to this whole issue has, frankly, been defined by a lack of compassion and a lack of competence?

Chris Philp: I shall try to be brief in my reply, Mr Speaker.

The shadow Home Secretary asks why numbers are so high. Global migration has been growing strongly, and he will be aware that 40,000 people—a far larger number than have crossed the channel—have crossed the Mediterranean. Moreover, during the coronavirus pandemic we have seen displacement from other illegal entry routes, such as lorries and the use of fake documents on aeroplanes, into the maritime route, and we have been successful at preventing illegal immigration through the juxtaposed controls. The situation has been compounded by unusually benign weather conditions in the English channel over the summer.

The shadow Home Secretary asks about safe routes. Since 2015, the Government have provided almost 20,000 resettlement places—a number that dwarfs the 3,000 that he mentions. Since 2010, some 44,000 children have been offered protection of one form or another by the United Kingdom. He says our approach lacks compassion, but I direct him to those figures. I also remind him that last year, 2019, this country received more applications from unaccompanied asylum-seeking children than any other European country, and all of them have been generously looked after while their claims are processed.

The shadow Home Secretary asks about children. When children arrive, they go straight into social care and are extremely carefully looked after while their claims are processed. This Government certainly need no lessons in compassion. Our asylum system is extremely compassionate and extremely generous, and the numbers speak for themselves.

Aaron Bell (Newcastle-under-Lyme) (Con): I thank the Minister for his statement. May I impress upon him the strength of feeling on this issue in Newcastle-under-Lyme and elsewhere? It is not because my constituents lack compassion or humanity; it is because they recognise that what is going on is not only illegal but represents unfair queue jumping. I spoke to my hon. Friend the Member for Dover (Mrs Elphicke) about this issue earlier; she has been working all summer to bring this issue to the Minister's attention. Does he agree that what is currently happening is in essence a form of asylum shopping, wherein people claim asylum in the first country they reach and then move to another and claim asylum again? They keep claiming asylum—instead of securing asylum in the first safe country, they keep coming to the UK, where they believe we have a more favourable asylum system. Does he agree that asylum shopping needs to end?

Chris Philp: I join my hon. Friend in paying tribute to my hon. Friend the Member for Dover (Mrs Elphicke) for her tireless campaigning on this issue. She has done a huge amount of work in this policy area. My hon.

Friend the Member for Newcastle-under-Lyme (Aaron Bell) is absolutely right: people who are genuinely seeking a safe refuge could and should claim that refuge in the first country they reach. The people arriving in Dover yesterday and today have left from France, which is a safe country with a well-functioning asylum system. If their principal objective was to seek refuge from persecution, they could easily have done that in France or, indeed, any of the other countries through which they passed before they arrived in Calais.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP) [V]: Five years on from the day the world was shocked by little Alan Kurdi's death, perhaps the Minister could just agree that the response to the channel crossings should be informed by empathy and evidence and not driven by Farage and friction. Will he confirm that, despite what he has said, there is nothing in international law that requires refugees to apply for asylum in the first safe state that they come to, even though the overwhelming majority do? Will he acknowledge that there will be good reasons, such as family ties, for many of the people attempting crossings to make their claims here instead of in France? Will he recognise that by failing to provide safe legal routes, the Government force people to use ever more dangerous alternatives and drive them into the arms of people smugglers, as at least two parliamentary Committees have previously pointed out?

Instead of bashing our brilliant human rights lawyers, will the Minister now put those safe routes in place; ensure a successor to the Dublin family unity rules; restart resettlement and commit to it for the long term; and reopen Dubs and other safe routes from Europe? That would be a response rooted in empathy and evidence.

Chris Philp: Safe routes from Europe are not the answer to this problem because, by definition, people in Europe are already in a safe country. Transporting people from one safe country in Europe to the United Kingdom does nothing to add to their protection. There are, of course, routes for family reunion—at the moment under Dublin and in the future under the United Kingdom's own immigration rules. In relation to a safe legal route for people fleeing persecution, the hon. Member has already referenced the resettlement programme, which between 2015 and the onset of coronavirus saw just a shade under 20,000 people being resettled directly from dangerous conflict zones, mainly in the vicinity of Syria. Those routes have existed for the last five years, yet I am sad to say that illegal migration continued none the less.

Alun Cairns (Vale of Glamorgan) (Con): French authorities have a serious and significant role to play in preventing small boats from crossing the channel and putting so many lives at risk. Does my hon. Friend accept that the more that the French authorities negate their responsibilities, the more lives are put at risk and the further encouragement is given to traffickers?

Chris Philp: My right hon. Friend is correct. I should pick up on the point made a moment ago; the way to ensure that lives are protected is to ensure that no one attempts these crossings at all. As he says, that means working with the French to prevent these crossings from taking place. That is the way to protect lives and stop the ruthless criminal gangs exploiting migrants, and that is the Government's objective.

Nadia Whittome (Nottingham East) (Lab): A report last year by the Foreign Affairs Committee, of which the Home Secretary was a member at the time, said:

“In the absence of robust and accessible legal routes for seeking asylum in the UK, those with a claim are left with little choice but to make dangerous journeys by land and sea.”

How many more people like Abdulfatah Hamdallah have to die before the Home Secretary creates those safe and legal routes?

Chris Philp: I have already pointed out that there are safe and legal routes into the United Kingdom. In addition to the vulnerable persons resettlement scheme that I have referenced already, which ran very successfully from 2015, there was also the vulnerable children’s resettlement scheme, the gateway scheme and, of course, the Dubs scheme—a commitment that we met in full. Many people claim asylum having arrived in this country on a visa as well, so the safe routes that the hon. Member describes do exist already.

Let me emphasise once again that the people making these crossings on small boats are leaving a safe European country—France—having often travelled previously through countries such as Germany and Italy, which are also safe countries with an asylum system. If these people’s principal concern is to secure protection from persecution, they have had ample opportunity to do so long before getting on one of these dangerous boats.

Mr Mark Harper (Forest of Dean) (Con): Having had some responsibility in the past for the immigration system, I know how complex this particular subject is, so may I press the Minister on two points? First, I urge him to discourage economic migrants. If we were to improve our asylum decision-making speed, that would discourage them. Secondly, I urge him to use our development assistance, which the shadow Home Secretary mentioned, to focus on the source countries to ensure that people are not leaving for economic reasons and have more reason to stay at home. In that way, our 0.7% development assistance can help our national security as well.

Chris Philp: My right hon. Friend has a long track record of distinguished service in this area. I completely agree with his point about overseas aid. This country is the only G7 country meeting the 0.7% of GNI commitment, and that is part of our efforts to help source countries to develop economically. As he clearly laid out, that will reduce the economic incentive to migrate.

Rosie Duffield (Canterbury) (Lab): Given the recent very violent assault on a young man who had just landed on a Kent beach and the planned protests by far-right groups in Kent reported in several broadsheet newspapers, what extra support is the Secretary of State offering police in Kent to ensure the safety of all those who seek asylum in our country? Will the Minister join me in telling the hate-driven, violent groups that make their way to Kent to go back to where they come from?

Chris Philp: Yes, I will join the hon. Lady in condemning wholeheartedly and unreservedly the groups she describes who have targeted migrants in that way. There is no excuse at all, under any circumstances, for harassing people who have arrived. Whatever someone’s views may be about the immigration system, there is no

excuse and no justification. The police have our full support in dealing with anyone who perpetrates violent offences or harassment offences of the kind she describes.

Gordon Henderson (Sittingbourne and Sheppey) (Con): Does my hon. Friend agree that the simplest and quickest way to ensure the flow of illegal immigrants is stemmed would be to send them immediately back to France as soon as they reach our shores? Does he understand the anger and frustration felt by many people in Kent that the Government are either unwilling or unable to take that action?

Chris Philp: I do understand and share the anger and frustration my hon. Friend describes. I do agree that the best way to disincentivise or deter these dangerous and illegal crossings is returns when people arrive, because then the migrant would not bother attempting the crossing in the first place. We are, as I said, in the process of progressing getting on for 1,000 cases where the migrant has previously claimed asylum in a European country. We started that process in August and 26 people were returned on 12 and 26 August. That is a small start. We have a large number of further flights planned in the coming weeks and months to make sure that those people who legally should be returned will be returned.

Owen Thompson (Midlothian) (SNP): With reports that the UK Government are planning to reduce or scrap their overseas aid budget, will the Minister confirm whether he is aware of the very clear link between migration patterns and efforts to provide international aid and development abroad? Does he agree that moves to cut back on that would only worsen the current situation?

Chris Philp: Clearly, improving economic conditions in source countries is a vital part of tackling this problem upstream, as indeed is working with law enforcement agencies in those countries to disrupt the dangerous and ruthless criminals who operate in those areas. Work with the overseas aid budget is an important part of that, but so is trade. As we negotiate trade agreements around the world, that will also help to encourage economic development in some of the source countries. As employment is created and prosperity generated, I hope that will also reduce the economic incentives for the kind of mass migration we are currently seeing.

Tom Hunt (Ipswich) (Con): The Labour party could not be more out of touch with the vast majority of people on this issue, and I am quite surprised that it brought it forward. However, Labour party strategy is not a matter for me. One of the key drivers of illegal channel crossings is our easily exploited asylum system. Once inside the system, illegal migrants know the chances of being able to stay for good are high. Will the Minister prioritise bringing legislation before this House that eliminates the vexatious aspects of our asylum system, such as repeated asylum claims on different grounds, and consider the wisdom of using taxpayers’ money for legal aid claims to support those who have come over here illegally?

Chris Philp: Speaking frankly, my hon. Friend is right in much of what he says. There are considerable issues with the way our asylum and immigration system has

[Chris Philp]

been operating in this area. I can confirm that there is considerable policy work under way to address areas where the UK's immigration and asylum system is being exploited and abused. We are working on developing legislation to address those loopholes in exactly the way he describes, because we will not tolerate our system being abused in any way.

Carla Lockhart (Upper Bann) (DUP): The UK has often been a safe haven for those fleeing their homeland for genuine reasons, whether persecution or fleeing terror. That should continue, while recognising that other countries can provide such protection. However, does the Minister believe that the Government have sufficient domestic tools, and co-operation from the EU and others, to manage illegal immigration into the common travel area and inward into the UK, whether through Northern Ireland or other ways?

Chris Philp: As we leave the transition period in a few months' time, we will want to continue co-operating with the European Union and, indeed, bilaterally with individual European countries. The problem of mass migration is in many ways a shared problem, so I hope that co-operation will continue. We are discussing that with the European Union, and we are discussing it bilaterally with France, Belgium, Germany and many other countries. I hope that the co-operation that the hon. Lady describes will continue, but, of course, it takes two to tango. I agree with her first point. We do have in this country a long and proud history of providing protection for those who are being genuinely persecuted and, of course, that will continue.

Dehenna Davison (Bishop Auckland) (Con): I thank my hon. Friend for his robust response today, which I am sure will provide some reassurance to the many people in Bishop Auckland who have contacted me about small boat crossings. I understand that, just last week, 23 migrants were due to be returned to Spain, but that was blocked by a string of legal cases. We need to remember that these are people who travel to our country illegally, bypassing safe nations, including Spain and France. Does my hon. Friend believe that the Home Office's efforts to facilitate legitimate and legal returns of illegal migrants are too often being frustrated by activist lawyers putting in last-minute challenges, happy to see taxpayers' money wasted in such a manner?

Chris Philp: It is the case that the planned flight to Spain on 27 August was cancelled as a result of the lodging of a large number of last-minute claims, which left no time for them to be properly considered prior to the flight. It is likely that many of those claims were intentionally lodged at the last minute, but as those are being worked through, we will be organising subsequent flights so that people can be lawfully returned to Spain, a safe country where these migrants had previously claimed asylum. That can and should take place.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I apologise in advance for stating the totally blindingly obvious, but I do so in the hope of assisting the Minister here. If we do not provide safe and legal routes for people who are fleeing war and persecution, they will resort to unsafe and illegal routes. There is only one

other country in Europe that does not allow unaccompanied refugee children to be reunited with their families and sponsor that reunification. Why is that?

Chris Philp: I repeat that there are plenty of legal mechanisms by which people may claim asylum. About 40% of those people claiming asylum have entered the country in a lawful manner. I will just draw attention once again to the resettlement scheme, which has seen almost 20,000 people resettled here directly from conflict zones—not people coming through France and Spain who are in a safe country already, but the people who were in or around places such as Syria who were genuinely in danger. On unaccompanied asylum-seeking children, given that last year we received more than 3,500 UASCs, the highest number of any country in Europe, we need no lectures on that topic.

Selaine Saxby (North Devon) (Con): Can my hon. Friend confirm that his Department is urging the French Government to take more rapid and productive action to prevent those leaving the French coast in the first place and that he is looking at ways to return economic migrants and to process those vexatious asylum claims in a more rapid manner?

Chris Philp: Yes, I can confirm that we are doing all those things. Work is under way as we speak to do more with our French colleagues. I have mentioned the joint intelligence cell already, and we are doing work to strengthen our existing operational plans. Moreover, the work on returns, both now, under the Dublin framework, and subsequent to the end of the transition period, is actively under way, because if we return people who make this unnecessary, dangerous and illegal journey, there will be no incentive or reason to attempt it in the future.

Kerry McCarthy (Bristol East) (Lab): One reason we have seen a rise in small boat crossings is the crackdown on border controls in terms of lorries and the significant drop in freight traffic because of coronavirus. Does that not just show that the problem will not go away, despite the sort of military heroics that the Government are trying to embark on in the channel, and that we need to identify safe and legal routes? In particular, we need to work in France with people who have a proven connection to the UK, particularly refugee children, to try to deal with the problem before they try to reach the UK by illegal means?

Chris Philp: In relation to children, there are already family reunification provisions in the Dublin regulations, and there are provisions for children to be reunified, particularly with their parents, under our own immigration rules that will come into force after we leave the transition period. In terms of the displacement between different methods of illegal entry, the hon. Lady's analysis is, broadly speaking, correct, but just because it is difficult, or can be difficult, to stop illegal migration, that is not going to deter us from doing so. It is our duty, as the United Kingdom's Government, to prevent illegal immigration and to choose, as a sovereign Parliament and a sovereign nation, to decide who comes into the country and who does not. We will never abandon our responsibility to properly police and protect our borders.

Ruth Edwards (Rushcliffe) (Con) [V]: I congratulate my hon. Friend and our law enforcement agencies on the recent arrests that have been made. Will he set out what further steps he is taking with counterparts overseas to smash the criminal networks who are exploiting migrants and risking their lives by organising these dangerous crossings?

Chris Philp: I add my tribute to my hon. Friend's tribute to our crime fighting agencies—the police, the National Crime Agency and Immigration Enforcement, who are working day and night to break up these criminal gangs. I mentioned the raid that I accompanied in July, which went to about 13 different addresses across most of London and resulted in 11 arrests and the seizure of £150,000 in cash. There are multiple operations under way in the United Kingdom, but also working with law enforcement partners in other European countries and countries beyond Europe, to break up these criminal gangs. It is not just in France; it goes way beyond France. They are dangerous; they are ruthless; they are exploiting vulnerable migrants; and they are engaged in other associated criminality. We will stop at nothing to get all of them rounded up, arrested and put out of business.

Alex Norris (Nottingham North) (Lab/Co-op): It has been sad to watch a summer of the Government chasing cheap newspaper headlines, rather than getting a grip of this challenge, because growing global climate change will only make more challenging migration patterns for European countries. We need a cross-European solution. We have heard from the Minister for immigration compliance what his solution is: “Nothing to do with me, guv—stay in Italy, stay in Greece, stay in France, stay in Germany.” That will not do. So what are the Minister and the Home Office doing, today, to get to a mature, equitable and humane solution with our European partners?

Chris Philp: As I say, we have, as part of our European Union negotiations, made a detailed and comprehensive offer in relation to returns arrangements—readmission arrangements—and indeed UASC and family reunification. That offer was a detailed offer. We tabled a full legal text in both of those two areas in May last year, and that will provide the basis of the co-operation that the hon. Gentleman describes. But if, for any reason, that agreement cannot be reached, then obviously we will make our own unilateral arrangements that are compassionate, humane and fair but at the same time control our borders.

Jo Gideon (Stoke-on-Trent Central) (Con): I wrote to the Home Secretary recently about the concerns raised by my constituents who are seeing repeated images in the media of these dangerous and illegal crossings. Our current asylum laws are bound by the EU's restrictive and rigid legislation. Will my hon. Friend commit to reforming our laws around asylum, illegal migration and the associated criminality to stop these crossings completely once our transition period with the EU ends this year?

Chris Philp: I do share that objective, so does the Home Secretary, and so do the whole Government. Where we need to legislate to tighten up the law in this area to make these crossings impossible, we will not

draw back or hesitate before taking those steps. We are determined to do whatever it takes to make sure that our borders are properly policed. If that requires legislation, then we will legislate.

Jeff Smith (Manchester, Withington) (Lab): The Minister talked earlier—with some pride, I think—about our taking the highest number of applications from unaccompanied asylum-seeking children, which is good. Overall, the UK takes three times fewer asylum applications than France, three times fewer than Spain and four times fewer than Germany. So if we were to reopen safe routes properly, what level of asylum applications does he think would be a fair share for us to deal with?

Chris Philp: When it comes to helping vulnerable people, it is far more effective to help those who are in dangerous locations rather than shipping people from, say, Spain to the United Kingdom, because countries like Spain are already safe countries. As I say, we do more than our fair share when it comes to protecting vulnerable people. I have already referenced the fact that we have the highest number of UASCs of any European country, and our resettlement programme, in the five years from 2015 to 2020, took in more people directly from conflict zones than any other European country. So any suggestion that this country is not doing its fair share is completely wrong and completely misguided.

Giles Watling (Clacton) (Con): This issue just seems to be maundering on and on; we keep coming back to it again and again. On 9 June this year, I asked Ministers about this issue, as my constituents in Clacton expect this matter to be dealt with—it is what they voted for. People's lives are at risk. Criminal gangs are getting rich and it has to stop, so what concrete progress has been made since I last asked this question? I reiterate that we need to get the French navy to step up to the plate and take those people off the boats in international waters. How are we going to ensure that that happens, and soon?

Chris Philp: Since we last spoke, the French officers operating on or near French beaches have stopped hundreds of crossing attempts—they have stopped about 3,000 crossing attempts so far this year. We have also established the joint intelligence cell that I mentioned earlier, and intelligence passed from the National Crime Agency here in the UK to our French counterparts contributed, I believe, to 84 crossing attempts being prevented this morning alone, so that is good progress. However, there is undoubtedly more that needs to be done, because these crossings are continuing at frankly unacceptable levels, and negotiations and discussions are continuing as we speak with our French colleagues to step up our efforts and activities even more.

Stephen Flynn (Aberdeen South) (SNP): Refugees experience situations that few of us can even imagine, yet in recent months, while sitting aboard overcrowded dinghies in the middle of the English channel, they have been subjected to a voyeuristic media filming them, like some sort of perverse sea safari, while also facing a UK Government intent on enforcing upon them their hostile environment. So I ask the Minister: do either of these things give him any shame?

Chris Philp: The hon. Gentleman, frankly, has a cheek to talk about hostile environments in this context. We have one of the most accommodating asylum systems in Europe. When people arrive and claim asylum, they are accommodated. Their council tax and utility bills are paid for. They get an allowance to cover essentials and food. That is a far more accommodating approach than in many other European countries, so to say that somehow they face a hostile reception, frankly, could not be further from the truth.

Karl McCartney (Lincoln) (Con) [V]: Many of my constituents in Lincoln know that the majority of the illegal crossings are being facilitated by organised criminals who are exploiting vulnerable migrants and putting their lives at risk. I have heard the answers that my hon. Friend has given, but will he confirm that he and the Secretary of State are committed to cracking down on the criminals? Can he update us on the French levels of law enforcement in this regard and how joined-up our Gallic friends are in assisting the UK and our agencies under Home Office control in stopping this illegal practice occurring and currently flourishing, seemingly, in the first place?

Chris Philp: There are dozens of investigations under way into these criminals who are facilitating illegal immigration. I have mentioned the 24 convictions and prison sentences given already this year in the UK, and there has been a similar number—in fact, I think a slightly greater number—in France. We are now working ever more closely with our French colleagues and the various arms of the French Government on this activity. We have the joint intelligence cell. There is the Co-ordination and Information Centre unit in Calais, which co-ordinates activity between our two Governments and our two sets of law enforcement agencies. I said that an arrest was made as recently as this morning. The French are making arrests as well. Both Governments share the objective that my hon. Friend described of putting these dangerous and ruthless criminal gangs out of business.

Caroline Lucas (Brighton, Pavilion) (Green): The Minister keeps referring to applying for asylum in the first safe country, as though it were a legal requirement. It is not—it is one of the criteria under Dublin. People have a right to apply in any country they choose and family reunion is supposed to take precedence, so I would like him to correct that when he replies. I would also like him to say whether his Government will focus more on the causes of migration, including the accelerating climate emergency, and take seriously a Bill that I will be tabling later today—the climate and ecological emergency Bill—which is designed precisely to try to tackle some of these root causes of why so many people are taking to dangerous boats.

Chris Philp: Of course we agree that dealing with issues in source countries—economic issues and others—is a vital part of fixing this problem. Migration trends across the world, and into Europe across the Mediterranean and the Aegean, have grown dramatically over the last few years. The small boat crossings that we are seeing are a small part of that much bigger picture. This Government have done a huge amount on climate change. We have virtually eliminated coal-fired power stations, one of the biggest emitters of greenhouse

gases, and CO₂ emissions generally in this country have fallen dramatically over the last 10 or 15 years, as the hon. Lady well knows.

Ben Bradley (Mansfield) (Con): We went to my hon. Friend the Minister and the Home Secretary to be candid about the level of anger and frustration felt by many of my constituents in Mansfield and people across the UK at stories that we hear about illegal migrants arriving on our shores, being put up in hotels and having endless legal challenges funded at the expense of British taxpayers. The Minister is right that we need to stop the boats leaving France in the first place, stop this criminal activity and prevent people from putting their lives at risk in this way, but what can we do here at home to ensure that our domestic system for asylum and deportation is seen to be working for British taxpayers?

Chris Philp: The hotel situation that my hon. Friend describes is a very short-term, temporary measure that was a response to the coronavirus epidemic. It is certainly not intended to be permanent, and we are in the process of making arrangements to unwind it as quickly as possible. On the asylum system and the legal loopholes, as I said, we are actively exploring legislative options to ensure that our system is tightened up and cannot be abused.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): This Government are militarising the humanitarian crisis, made worse by past military interventions in countries such as Iraq, Afghanistan and Libya. The inconvenient truth, of course, is that Britain has long played the role of agitator, making worse global crises that destabilise regions and displace people. Wales has committed to becoming a nation of sanctuary. What will the Minister's Department do to enable that, or is sanctuary not part of the Government's vocabulary at present?

Chris Philp: Some of the largest source countries include Iran, Eritrea and Sudan—countries in which the United Kingdom has had no previous military engagement. On the question about being a nation of sanctuary, I have already pointed out that last year we made 20,000 grants of asylum and other forms of protection. We have resettled just a shade under 20,000 people under the vulnerable persons resettlement scheme, and many more under the vulnerable children's resettlement scheme and the gateway scheme, and we have done the full number that we committed to under the Dubs amendment. That is clear evidence of this country's commitment to compassion and to giving refuge. At the same time, we will police our borders.

Chris Clarkson (Heywood and Middleton) (Con): I start by paying tribute to our law enforcement and our Royal Navy, despite the comments of Opposition Members. It is approximately a 300-mile drive from Heywood in my constituency to Dover, in the constituency of my hon. Friend the Member for Dover (Mrs Elphicke). When I say to the Minister that I have received a large number of communications about these crossings, I think he will accept the depth of feeling among people not just in coastal areas but across the entire United Kingdom. I ask him to reiterate the Government's commitment and to ensure that no stone is unturned and no illegal crosser is unreturned.

Chris Philp: The Home Secretary and I and the Government completely understand and fully accept the depth of anger that is felt right across the country at the crossings that are occurring illegally, dangerously and unnecessarily. My hon. Friend can have my assurance that we will leave no stone unturned. We are trialling various methods that could be used on the sea to prevent crossings, and we are actively exploring necessary legislative options. As far as returns are concerned, we are working daily to return those who legally can be returned under the existing legal framework, and we will be aiming to construct a replacement legal framework once we are outside the transition period.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): The world is interconnected, and when we do not help fellow humans suffering from hunger or persecution, or in war-ravaged nations, they inevitably, in utter desperation, risk life and limb and try to seek refuge elsewhere, including trying to cross the English channel in small, unsafe boats. Does the Minister agree that it is a cruel irony that the Department for International Development, which works to eradicate poverty, is being abolished today as we debate the inevitable impact of the fact that so many people are displaced by conflict, poverty or persecution?

Chris Philp: It strikes me as surprising that the hon. Gentleman's analysis made no reference to the fact that we are the only G7 country contributing 0.7% of GNI in overseas aid. We were the second largest global donor of aid in the Syrian region. Our contribution to that humanitarian effort is without question. He talks about people fleeing war-ravaged countries, but the people getting on these small boats are not embarking from the shore of a war-ravaged or dangerous country—they are embarking from Calais. France is a safe and civilised country. So are Germany, Spain, Italy and all these other European countries. They are not fleeing war; they are crossing the channel from France.

Bob Stewart (Beckenham) (Con): The Minister has repeatedly stressed that these people crossing the channel illegally have already sought sanctuary in other countries in Europe, and yet they still come. He said that 1,000 people are being returned, but what the House would like to know is what percentage of the people who have arrived on our shores illegally over the last year have actually been expelled from the country back to a country where they have already claimed asylum.

Chris Philp: In the last 18 months, about 185 people have been physically returned. There are getting on for a further 1,000 people whose cases we are currently progressing where there is evidence of a previous asylum claim, and therefore, under the Dublin regulations, they are liable to be returned. That work is continuing at pace. A number of flights have been booked in the coming days and weeks to do exactly what my hon. Friend quite rightly calls for.

Fleur Anderson (Putney) (Lab): There are still 6,000 children in makeshift camps in the EU. In the time it took for the Home Office to process the 480 spaces—only 480—that it committed to under the Dubs scheme, hundreds of those young people have gone missing. In another life, they could be my children. With the Dubs scheme now formally closed, what steps

is the Minister taking to protect vulnerable children such as the ones in those camps who seek refuge from war, torture and persecution?

Chris Philp: I have already pointed out that last year we received 3,500 asylum applications from unaccompanied children—the highest number of any European country. That is our contribution to the European effort to look after children—more than any other country. I call upon the other European countries operating the camps that the hon. Lady describes to show the same compassion and attention that we do when we look after UASCs in this country.

Simon Fell (Barrow and Furness) (Con): My hon. Friend rightly points out that these crossings are facilitated by criminal gangs—criminal gangs who, we should remember, care not a jot about those who are taking such treacherous journeys to our shores. Intelligence from the NCA and other partners suggests that these gangs are not just facilitating people-trafficking; they are linked to money laundering and wider organised crime group activity. What assurances can he give that we are looking at this issue in the round and applying all our intelligence to try to stop these gangs and stop these crossings?

Chris Philp: My hon. Friend is right in his analysis. National Crime Agency officers are embedded in law enforcement units around Europe and beyond to track down these criminal gangs. It is not just an issue in the UK and France. These criminal networks extend throughout Europe, through countries such as Germany, Italy and Greece, often through Turkey and thereafter into the middle east. The National Crime Agency and others are working tirelessly with other law enforcement agencies to crack down on these gangs in exactly the way he describes.

Mr Speaker: If we are going to get everybody in, we will have to speed up questions and answers.

Alan Brown (Kilmarnock and Loudoun) (SNP): Just last week, the Minister's Department posted a video attacking so-called "activist lawyers". Does he understand that Trumpian language like that and other comments in the Chamber today risk stoking further divisions and tensions? Will he apologise for demonising both asylum seekers and lawyers acting on their behalf in saying that they were trying to "undermine" the rule of law? Will he at least introduce safe passages to prove that this is not a dystopian Government?

Chris Philp: I have repeatedly outlined the safe passages or safe routes that already exist, which many tens of thousands of people have availed themselves of. In relation to legal processes, there are loopholes in our legal system at the moment that are frequently exploited, and this Government are determined to close them.

Sir John Hayes (South Holland and The Deepings) (Con): According to a poll, 77% of the public see illegal immigration as a serious problem. They know what the Minister knows: that the system is being gamed. Asylum is a noble cause—giving safe haven to people in genuine need is something to be proud of—but the system is broken and needs to be fixed. I have complete confidence in the Home Secretary and her diligence, dedication and determination. When will we see root-and-branch reform in the form of legislation?

Chris Philp: I share the sentiments of my right hon. Friend, who has a long record himself in the Home Office, and the work he describes is under way as we speak.

Stephen Farry (North Down) (Alliance) [V]: Can the Minister confirm that the UK is not in fact being invaded, and does he recognise that the Government's quasi-military response, rather than humanitarian response, with terms such as "clandestine channel threat commander", only fuels tension, the scapegoating of asylum seekers and racism?

Chris Philp: There is nothing improper about seeking to police our country's borders, and this Government will not apologise for doing so.

Mrs Natalie Elphicke (Dover) (Con): Dover is the national centre for the small boats crossing routes, with more than 5,000 illegal entrants this year and boats arriving day after day on the beaches in my constituency. Does the Minister agree that we can put an end to the small boats crossing routes and that that has three parts: stopping the boats before they leave the French shores, turning around boats when they are in the English channel and sending them back to France and, if people do break into Britain through these illegal routes, making sure they are returned swiftly to France and other countries?

Chris Philp: My hon. Friend has been a tireless campaigner and advocate on this issue—I can testify to that as a Home Office Minister—and her analysis is essentially correct. The three strands of work she just outlines are the three we are pursuing. Some will require new techniques to be deployed on the water, which we are trialling at the moment, and some might require legislation, as my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) mentioned a moment ago, and we are prepared to legislate.

Clive Lewis (Norwich South) (Lab) [V]: The UK needs to do more, not less, to provide sanctuary for refugees, given the world's growing ecological and economic crises. Instead, the Government are dehumanising these people by presenting them as an illegal threat. This is a dangerous path and one that goes completely against the ideals we should be aspiring to: empathy and humanity. Why can the Minister and the Government not see this?

Chris Philp: Where people have a genuine fear of persecution, where they are fleeing to our shores and need our protection, or where we encounter them directly in dangerous areas, we are of course prepared to offer protection, as we did via the resettlement scheme, but that in no way removes, dilutes or diminishes our obligation and determination to protect our borders from illegal immigration. This Parliament and this country will decide who comes here, not ruthless people smugglers, and I call on the hon. Member and the whole Labour party to assist us and work with us in protecting and defending our country's borders.

Antony Higginbotham (Burnley) (Con): By the time people reach the English channel, be they economic migrants using illegal routes, or asylum seekers seeking

safe haven, they have often passed through a number of safe countries, so what steps are the Government taking to ensure that those countries along the whole route are fulfilling their legal obligations?

Chris Philp: My hon. Friend raises a good and interesting point. I have already pointed out that the UK is scrupulous in discharging its obligations in international treaties to look after unaccompanied asylum-seeking children and asylum seekers more generally. Not all countries in Europe are as diligent and scrupulous as we are in discharging that duty, and I again take the opportunity to call on those countries to step up and do as much as we do to look after those vulnerable people who enter their countries. If they did that, it would again reduce the incentive for people to attempt these dangerous, illegal and unnecessary crossings.

Kim Johnson (Liverpool, Riverside) (Lab): On 9 August, the Home Secretary announced that she had appointed a clandestine channel threat commander. Can the Minister confirm precisely what powers the commander has and how the elements of the role could not be addressed by Border Force?

Chris Philp: Former Royal Marine Dan O'Mahoney has been appointed, as the hon. Member describes, and has overall operational and policy responsibility for this rather unique and very serious problem. Because it is so multifaceted and involves lots of different law enforcement agencies—not just Border Force but the National Crime Agency and Immigration Enforcement—and requires working with French authorities and UK Visas and Immigration, we felt we needed a single person empowered and accountable to seize control of the situation and get it fixed. We think that Dan O'Mahoney will do a fantastic job and will grip the situation and bring this problem under control.

Rehman Chishti (Gillingham and Rainham) (Con): From my time on the Home Affairs Committee, I understand that we have evidence of individuals coming into Serbia from Iran because there was a visa waiver: from Iran they go into Serbia, from there they go to France, from France they go to the channel, and from the channel they go to Kent in my part of the country. I understand that loophole has now been closed, so how and through what countries are these illegal migrants getting into the EU and the Schengen area? I say to the Minister that my constituents on the frontline in Kent urgently want the Government to get this sorted swiftly.

Chris Philp: We hear that message loud and clear. We understand the anger at those illegal, dangerous and unnecessary crossings, and we will do whatever it takes to stop them, including working with the source countries and the upstream countries in the way my hon. Friend has just described.

Kevin Brennan (Cardiff West) (Lab): To understand the scale, am I right in saying that the number of asylum applications in the UK in the most recent year for which figures are available was 35,566; the number of asylum applications on the most recent figures available in France was 114,500; and that for the same period in Germany, the figure was 161,900?

Chris Philp: I believe the hon. Member's figures are correct.

Scott Benton (Blackpool South) (Con)[V]: My constituents are becoming increasingly frustrated by the completely unacceptable scenes on the south coast. While I do not doubt the determination of my hon. Friend to tackle the problem, it appears that the Government lack the legislative tools to take the robust action that my constituents rightly demand. Does my hon. Friend agree that the time has now come to fundamentally review our approach to illegal immigration and asylum so that we do not lose the public's trust on this vital issue?

Chris Philp: Yes, I agree with my hon. Friend's sentiments. We understand and share the anger that his constituents feel, and he is a very effective advocate for them. We are doing work at the moment at pace to develop legislative options to achieve the outcome he desires, which is to properly control our borders.

Chris Stephens (Glasgow South West) (SNP): Unlike the ghastly rhetoric we have heard from some on the Government Benches, the Minister is well aware that refugee charities have asked the Government to protect trafficked women detained in hotels in Glasgow, a call that has fallen on deaf ears, and the same campaigners are calling for the Government to create safe, legal routes for asylum seekers, but instead we get a shameful response. Not doing enough to help refugees is inhumane and indefensible.

When will the Minister and the Department end their dangerous rhetoric and the hostile environment, and start treating refugees detained in hotels or on boats in the channel with respect, dignity and compassion?

Chris Philp: No one is detained in a hotel: they are given free hotel accommodation. In relation to modern slavery, the national referral mechanism provides extremely comprehensive protection to those people who have suffered from the appalling crime of modern slavery.

Jane Stevenson (Wolverhampton North East) (Con): While the English channel route remains viable, criminal gangs will continue to exploit vulnerable people and put lives at risk. My constituents want those gangs stopped. What further intelligence measures can we take with our French colleagues to trace the vessels being purchased by criminal gangs? They are large vessels and surely more could be done to trace them.

Chris Philp: Work is under way in that area. The French authorities have clamped down a great deal on the sale of those vessels, so some of the more organised criminals now seek to procure them not in France but in other countries in Europe. Many of the migrants have now resorted to stealing boats and other vessels around northern France and the French police are working hard to try to prevent that.

Christine Jardine (Edinburgh West) (LD): The Minister has spoken much about the compassion that the Government are showing, but will he acknowledge that we all know that the best way to prevent people from making desperate and dangerous journeys is to provide safe legal routes? In their negotiations with the EU, however, the Government are seeking to end this country's

mandatory obligation to reunite unaccompanied, asylum-seeking children with their families. Could he use some of that compassion to persuade the Government to change their negotiating position and allow those reunifications to continue?

Chris Philp: It is not the Government who require persuading; we have tabled a detailed legal text providing for reunification, and we would like the EU—the European Commission—to engage with it. The hon. Lady's good offices and persuasive skills would be better applied to the European Commission.

Craig Williams (Montgomeryshire) (Con): I pay tribute to the agencies involved in this and, in particular, to the recent intelligence sharing that led to the successful raids and the stopping of these crossings at source. The right hon. Member for Orkney and Shetland (Mr Carmichael) mentioned the "blindingly obvious", so let me say to the Minister that people who get to the channel and join small boats have clearly gone through safe countries that have working asylum systems. As we leave the transition period, may I, like other Conservative Members, implore that legislation is brought to this place to fix these things?

Chris Philp: I entirely agree with my hon. Friend's sentiment, and I think that he will not be disappointed by the legislative plans the Government are formulating.

Navendu Mishra (Stockport) (Lab): What steps are the Government taking to ensure that more accommodation settings for migrants are not targeted by far-right groups, as was the case in Coventry recently?

Chris Philp: I unreservedly condemn the incidents that the hon. Gentleman is describing, and the police have the Home Office's full support in protecting people from such unacceptable abuse.

Damian Collins (Folkestone and Hythe) (Con) [V]: This problem has got worse throughout this year, and one consequence is that children in the asylum system are largely accommodated in Kent. The leader of the county council said that there were 589 in August, despite the fact that the safe number is considered to be 231, under the national transfer scheme. What can the Minister say about this situation? Will the Government do more to make sure that children are accommodated safely in the asylum system away from Kent, and not just principally in Kent? Will they make sure the county council has the resources it needs to care for the children it is supporting at the moment?

Chris Philp: We increased, back in June, the funding that Kent and other authorities accommodating large numbers of UASCs receive, but I recognise that Kent bears a disproportionately large share of UASCs. My local authority of Croydon also does, because Lunar House is in Croydon. I have been in regular contact with Roger Gough, the leader of Kent County Council, and I pay tribute to him and his team for the work they have done. We have been rapidly working with other local authorities around the country to transfer UASCs from Kent to other authorities—I thank those other authorities for the response they have so far demonstrated—and by doing that I hope that we are

[Chris Philp]

able to ease the pressure that Kent has been under, which I fully acknowledge. We are working to reduce the pressure that my hon. Friend has accurately described.

Cat Smith (Lancaster and Fleetwood) (Lab): The Minister has just outlined some of the provisions to support children who are intercepted in these channel crossings. Does he feel that the local authorities, right across this country, have enough resources to support children who are intercepted?

Chris Philp: We recently increased the funding to support local authorities in relation to UASCs and care leavers—former UASCs who are now aged up to 25. That was increased by about £35 million per year just a few weeks ago. So, yes, I do believe the financial support is adequate.

Darren Henry (Broxtowe) (Con): Clearly, these crossings are only made possible by criminals who thrive on exploiting vulnerable migrants and endangering their lives. Does my hon. Friend agree that one of the safest ways to protect refugees is to crack down on this abhorrent trade and reform our asylum laws to ensure that those most in need are protected?

Chris Philp: Yes, I do. We need to reform our laws to make sure that we target our protection at those who are genuinely in need, and we need to show zero tolerance to the ruthless criminals who are preying on human misery.

Margaret Ferrier (Rutherglen and Hamilton West) (SNP): Will the Minister join me in paying tribute to human rights and migration lawyers, who do an essential

job in upholding the rule of law and preventing the Home Office from breaking its international obligations under human rights and refugee conventions?

Chris Philp: I do not believe that the Home Office breaches its human rights obligations; we take them extremely seriously. We suffer from a large number of very late legal challenges—often repeated legal challenges, brought sequentially on ever shifting grounds—and we are working as hard as we possibly can to make sure that our laws are properly and fairly applied.

Sally-Ann Hart (Hastings and Rye) (Con): Does my hon. Friend agree that our European friends and partners, not just the French, need to do more to help the UK prevent the crossings by focusing more resources and determination on cracking down on the organised criminal gangs across Europe that are exploiting individuals seeking a better life and forcing them on to boats to make perilous journeys across the channel, needlessly?

Chris Philp: I completely agree. I think European Governments have a moral obligation, as much as anything else, to join us in the work we are doing to put these dangerous and ruthless gangs out of business. They are taking the most vulnerable people, exploiting them, abusing them and taking money from them. It is completely unacceptable. We are going to take the action that we need to on our side of the channel, and I hope that other Governments around Europe do exactly the same.

Mr Speaker: In order to allow the safe exit of hon. Members participating in this item of business and the safe arrival of those participating in the next, I am suspending the House for three minutes.

1.45 pm

Sitting suspended.

Foreign, Commonwealth and Development Office

1.50 pm

Lisa Nandy (Wigan) (Lab) (*Urgent Question*): To ask the Secretary of State for Foreign, Commonwealth and Development Affairs if he will make a statement on the creation of the Foreign, Commonwealth and Development Office.

The Secretary of State for Foreign, Commonwealth and Development Affairs and First Secretary of State (Dominic Raab): I thank the hon. Lady for her question.

The creation of the new Foreign, Commonwealth and Development Office today is a key moment: a key moment for our vision of a truly global Britain, and a key moment for our integration of our international efforts in order to maximise their impact abroad. With this innovation, we are drawing on the example of many of our allies, such as Australia and Canada and, indeed, the vast majority of OECD countries, by putting our world-class aid programme at the beating heart of our wider foreign policy decision-making, and doing it in a way that works best for the United Kingdom.

We are integrating and aligning the UK's expertise as a development superpower with the reach and clout of our diplomatic network in order to ensure that their impact internationally is bigger than the sum of their parts. We have paved the way for this approach during covid, bringing together all the relevant strands of our international activity. For example, we joined our research efforts to find a vaccine at home with our international leadership in raising the funding to ensure equitable access for the most vulnerable countries, culminating in the Prime Minister hosting the Gavi summit and smashing the target by raising \$8.8 billion in global vaccine funding. That amply demonstrates how our moral and national interests are inextricably intertwined.

We continue to bolster health systems in the most vulnerable countries, not just out of a sense of moral responsibility—although there is that—but also to safeguard the people of this country from a second wave of this deadly virus. It is in that spirit, as the new FCDO comes into operation today, that I can announce that the UK will commit a further £119 million to tackle the combined threat of coronavirus and famine, so that we can do our bit to alleviate extreme hunger for over 6 million people from Yemen through to Sudan. In tandem with that, to leverage the impact of our national contribution, I have also today appointed Nick Dyer as the UK's special envoy for famine prevention and humanitarian affairs, again as we combine our aid impact with our diplomatic leadership to focus the world's attention and rally international support to help tackle this looming disaster and threat.

The new Department reflects the drive towards a more effective and more joined-up foreign policy, and I pay tribute to the brilliant work of my right hon. Friend the Member for Berwick-upon-Tweed (Anne-Marie Trevelyan) and all her support directly in driving this merger forward. My team of Ministers has already been holding joint Department for International Development and Foreign and Commonwealth Office portfolios for some time now, so we will have continuity as we bed in the organisation of the new Department. Sir Philip

Barton becomes the new permanent under-secretary at FCDO, the brilliant diplomat who co-ordinated the United Kingdom's response to the Salisbury nerve agent attack back in 2018. We have also broadened the senior departmental leadership to achieve a more diverse range of expertise and experience at the top. So, as well as FCO and DFID experience, the board of directors general brings together those with wider experience from the Department for Business, Energy and Industrial Strategy, Her Majesty's Treasury and the Cabinet Office, not to mention from the private sector and the voluntary sector.

Abroad, we will operate with one voice and one line of reporting, so that all civil servants operating abroad, including our trade commissioners, will work to the relevant ambassador or high commissioner in post. Training the cadre of the new Department will be essential too, so the new International Academy launched today will train and improve the skills of all our dedicated civil servants across Government who are working internationally. To boost this excellent team, I believe it is important to bring in additional insights from outside Government. Therefore, I have also appointed Stefan Dercon, professor of economic policy at Oxford University, as my senior adviser on aid and development policy.

With the support of my tireless ministerial team, we continue to consult outside Government to test our thinking and glean new ideas for the successful operation of FCDO. I am grateful for the input we have received over the summer from hon. and right hon. Members across the House. In particular, my thanks go to the Chairs of the Foreign Affairs, International Development, and Defence Committees. I am also grateful for the advice I have had from non-governmental organisations, foundations and international organisations—from Bill Gates to David Malpass, the president of the World Bank, with whom I discussed matters yesterday.

We will reinforce that external scrutiny not just by maintaining ICAI—the Independent Commission for Aid Impact—but by strengthening its focus on the impact of our aid and the value added to our policy agenda, and by broadening its mandate to provide policy recommendations alongside its critical analysis. I am particularly grateful to my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) for all his advice on this matter.

In this way, and informed in due course by the integrated review, the new Foreign, Commonwealth and Development Office will deliver on this Government's mission to forge a truly global Britain to defend all aspects of the British national interest and to project this country as an even stronger force for good in the world.

Lisa Nandy: I thank the Foreign Secretary for that, but the truth is that this is a complete mess. It has made a nonsense of his own review—the integrated Department has come before the integrated strategy. Thousands of staff with world-renowned expertise have been treated disgracefully, holding meetings in recent weeks with senior civil servants who cannot even answer basic questions about how this Department is going to operate. Why? Because the Government were shamed by a footballer into supporting some of the poorest children in this world. That does not bode well for a commitment to the poorest people across the planet.

[Lisa Nandy]

The creation of the Department for International Development—the right hon. Gentleman knows—was a game changer not just for the world, but for Britain, and to put that at risk now is extraordinary. The world has never felt more unstable. We are in the midst of a global pandemic. We know that a vaccine will be successful only if it reaches the world's poorest, and as the UK takes on the task of hosting COP26 next year, the world is wondering what on earth is going on and whether Britain is capable of rising to the scale of the challenge.

The right hon. Gentleman did not give a commitment to retain the spending of 0.7%. I want to hear that commitment from him today. He also knows that the Prime Minister said, when he described DFID as a “giant cashpoint in the sky”,

that he would reassess the spending and the priorities of the Department. Today, the front pages of the papers say that the Chancellor is going to raid the right hon. Gentleman's aid budget. The truth is he is losing this argument within his own Cabinet, so will he give me a cast-iron guarantee that there will be no changes to the International Development Act 2002? Will he tell us which country programmes have been identified for cuts? Where is the impact assessment and will he publish it? Where is the strategy that will guide allocation of resources? Can he confirm that ICAI will remain and that, crucially, it will remain independent? The Foreign Office and other Departments do not have a good record on aid spending. This Government ought not to be allowed to mark their own homework.

The sad fact is that, instead of a strategy for Britain's global role, we have got a new paint job on a Government plane. Where is the ambition? Where is the strategy? On a day when we have seen the United States pull out of global efforts to find a vaccine, the Prime Minister is holed up in Downing Street, hiding from the world, where people wonder what on earth is going on. I do not envy him the mess that he has inherited, but he has to resolve it. Our standing in the world is at stake and we will not allow the Government off the hook on that basis.

Dominic Raab: Can I, I think, thank the hon. Lady for her question? It was full of assertions and various snippets from media speculation in the newspapers. Let me try to give her some substantive answers. [Interruption.] She is saying that, but why doesn't she listen? She asked about ICAI whereas, actually, we had already announced we were keeping and reinforcing it. I made the point in my statement; it seems that she is rehashing and rehearsing the critique that she wants to make without actually listening to what we are doing.

The hon. Lady asked in particular about the search for a vaccine. That is an excellent example of where we do need to bring together our world-beating aid leverage with our diplomatic clout. That is exactly what this Prime Minister did at the GAVI summit—bringing countries together, smashing the target for global vaccine funding, which is a good complement and supplement to the research we are doing at Oxford, at Imperial and elsewhere not just to find a vaccine for the people of this country, but to ensure an equitable distribution around the world.

The hon. Lady asked about the 0.7%. The Prime Minister has been very clear on this, and the new FCDO will put our world-class development programmes at the very heart of our foreign policy. The 0.7% commitment is a manifesto commitment, and it is enshrined in law. I would just gently point out to the hon. Lady that we have hit the 0.7% aid target in every year since 2013. She is right to say that it was Labour that introduced the target back in the '70s, but it never hit the target in any year. I think she should look at her own record before making assertions that, frankly, do not hold water.

The hon. Lady talked about a mess, but I do not think she has followed the detail of what we have done. The Order in Council that we made today during the Privy Council meeting will be laid in Parliament on 9 September and will enter into force on 30 September. That is necessary to transfer powers legally from the previous Departments and the positions of Secretary of State to their new ones. I have already answered the question on ICAI. I would have thought she would take this opportunity to welcome the things that she wants to see. We are reinforcing ICAI, and I have explained the benefit that we have had from hon. Members across the House, particularly my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell). I have also explained why we think ICAI is so important to external scrutiny, but we want to see practical recommendations to guide action, alongside the critical evaluation that it rightly does.

It is not clear to me whether the shadow Foreign Secretary opposes the measure in principle, but I think she does. If that is the case, would she reverse it? I think it is true to say, judging by the press releases coming from her colleague, the shadow International Development Secretary, that the Opposition are sticking with shadow Ministers along the old FCO and DFID lines. I am afraid that that can only leave an even more divided Opposition as we forge a more integrated and aligned foreign policy to better serve Britain and the interests of the British people.

Tom Tugendhat (Tonbridge and Malling) (Con) [V]: I thank my right hon. Friend for bringing together these two important Departments. First, I want to pay tribute to my right hon. Friend the Member for Berwick-upon-Tweed (Anne-Marie Trevelyan), whose work in DFID was all too brief but who I have no doubt has handed over that Department in extremely good order. On that note, will the Foreign Secretary be maintaining that? The job of our Committee will now be to oversee quite a lot of the functions that have previously been done by DFID, so we will be asking questions on financial probity and questions to ensure that the extremely high standard of DFID staff and DFID expertise is maintained. Will he maintain the skills and expertise of those fantastic people who have spent so much of our money so well? Will he ensure that the diplomatic service, which is so important and, indeed, distinct from the home civil service, is maintained and that its ethos is enhanced by being able to master not just the money but also the policy?

Dominic Raab: I pay tribute to my hon. Friend for his work and thank him for his input into the work that I and junior Ministers have been engaged in over the summer to ensure that we listened to parliamentarians as well as NGOs and international organisations. I join him in paying tribute to my right hon. Friend the

Member for Berwick-upon-Tweed. She has done a stalwart job, and she has been nothing but committed and dedicated to working through the details of the merger.

My hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) made the point about maintaining the high standards of expertise on both the diplomatic and the development fronts, and he is absolutely right. If he looks at the board of directors general, he will see that we have done that, as well as bringing in experience from across Whitehall and, indeed, the voluntary and private sectors. I addressed all members of staff at the new FCDO today, and I made the point that we want to drive a new, innovative Department, maintain and build on the expertise we have, and show that, as a Government and as a country, we can be bigger than the sum of our parts.

Alyn Smith (Stirling) (SNP): We regret this merger. We regret it on principle, but we accept that it has happened. It was interesting that the Foreign Secretary cited Australia as a reason for it. I would refer him to the report by Richard Moore, the ex-deputy director general of AusAID, which very much found that the merged Department there was less than the sum of its parts. That is our concern for the FCDO. We on these Benches will continue to prioritise international development. My great friend, my hon. Friend the Member for Dundee West (Chris Law), will continue to be a Front Bencher in order specifically to prioritise the scrutiny of the development functions of the new Department.

I welcome the Foreign Secretary's comments on ICAI, but I invite him to go further and express his support for the continuation of the specific scrutiny of the development function of his Department by this House. That would be very much welcomed in the cross-party discussions to continue greater scrutiny.

On the 0.7%, I am grateful for his assurances that the Prime Minister has been very clear, but may I give him an opportunity to strengthen his own hand in these discussions? Presumably the betrayal of a manifesto commitment—were that to come to pass—would be a resignation matter for the Foreign Secretary, because I do not see how anyone would possibly be able to thole that, given the situation.

Dominic Raab: The hon. Gentleman has raised a range of different issues. I thank him for his words of support for ICAI. It is important to have that external scrutiny. Frankly, as the Secretary of State—and having worked in a range of Departments—I think that scrutiny is useful for leveraging reform and getting the Department to look at new ways of doing things, so I remain open and embrace it. He asked me about the Select Committees. Normally the process is that they shadow the individual Departments, but it will ultimately be a matter for the House.

I have heard the assertion that the Australian example demonstrates how it all goes horribly wrong. Having dug a little further and talked to my opposite number, Marise Payne, I do not think that that is necessarily the case. Although it is true that it is important to learn from the different ways in which different foreign ministries operate, there is only one in the OECD that still has a separate aid ministry with a separate aid budget. Actually, the movement—certainly in the last 10 or 15 years—has all been in the other way, so it is important to draw on

those lessons too. I am grateful for the hon. Gentleman's advice on the 0.7% but, notwithstanding his generosity, I shall decline to accept his offer.

Mr Andrew Mitchell (Sutton Coldfield) (Con): We are where we are today, so it is only right to wish every success to both sides of this merger as it launches today. I welcome what the Foreign Secretary has said about the importance of ICAI and of independent evaluation, which drives up transparency, accountability and the interests of the taxpayer in value for money. Does my right hon. Friend agree that the commitment to 0.7%, which he has most helpfully underlined, is inextricably linked to the rules that govern this expenditure, and that we should not—as a country or as a Government—seek to balance the books on the backs of the poorest women and children in the world?

Dominic Raab: I thank my right hon. Friend for his advice throughout this process, which has been constructive and has drawn on his considerable experience as Secretary of State. He has certainly convinced me and the Government about the importance of ICAI, and I think its mandate can be refined and focused so that we get practical recommendations alongside critical analysis. I take the points that he has made about not just the 0.7%, but the underlying rules. Our commitment, and indeed this was our commitment during the review of official development assistance given the state of GNI, is to make sure that the bottom billion—the very poorest around the world—are prioritised, and that will be the case in the new Department.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): UNICEF has warned that covid is the greatest threat to children across the world. It estimates that 1.2 million children under five are at risk over the next six months. I am reassured by what the Foreign Secretary has said about guaranteeing the 0.7% and about the independent scrutiny, but he has not yet answered the question asked by my hon. Friend the Member for Wigan (Lisa Nandy) about impact assessments if that should not happen.

Dominic Raab: The hon. Lady is absolutely right to warn about the risk of covid and famine, and particularly children at risk. I hope that she will be reassured by taking a look at the detail of the £119 million that we have announced today to address the threat of famine in the countries worst hit by coronavirus. The sum includes £25 million for UNICEF to support feeding centres in Yemen that provide treatment for malnourished children under the age of five. It includes £15 million in cash transfers and food aid for the most insecure households and families, including children, in Afghanistan. In areas such as South Sudan, which is dealing with internally displaced people, there is £8 million for shelters to deal with some of the most vulnerable, which will of course include children.

Sara Britcliffe (Hyndburn) (Con): The pandemic has demonstrated just how important it is that our development and diplomatic efforts are fused more closely together. Does my right hon. Friend agree that this new approach, bringing together all our efforts in different countries, will make sure that we can further our aims while ensuring that we continue to help the world's poorest?

Dominic Raab: My hon. Friend is exactly right. As I said in my opening response to the urgent question, the link between our moral duty and the raw British national interest is clear: preventing a second wave of coronavirus in some of the most vulnerable countries is not just the right thing to do, but will help to safeguard the United Kingdom and the people of this country from a second wave.

Kate Osborne (Jarrow) (Lab): For decades, the Department for International Development has helped to improve millions of lives overseas by leading the way in tackling extreme poverty and gender inequality. Will the Secretary of State explain how the new Department will continue that vital work and play a leading role on the international stage, especially when so many countries are struggling during this unprecedented time? Does he really think that now is the right time for the change?

Dominic Raab: I totally agree with hon. Lady, which is why we have made it clear in our mission statement and in our strategy that, for example, dealing with and addressing the poverty of the most poor, least developing countries remains central to our foreign policy. Likewise, the hon. Lady mentioned gender equality, and our campaign to ensure that every girl gets 12 years of quality education is absolutely central to our “force for good” work. I hope that I can not only reassure her in respect of her concerns but show her that there is an opportunity, as we bring together our diplomatic network with our aid leverage, to show that we can have even greater impact as a force for good in the world.

Sir Desmond Swayne (New Forest West) (Con): Aid is all about jobs, so will the Secretary of State maintain a rigorous focus on economic development in the world’s poorest countries? Otherwise, there will be ever more small boats crossing the channel.

Dominic Raab: My right hon. Friend is absolutely right. One reason for integrating, not just in the new Department but in the structures that we have across Government, is to make sure that all aspects of our foreign policy are joined together. Trade and the work that the Secretary of State for International Trade is doing—she is doing an absolutely fantastic job—is critical, not just in countries such as the US and Australia but in the poorest countries, where a liberal approach to free trade can lift millions out of poverty.

Layla Moran (Oxford West and Abingdon) (LD): Coronavirus, climate change—it has never been more important to understand that we all share one planet and that it is in our interests to help others through the sustainable development goals and by staying with 0.7% unequivocally, so I will try one more time: will the Secretary of State commit, right here and now, to fighting for all that money to be maintained in his budget to be there for poverty reduction and economic development?

Dominic Raab: I congratulate the hon. Lady on her new shadow position and congratulate her on and pay tribute to her leadership campaign, which she conducted with conviction and integrity, as ever. She is absolutely right that we must look after the poorest. We have had an ODA review because of the impact of coronavirus on the economy and on gross national income. We have

made it clear—I think this can give her the assurance she seeks—that we are absolutely committed, as we were in that review, to safeguarding the money for the very poorest, for girls’ education and for COP26 and our climate change goals. I agree with the hon. Lady about COP26. We are making sure that we use our aid money and our development expertise to provide 26 million people with access to clean energy and we are supporting farmers to grow climate-resilient crops. In all those ways, the bringing together of our development expertise with our Foreign Office reach and clout can show that we can have even greater impact in the months and years ahead.

Felicity Buchan (Kensington) (Con): Next year, we take over the presidency of the G7; will my right hon. Friend set out our objectives for that leadership position?

Dominic Raab: We have a global leadership role next year, not only with the G7 but in hosting COP26 and various other international fora. Our specific items for the G7 have not been set out yet—we would not expect that this early—but I can tell my hon. Friend that we will want to show that we are a global force for good across the piece, whether it comes to trade, climate change or girls’ education. The Foreign, Commonwealth and Development Office will be a major motor—an engine for driving maximum impact, not only in value for taxpayers’ money but in helping the very poorest in the world.

Sarah Champion (Rotherham) (Lab) [V]: I am grateful to the Prime Minister and the Foreign Secretary for their commitment to 0.7%, but do they also commit to the Development Assistance Committee’s definition of what constitutes aid? Does the Foreign Secretary agree that the Independent Commission for Aid Impact needs to remain fully independent?

Dominic Raab: I think I answered the ICAI question earlier, but I am happy to reassure the hon. Lady and reaffirm that we will not just keep ICAI but strengthen and sharpen its focus, because we welcome and want to see the scrutiny. Indeed, I would like to see more practical policy recommendations, not just the critical analysis. I thank her for what she said about 0.7%. She is right that the DAC rules are an important part of the global infrastructure. There is plenty of scope, and it is absolutely right, for us to ensure that we get maximum value for British taxpayers’ money and to drive a foreign policy that deals with some of the challenges we share with other countries around the world and fulfils our moral responsibilities but delivers for the British people here at home as well.

Ms Nusrat Ghani (Wealden) (Con): I welcome the merger and a new, bold global foreign policy. When it comes to aid, can my right hon. Friend tell me why we sent £71 million of taxpayers’ money to China, the world’s second largest economy? Linked to that, can he commit to tackling the genocide that China is undertaking against the Uyghur, with 2 million incarcerated, and show leadership on the international stage by starting with the Magnitsky sanctions and ending with holding a tribunal against the Chinese authorities, who are undertaking human rights abuses against the Uyghur?

Dominic Raab: I thank my hon. Friend for her campaigning on this, and in particular the Uyghur Muslims. She will know that we led a statement in the UN Human Rights Council with 26 other states for the first time ever on not just the human rights abuses in Hong Kong but the threats and the violations of the human rights of the Uyghur Muslims. We will continue to look at that very carefully with our international partners. We certainly have not ruled out deployment of Magnitsky sanctions there or elsewhere. I am afraid she will have to wait to see the further designations that we have planned in due course.

Mick Whitley (Birkenhead) (Lab): For over 20 years, the Department for International Development has done incredibly important work, helping countries in the global south to tackle the causes of climate change and promote sustainable development. Will the Secretary of State concede that the decision to merge the Foreign Office and the Department for International Development undermines the UK's commitment to fight climate change and promote sustainable, equitable growth across the globe?

Dominic Raab: The hon. Gentleman is right to raise the point about climate change. As my hon. Friend the noble Lord Goldsmith is showing, one of the things that we have done effectively and will continue to do with this integration is bring in Ministers, as he is working for the Department for Environment, Food and Rural Affairs but also has both the development and diplomatic portfolios. Bringing those together will ensure that the new FCDO can support to the maximum effect our hosting of COP26 and deliver a shift in the dial and in the efforts and progress towards delivering a cleaner, greener economy as we come through coronavirus.

Mr Laurence Robertson (Tewkesbury) (Con): The Foreign Secretary has referred to the food crisis in east Africa, which is indeed acute. Will he therefore use this first day of the new Department to contact potential foreign donors to ask them to up their game? I am very appreciative of what our Government have done by means of contribution to provide food for people in that part of the world, but will he ask other potential international donors to do the same?

Dominic Raab: My hon. Friend must be telepathic, because today we have announced £119 million to deal with the threat of covid and the accentuated risk of famine across the world, but particularly in Africa. He mentioned east Africa. That money will apply to Somalia, South Sudan and Sudan. He is absolutely right, and it is a good illustration of the rationale for this merger: as well as leading by example, we need to garner the international community to reinforce what we are doing, which is exactly why I have today appointed Nick Dyer as the UK's special envoy for famine prevention and humanitarian issues, to ensure that we are coaxing and cajoling other countries follow our lead. That is the way we will deliver the greatest impact and help alleviate the potential suffering of a second wave and all the famine that that threatens to bring.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): The Foreign Secretary's colleague the Minister for Africa and I have visited aid projects on the continent a number of times. Liberia was one of the first trips we went on. We saw how, during the Ebola crisis, attention

diverted to Ebola led to the rise of tuberculosis resistance. The thing that stops that is experts who know development and health, and who are not just diplomats. Will the Foreign Secretary therefore give me reassurances that pathways into the new Foreign, Commonwealth and Development Office will not just be through the diplomatic service? Will he ensure that the Government will not block the continuation of the International Development Committee that the Minister for Africa and I both sat on for a number of years?

Dominic Raab: I thank the hon. Gentleman; I think he raises a very important point. However, I also think it works in favour of the merger, because it is precisely for the reasons he gives that we want to not just to retain but infuse in the FCDO the aid expertise and development experience that DFID brings. We want to join that in with the diplomatic muscle, clout, leverage and reach we have and make sure that they are both working in tandem. If we are successful in doing that—I am confident we will be—we will deliver what he wishes to see.

Bob Stewart (Beckenham) (Con): In the 1990s I worked very closely with the ODA, which was then wound into DFID. I had a very good impression of how the ODA worked—it was invaluable on the ground in the Balkans. The ODA was run by Lynda Chalker, who was a Minister of State in the Foreign Office. Following up on the previous question, which was a good question, may I ask my right hon. Friend whether the division in the Foreign Office will work in the same way as the ODA worked? If that is the model, it is a pretty good model.

Dominic Raab: I thank my hon. Friend and pay tribute to the work he did in the Balkans. We first met when he was giving expert evidence to the Yugoslavia tribunal. Indeed, I talked to Malcolm Rifkind about precisely that model. Obviously, he had the experience of when the aid and development expertise were joined up with the previous FCO. My hon. Friend is absolutely right. We will make sure that we have an integrated approach: our diplomatic network and reach combined with our aid expertise. I am bringing in some outside expertise, such as Professor Dercon, to make sure we get that right. There is a huge opportunity right across the world, including in that part of the world, to make sure we maximise our impact but not lose sight of the fact that we want our broader UK national interest to be reflected in the approach we take on development and aid.

Neil Gray (Airdrie and Shotts) (SNP) [V]: Can the Foreign Secretary respond directly to the Whitehall sources quoted in *The Times* this morning regarding using the aid budget on military spending? In what world does crowbarring DFID into the Foreign Office and then using the aid budget in that way honour the spirit of 0.7% or help those around the world who are in the most desperate need of genuine development help?

Dominic Raab: It is a generous offer to start commenting on every bit of pre-comprehensive spending review tittle-tattle reported in the media. All I can say is that not an element of it has reflected or characterised the conversations I have had across Government.

Jack Brereton (Stoke-on-Trent South) (Con): Many of my constituents will want us to go even further with these changes, given the inequalities and need to level up at home. Will my right hon. Friend assure me that there will be a very clear alignment with our national interest and our ambitious foreign policy, ensuring our aid spending is directly in line with the UK's priorities overseas?

Dominic Raab: My hon. Friend is absolutely right. Interestingly, in Africa there is probably the strongest case for joining not just our diplomatic work with our aid budget and our development expertise, but what the Ministry of Defence is doing. There is an inextricable link, contrary to the previous question, between security and stability, and the opportunities for those countries and the most vulnerable people to flourish and thrive.

Stephen Farry (North Down) (Alliance) [V]: The Foreign Secretary made reference to the integrated review. Can he comment on why the call for evidence makes no reference to promoting democracy or upholding human rights or to the UK's commitment to international institutions, especially given this year is the UN's 75th anniversary?

Dominic Raab: I can reassure the hon. Gentleman that each of those strands is a critical element of the integrated review.

Mrs Heather Wheeler (South Derbyshire) (Con): Does my right hon. Friend agree with me and my South Derbyshire constituents that as we lead the world's efforts to recover from the coronavirus pandemic now is the right time to move to the creation of the Foreign, Commonwealth and Development Office, as it will allow us to seize the opportunities that lie ahead and bring our international effort together?

Dominic Raab: My hon. Friend is right, and I pay tribute to the work she did as Minister for Asia. She has seen at first hand why this is so important. Covid actually reinforced the case: the ministerial groups that brought together all aspects of international decision making in relation to covid, from repatriation of nationals through to the purchase of PPE and the search for a vaccine, showed how effectively we could work when we worked closely together and the gap in the absence of integration, which is what the merger will deliver today.

Mr Gagan Mohindra (South West Hertfordshire) (Con): The UK can be proud of the impact our overseas aid has on some of the poorest people in the world, and I know that this will continue under my right hon. Friend. Does he agree that today's merger is an opportunity for the UK to have an every greater impact and influence on the world stage as we make the most of the global Britain agenda and the recovery from the coronavirus?

Dominic Raab: My hon. Friend is absolutely right. Given that London is a centre for dispute resolution, given our diplomatic expertise in conflict resolution and given the role of aid and development in conflict stabilisation, there is a really strong case for bringing all those elements together in a concerted and coherent way so that we can be an even stronger force for good in the world.

Rachael Maskell (York Central) (Lab/Co-op) [V]: Robust independent scrutiny helps to ensure that aid reaches those who need it most and that UK taxpayers get maximum value for money. This is the mission of the Independent Commission for Aid Impact. What evidence does the Foreign Secretary have that there are any deficiencies in its independent work of providing scrutiny, transparency and accountability of the UK aid budget and of identifying future priorities that cause him to undertake a review of its work, and when will this review be complete?

Dominic Raab: I hope the hon. Lady has not misunderstood what I said. We are keeping and reinforcing ICAI. I pay tribute to the work it does. In the example I gave, I was saying not that it was deficient but that it could do even better, in particular by not just providing critical analysis but bringing a new and additional focus—not subtracting but adding—on practical policy recommendations. What I really want and welcome, and what the Department welcomes, is critical scrutiny, practical advice and ways to ensure that in the combined FCDO we deliver maximum impact, particularly in the dispensing of precious taxpayers' money.

Robin Millar (Aberconwy) (Con): I welcome my right hon. Friend's linking of moral duty, diplomacy and aid in his remarks this morning. I accept that the Department is going through a merger—a process of transition—and that some change is inevitable, but what assurance can he give that existing letters of arrangement for critical aid projects will be honoured? Also will he review the short notice periods—sometimes as little as three months—that some of these multi-year, multi-million-pound projects are being asked to deliver against and which risk compromising their effective delivery?

Dominic Raab: The CSR will be an opportunity to make sure the various aspects my hon. Friend mentions are covered, but I can reassure him that there is no obligation we have undertaken that we will not discharge.

Alex Norris (Nottingham North) (Lab/Co-op): The anxiety on the Opposition Benches is that this signals a diminution in Britain's commitment as a global leader at a time when global leadership is so badly needed, and that we are going instead to retrench to narrow national interests. It is very welcome that the Foreign Secretary said that that is not the case and he has a chance to prove this right now with regards to the covid-19 vaccine. What we are seeing is that the wealthiest countries are buying up lots and lots of the prospective doses, which is entirely natural if countries act as individuals, but if we want to globally tackle this horrendous virus, it is a very bad way to do it. So I wonder, in the spirit of global leadership, whether the Foreign Secretary could tell us what actions he is taking now for a just and medically beneficial approach to a global distribution of a vaccine of which we do not have enough doses yet?

Dominic Raab: I thank the hon. Gentleman for his very focused and legitimate question. Obviously, the UK is seeking to lead at every level. We have the trials and the research that our world-beating scientists are undertaking, particularly Oxford and Imperial, but there are others as well. On top of that, one of things we have been working on, through our contributions both to

CEPI—the Coalition for Epidemic Preparedness Innovations—and also through the Gavi summit, which I have already mentioned, is to make sure not only that we can pioneer and innovate a safe and usable vaccine, but that we can raise the money to make sure that there is a fair and just, equitable distribution. We want to make sure everyone in this country is immunised by this vaccine, but we also want to make sure that is true for other countries around the world. I think that is particularly important both for the moral reasons that, I think, he and I agree on, and for practical reasons, which is that it would safeguard us—Europe and the people of this country—from a second wave of the virus.

John Howell (Henley) (Con): Given the importance of education in the work with the new Department, does this mean that the creation of the new Department will lead to an urgent review of UK-funded material supplied to Palestinian teachers, and will it lead to the publication of the UK interim report into this subject, however valueless that may be?

Dominic Raab: Last week, I was in Jerusalem and in Ramallah on the west bank. I raised this issue of textbooks with the Prime Minister—Prime Minister Shtayyeh, whom I worked for 22 years ago—and there is an EU-related review ongoing. We have made it very clear that we want to see full co-operation and engagement with that. We are looking very carefully at the outcome of it, and of course we will then be able to assess what we do on aid. He is absolutely right to raise the point, and I am hopefully in a position to give him the reassurance he needs.

Fleur Anderson (Putney) (Lab): Water, sanitation and hygiene funding is essential for achieving disease control and prevention, poverty reduction and gender equality. I am dismayed that the first act of this new Department—this takeover of DFID by the FCO—has been to cut the UK's foreign aid budget by £2.9 billion. Will the Secretary of State demonstrate his commitment and prove his commitment to poverty reduction by committing to increase spending on water, sanitation and hygiene projects?

Dominic Raab: What I would say first is that of course we would have a review of our aid budget as a result of the impact of the 0.7%; that comes with the target. I think the hon. Member's own Front-Bench team have accepted that. What I can tell her, though, is that we were very clear not just to salami slice budgets. So when I took the chairmanship of the review that we conducted with Departments across Whitehall, we preserved focus and the funding for the bottom billion—the poverty reduction for the poorest around the world. We preserved and we made sure that we safeguarded the money prioritised for climate change, for girls' education, for covid-19 and also for a range of the “force for good” campaigns for media freedom and girls' education, as I have already mentioned, that I discuss, and in that way we have had a strategic approach. So, yes, we have had to review it in line with our commitment to adhere to a 0.7% pledge, but we have done it in a strategic way, and I think when she looks at the detail, she can be reassured.

Andrew Griffith (Arundel and South Downs) (Con): Does my right hon. Friend agree that the covid pandemic has highlighted the benefits, if not the imperative, to

join up our diplomatic and development efforts? But in particular, can I welcome the better access to the unparalleled soft power our DFID colleagues will have of Wilton Park in my constituency of Arundel and South Downs?

Dominic Raab: My hon. Friend makes a great plug for Wilton Park, which is dear to my heart. It does great work and certainly helps leverage our soft power effort. More generally, he has made the case that covid has demonstrated not just why integrating foreign policy is so important, but why we should go further with the merger. We found that, whether it came to procurement of PPE, repatriation of British nationals, critically, the search for a vaccine and, as hon. Members on both sides of the House have said, making sure that it is equitably distributed around the world.

Kirsten Oswald (East Renfrewshire) (SNP): I am glad to have heard a few Members talk about the excellent work and expertise of DFID staff. I am sure that a number of the staff, including many who work in my constituency, would be keen for the Secretary of State to take action to make sure that there is early awareness of these staff and exactly what the future will hold for them, in more detail than is currently available to them. Is he able to give some indication of when that detail is likely to be forthcoming?

Dominic Raab: I am happy for the hon. Lady to write to me with any specific concerns. I have spoken to DFID staff. Indeed I did a FCDO all-staffer today and we made it very clear what approach we are taking. We want to energise our brilliant diplomats' development expertise but also forge a new culture. We are also committed to making sure that we have a stronger presence across all the nations and indeed all the regions of the UK because it is important that Scotland sees and the people of Scotland see the value added that we yield when we come together as one United Kingdom, but also with this merger.

Gareth Davies (Grantham and Stamford) (Con): As my right hon. Friend rightly said, next year, this country will host COP26 and the presidency of the G7. Does he therefore agree that this is excellent timing to bring our security, foreign and development work together?

Dominic Raab: My hon. Friend is absolutely right. In politics, I personally believe in show, not just tell. Whether it is covid, the Gavi summit and the search for a vaccine, COP26, or the work that we are doing in Yemen, which obviously involves a conflict resolution element as well as a humanitarian element, all of it demonstrates the scope for delivering greater impact in our foreign policy. Next year will be an opportunity to show a truly global Britain. The FCDO will be at the heart of those efforts to ensure that we can live up to our potential as an even stronger force for good in the world.

Kevin Brennan (Cardiff West) (Lab): I am glad that the Secretary of State mentioned Yemen. Will this merger between the Departments make it easier to solve cases such as that of my constituent, Luke Symons, who is being held by the Houthis in Yemen? Will bringing together humanitarian and foreign policy efforts in any way assist in those kinds of cases?

Dominic Raab: I am glad that the hon. Gentleman has raised that case. He knows that we have been working very hard on behalf of his constituent and I know that he has been a doughty champion of him. The broader point that he makes is right. We have a stronger impact in Yemen, bringing our aid influence with the diplomatic work that we are doing, working with UN Special Envoy Martin Griffiths, but also trying to alleviate the humanitarian plight and talking to all our international partners—Saudi Arabia, the other countries of the region and the Five Eyes—to try to get this conflict resolved. It is the right thing for all the protagonists to that conflict, but above all it is the right thing for the people of Yemen. Yes, in those circumstances, we have a greater chance of securing the outcome that he wants for his constituent.

Miss Sarah Dines (Derbyshire Dales) (Con): Does my right hon. Friend agree with me and my constituents in the Derbyshire Dales that the guiding purpose of the new Department will be to promote UK interests abroad and that the use of UK aid will be linked to that?

Dominic Raab: My hon. Friend is absolutely right to say that the people who fund our aid programme—the people who are represented by a democratically elected Government—expect to see the British national interest, the UK interest, delivered. I do not see any contradiction in relation to raising international funding for a vaccine that is equitably distributed. I do not think there is any conflict. In fact, I think the two elements of moral responsibility and the grittier national interest of the United Kingdom go hand in hand.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his answers to the questions. Will he agree to appoint a specific Minister to attend Cabinet and the National Security Council to be responsible for championing the sustainable development goals, overseeing transparent and effective official development assistance to help the Government keep their commitments to the world's most vulnerable while, as everyone would like to see, ensuring that British taxpayers have their money well spent?

Dominic Raab: I can give my hon. Friend that assurance, and that person will be me.

Ruth Edwards (Rushcliffe) (Con) [V]: Can my right hon. Friend reassure me that the UK's leading international role in tackling climate change, including programmes such as Partnerships for Forests, and in improving resilience to climate change in developing countries, will be enhanced through the join-up of our diplomatic and development efforts, and that funding will be maintained?

Dominic Raab: Climate change is a great example of why we need more integration. We have a Minister holding three portfolios—now two, with the merger—in my noble Friend Lord Goldsmith. Actually, when I speak to my counterparts abroad, I want to be able to raise a variety of matters every time, whether it is their nationally determined contribution, or the opportunity to strengthen resilience to climate change, adaptation and the transition away from coal. Having an integrated Department that can not only talk about those goals—the goals of DEFRA and the COP26 unit—but also link those to the other aspects of foreign policy, is absolutely crucial.

Bill Esterson (Sefton Central) (Lab): The CDC has spent £680 million on fossil-fuel projects since 2010, according to CAFOD. The Secretary of State is fond of telling us that he is all about show, not tell. Will he show us by ending this hidden support for fossil fuels, which only adds to carbon emissions around the world, and end the mockery that is the Government's pretence that they are taking meaningful action to combat the climate emergency?

Dominic Raab: The example that the hon. Gentleman cites is an historic one. We will make sure that it cannot be repeated or replicated in future.

Crispin Blunt (Reigate) (Con) [V]: Almost no amount of material wealth could now compensate me if I was to lose the freedom to be myself that I finally exercised almost exactly 10 years ago. We pride ourselves on being global leaders in supporting LGBT+ people around the world to enable them to exercise that freedom. Will the Secretary of State confirm that his new combined Department will now not only sustain but increase the resources available for Britain to continue to lead the world in addressing the impoverishment of the soul that comes from not being free to be oneself?

Dominic Raab: I thank my hon. Friend and pay tribute to him for his courage and his conviction. He is absolutely right. Indeed, before the merger—but I think reinforced by it—we were making sure that the freedom agenda was at the core of our “force for good” priorities. I think he can see that in the media freedom campaign that we are co-partnering with our Canadian friends, right the way through to the Magnitsky sanctions that I recently introduced, which we are currently working on in tandem with the EU sanctions that are being considered in relation, for example, to the violation of human rights in Belarus.

Charlotte Nichols (Warrington North) (Lab): What measures will the Secretary of State take, and what reports will be made to this House, in the next six months to review the success or otherwise of the merger?

Dominic Raab: We obviously have the integrated review, and we have the work of ICAI and of course the Select Committee. So, ultimately, a combination of external scrutiny and the parliamentary scrutiny of this House will, I am sure, hold us to account. We do not shrink from that; we welcome it.

Jerome Mayhew (Broadland) (Con): World Bank data shows that over the past 20 years, the percentage of world trade taken up by developing countries has increased from 33% to 48%, and during that process has halved extreme poverty around the world. Given that stunning success for capitalism, will my right hon. Friend take advantage of the merger to refocus our efforts to stimulate international trade with the United Kingdom?

Dominic Raab: My hon. and learned Friend is absolutely right. I spoke to the president of the World Bank yesterday and I totally accept his case. One of the reasons that our vision for a truly global Britain will tilt, if you like, to the Indo-Pacific region is the scope for using liberal free trade, not just to benefit the businesses, the workers and the consumers of this country, but to lift living standards around the world. Of course, that could have no greater impact than in Africa, where we

will combine a more liberal approach to free trade than, I venture, they would get from the EU—an approach to business investment with integrity, which I think is necessary, given some of the reports we have of Russian and Chinese investment, coupled with our development and our “force for good” agenda, which I think shows the triple whammy of the impact that this new merger can deliver.

Peter Kyle (Hove) (Lab): I was an aid worker both before and after DFID was established, and I can tell the Foreign Secretary that the change in the way that British aid was delivered and the respect that Britain had after DFID was established was absolutely transformational, and that transformation impacted people’s lives directly. The fact that four out of five of the fastest-growing economies in the world are African, and that all 10 of the fastest-growing economies in the world are formerly developing countries, is in no small part thanks to Britain’s leadership. We did that not by being transactional with aid but by recognising that it was in our interests to do the right thing. Will the Foreign Secretary tell us how he will judge the success or failure of the new merged Department? If it does not match the achievements of DFID, will he have a rethink?

Dominic Raab: I pay tribute to the hon. Gentleman’s experience. He looks too young to have been hanging around the aid world for quite that long. He is right, and that is why the innovations that DFID undertook at the time, which were right for the time, will be banked, kept and safeguarded within the new FCDO. There was a struggle to make the case for change back then, and it is worth being open-minded about the innovations that we can fuse, forge and meld together to get even greater value for money. I pay tribute to the work of DFID’s staff. I think we have an even greater opportunity, coupling our approach to liberal free trade, our development expertise, our diplomatic clout and our approach to conflict stabilisation, to deliver even greater outcomes. The hon. Gentleman’s point about accountability and outcomes is precisely why we are reviewing and reinforcing the work of ICAI.

Julie Marson (Hertford and Stortford) (Con): I was delighted recently to visit my local Stort Valley branch of Results UK. Will my right hon. Friend join me in assuring that group of passionate and compassionate people that, for the reasons he outlined, these changes will only enhance our commitment and efficacy in alleviating poverty and providing better healthcare, sanitation, water and education across the developing world?

Dominic Raab: I pay tribute to the work of my hon. Friend and her constituents in championing this case. Public health outcomes are a very good illustration of where aid and development policy has clear, measurable and deliverable results. That is not just good for the countries in which we operate—we have seen the impact of reducing and eliminating the blight of polio, and there are other areas where we can focus just as well—or a moral responsibility, although I am impressed with the passion with which my hon. Friend spoke, but something that directly affects the people of this country.

Dr Ben Spencer (Runnymede and Weybridge) (Con): Following the creation of the new FCDO, will my right hon. Friend reaffirm that tackling poverty and gender inequality will remain priorities of the Department?

Dominic Raab: I thank my hon. Friend and constituency neighbour. He is absolutely right. As I made clear in relation to the ODA review and the force for good agenda, tackling inequalities through, for example, our campaign to deliver a minimum of 12 years’ education for every girl, no matter what their background, and in relation more generally to prioritising the least developing countries and the bottom billion, the priorities that are dear to his heart will remain at the very centre—they will be the heartbeat—of the new FCDO.

Tim Farron (Westmorland and Lonsdale) (LD): Let us be honest: in reality, our moral and national interest will not always be, as the Foreign Secretary says, inextricably intertwined. Sometimes doing the moral, right thing might not do us any national good whatsoever—so what then? Will he, for instance, commit to continue and increase funds to support Syrian refugees in Lebanon and Jordan?

Dominic Raab: The hon. Gentleman is right to put the challenge, but I am not quite so pessimistic as he is about whether we can overcome it. If he looks at the Magnitsky sanctions, he will be surprised at some of the designations—[*Interruption.*] The hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) chunters from a sedentary position, but he has absolutely nailed it: people did not expect us to apply sanctions in the Khashoggi case or in some others. The approach that this Government and the Prime Minister have taken on Hong Kong has been intuitive but well planned. Opening up to British nationals (overseas) and offering them a path to citizenship shows that we absolutely will be robust on our values, even when some may argue that there is tension with, for example, our economic or commercial interest.

Mrs Flick Drummond (Meon Valley) (Con): Taxpayers’ money should always be directed towards our national interests and security, so can my right hon. Friend confirm that aid directed towards state-building in developing countries is in our best interests? As we help to build economies and democracies, people will be able to stay in their own countries, rather than making the perilous journey towards Europe.

Dominic Raab: My hon. Friend makes very powerfully the point about the connection between our values and our practical interests—stemming conflict and being true to, living up to and having confidence in our values abroad, without engaging in what can be caricatured as a neo-imperialist agenda, are important not just for the health and vibrancy of the countries in which we operate, particularly in Africa, but in stemming the flow of potentially harmful groups, such as terrorist groups, and the wider volume of migration, which can have negative impacts in the UK.

Peter Grant (Glenrothes) (SNP) [V]: If the Secretary of State is so concerned about what he describes as tittle-tattle emerging in the press from Cabinet meetings, he should perhaps ask the Prime Minister to clamp

[Peter Grant]

down on the person that we know is the source of most of that tittle-tattle: I will leave that to him. He did not really answer the question from my hon. Friend the Member for Airdrie and Shotts (Neil Gray) earlier, so can I ask him a direct question? Will he give an absolute assurance that under no circumstances will the 60p per day that each of us contributes to the overseas development budget be used for spying or for military purposes?

Dominic Raab: I think there is a misunderstanding: ODA can already be used for some MOD-related activity. The hon. Gentleman would not expect me to comment on operational intelligence matters, but I can reassure him that we are absolutely committed to harnessing our aid budget and our development expertise to help the most vulnerable around the world. As hon. Member after hon. Member has said—I think there is a core of agreement across the House on this principle—we do not see a divergence between our moral interest and the UK national interest in that regard.

Scott Mann (North Cornwall) (Con): I welcome today's announcement of the fusion between the Foreign Office and international development. May I suggest to the Secretary of State that now would be an appropriate time to revisit our high foreign aid commitment? When I ask my constituents, in the light of the current climate, if they would prefer tax rises or cuts to budgets such as foreign aid, the answer is very clear. Will the Department consider that as part of the spending review?

Dominic Raab: I thank my hon. Friend. It is perfectly legitimate to ask that question—constituents ask me and they ask him. Of course, one of the things about 0.7% is that when the economy goes down, aid spending goes down, and we have just conducted an ODA review that reduced the overall overspend by £2.9 billion. That follows from the target, but as I have already made clear to the hon. Member for Wigan (Lisa Nandy), we have made sure that we prioritise covid, climate change, girls' education and looking after the most vulnerable and poorest people right across the world. That is what our constituents expect, and I think it is the right thing to do.

Alicia Kearns (Rutland and Melton) (Con): I hope this merger brings to an end the narrative that suggests that Foreign Office staff are somehow the dirty cousins of the humanitarian workers in the Government. Working at the Foreign Office, I was always deeply frustrated that there was no celebratory marker or flag on FCO-funded projects such as bridges, schools and education and training programmes. Please can we stand up proud of not just UK aid programmes, but all Foreign Office programmes that better the countries we invest in?

Dominic Raab: My hon. Friend is absolutely right and, like her, I wear the Union Jack flag on my lapel with great pride. As we deliver impact, and as we are a truly global nation and an even stronger force for good, we should champion our values, and people should know that it is the United Kingdom, including under a Conservative Government, that are doing that.

Justin Madders (Ellesmere Port and Neston) (Lab): Back in June, I tabled a written question asking what the total cost to the taxpayer was of the merger. The Department could not provide an answer at the time. Can the Secretary of State do so today?

Dominic Raab: I thank the hon. Gentleman. Over time, I am very confident that we will be able to deliver administrative savings because, of course, of back-office staff and other efficiencies. Of course, the work in terms of calculating the short, medium and long-term effects will be part of the CSR, and if the hon. Gentleman wrote to me, I would be very happy to write to give him a more detailed response.

Laura Farris (Newbury) (Con): I welcome my right hon. Friend's repeated commitment to the welfare of women and girls as part of the aid budget. May I invite him to consider this merger as a catalyst to revive the prevention of sexual violence initiative pioneered by his predecessor in relation to the crucial work it does in tackling rape as a weapon of war?

Dominic Raab: I thank my hon. Friend for that, and she is absolutely right. This initiative has not slipped into the ether; it is still very much a part of our core priorities. Along with our campaign on girls' education, it shows not just a matter of principle, but that the welfare of any healthy society means that they have to take care of, nourish and nurture the women and young girls who make up their society.

Madam Deputy Speaker (Dame Eleanor Laing): I propose not to suspend the House and to let us just get on with things, if people would just leave quietly and carefully, keeping their proper social distance, because it is obvious to me that everyone taking part in the next items of business is already in their place. People must not stand around talking—just leave the Chamber, please. We will proceed immediately to the presentation of a Bill by Margaret Ferrier.

Virtual participation in proceedings concluded (Order, 4 June.)

BILLS PRESENTED

CASH MACHINES BILL

Presentation and First Reading (Standing Order No. 57)

Margaret Ferrier, supported by Jamie Stone, Jim Shannon, Martyn Day, Ronnie Cowan, John McNally and Douglas Chapman, presented a Bill to prohibit charges for the use of cash machines; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 27 November and to be printed (Bill 171).

CLIMATE AND ECOLOGY BILL

Presentation and First Reading (Standing Order No. 57)

Caroline Lucas, supported by Alex Sobel, Tommy Sheppard, Wera Hobhouse, Ben Lake, Claire Hanna, Stephen Farry, Clive Lewis, Alan Brown, Liz Saville Roberts, Nadia Whittome and Zarah Sultana, presented a Bill to require the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement a strategy to achieve

those objectives; to establish a Citizens' Assembly to work with the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change regarding the objectives and strategy; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 12 March 2021 and to be printed (Bill 172).

Recall of MPs (Change of Party Affiliation)

Motion for leave to bring in a Bill (Standing Order No. 23)

2.56 pm

Anthony Mangnall (Totnes) (Con): I beg to move,

That leave be given to bring in a Bill to enable the recall of Members of the House of Commons who voluntarily change their political party affiliation; and for connected purposes.

This Bill seeks to update the Recall of MPs Act 2015 with a fourth recall condition: any MP who voluntarily leaves the political party they represented upon their election to the House of Commons becomes subject to a recall petition. Such a petition would occur by Mr Speaker giving notice to a petitions officer, who would in turn give notice to the parliamentary electors in the relevant constituency, after which a petition would be open for eight weeks. If at the end of that period at least 10% of the eligible electors had signed that petition, the seat would be declared vacant and a by-election would be held. It is important to note and understand that the petition acts as the safety mechanism to preventing a needless by-election; if our constituents view the action of crossing the Floor as principled and just, the threshold would not be met and the onerous task of holding a by-election would not be undertaken. But should the threshold be met, a by-election would be called and the Member who had been recalled would be able to stand.

This is the second time this House has been faced with such a debate. In 2011, my right hon. Friend the Member for Kingswood (Chris Skidmore) proposed a similar course of action. Sadly, it did not make progress, but had it done so, I fear that the 2019 parliamentary arithmetic would have been radically different. In the course of my remarks, I hope to be able to build on my right hon. Friend's points and to respond to some of the counter-arguments made all those years ago by my hon. Friend the Member for Worthing West (Sir Peter Bottomley), who is now the Father of the House.

If any Member has had the pleasure of visiting my constituency, they may well have caught sight of the septic tank cleaning lorry that carries the words "full of political promises" on its side. The lorry neatly encapsulates the all-too-prevalent view that political promises are not worth the paper they are written on and that politicians are not to be trusted.

Every generation of politician makes this claim. It was certainly made in 2011, and I am making it nine years later, and I think that I can argue with a greater degree of certainty that it is the case. Last year, 17 Members of Parliament crossed the Floor, leaving the parties they were elected to represent. That was more than had done so in the 16 years previously, and not one of them consulted their constituents. In effect, that disenfranchised the 1.2 million electors across their 17 seats for the duration of that Parliament. Although we are not here to follow every instruction from our party's leadership—and I should know—resigning from the party we were elected as a representative of to campaign for policies diametrically opposed to the ones we were elected to support is clearly a breach of the spirit of the contract between ourselves and our constituents. That unwritten bond between ourselves and our electors is the reason I am proposing this Bill.

[Anthony Mangnall]

I do not presume to judge those who have crossed the Floor. Their actions were based on their own principles and their own values. Previous Members of great repute have done so, including Churchill. However, my ask is that, through this Bill, we can no longer take a decision that ignores our constituents and the value of their vote. In recent years, only a handful of Members have done the right thing by their constituents. Whether one feels strongly about it or not, Douglas Carswell and Mark Reckless, who decided to join the UK Independence party in 2014, still held by-elections and at least gave their constituents a say. As my right hon. Friend the Member for Kingswood said, this

“should be the rule, not the exception.”—[*Official Report*, 23 November 2011; Vol. 536, c. 318.]

I am all too aware of the counter-arguments to this proposal. We are, as Burke argued, elected as representatives, not delegates; nor should we be bound by party constraint. This is a valid argument. I wholeheartedly believe that the true value of an MP is that the voice of their respective constituency is made in Westminster and not the other way round. But an argument made in the 1770s, when political life and party structures were so radically different, must surely be updated and modernised in the 2020s.

For example, the role of political parties in election campaigns has steadily progressed and evolved over the generations. We may all believe that we are elected due to our own brilliance, but I would urge caution that Members let this thought run away with them. [Interruption.] I can see that Scottish National party Members might agree with that premise. We are selected by a political party. Our literature is embossed with the emblems of parties. We are supported by volunteers who share our values and often hold party membership. Above all, we pledge our support to our party manifesto detailing our policies and philosophy. Owing to the Representation of the People Act 1969, our electorates are greeted in every voting booth across the country with our names, our party names and our party logos. In short, we benefit significantly from the role that the party plays in each and every one of our elections.

Parties are therefore often more visible than the candidate, from their leaders to their Cabinets and their manifestos. They act as a magnet to either attract or repel voters to or from their cause. So when a candidate who has campaigned using those logos, promoting that manifesto and supporting that leader switches sides, they are doing so against everything they told the thousands of voters they connected with during the election. This is not promoting democracy; it is degrading it. Some may well disagree with that point, but it is only reinforced by the fact that Members of this place, on both sides of the House, do not stand as Independents.

Not only is there domestic precedent for those who have held by-elections when crossing the Floor of this Parliament, but there is an example at the international level. New Zealand, to combat what was colloquially known as waka-jumping, implemented the Electoral (Integrity) Amendment Act 2018, which sees Members of Parliament who choose to leave their party automatically expelled from Parliament. Some 40 other countries have similar measures in place within their Parliament. So if we were to take this step we would not be alone as a

parliamentary democracy, nor, I believe, would we be at odds with our electorate, who would be grateful to have a say in such matters.

The House knows that I truly value independence in this place. It allows each and every one of us to vote with our conscience and in the interests of our constituents and our country. This Bill does not seek to crush independence or enhance political parties, but it does seek to build the trust and transparency in this place and in its Members. It is for that very reason that the Bill is structured so that it cannot be used against Members by party Whips. Only by a Member voluntarily crossing the Floor can the recall petition be set in motion.

As I said, I sincerely hope that this is the last time such a Bill has to face this House. In 2015, many Members from across the House came together to support the noble Lord Goldsmith's amendment to the Recall of MPs Act 2015, including my hon. Friend the Member for Wycombe (Mr Baker). This suggested that there would be total recall, with the ability, if 5% of constituents signed a notice calling for it, to trigger a recall petition that would then, in turn, trigger the threshold. I say to him and others who gave their support that if their objections rest with my proposals regarding the threshold, then let the House amend that by raising the threshold.

I have made my case. I have fulfilled my promise to my electorate. I hope that this House might recognise the benefit that this Bill could have and that we can restore the confidence in this, the mother of all Parliaments.

3.4 pm

Mr Steve Baker (Wycombe) (Con): In rising to oppose my hon. Friend the Member for Totnes (Anthony Mangnall), I want to begin by absolutely embracing his noble intent and by saying that I am quite confident that if I were the new Member for Totnes or for South Cambridgeshire, or any other seat where Conservative voters are absolutely furious about the behaviour of their previous MP—and rightly so—I would be in their position of needing to move this Bill or a similar one.

I also say to my hon. Friend that I agree about the primacy of the voter. My goodness, why did I do all the things that I have done about leaving the EU? I believe in the primacy of voters, and it is absolutely right that I supported the noble Lord Goldsmith's Bill—I tweeted out the links earlier. I am in favour of full recall—I prefer to avoid total recall—albeit on a threshold that must be high enough to avoid vexatious political activity. However, I would like to have full recall, by which I mean recall without conditions.

I even agree with my hon. Friend—of course I do—on the importance of party. He is right: none of us was elected to this Parliament as Independents. There are two Independents and they both have their own circumstances. An article by me in *The Sun* set out, in the course of 2019, the crucial importance of people knowing the programme for which they have voted, so that they get the Government that they wanted—so I agree with him about the importance of party. I am very clear that we owe a duty to our party in fulfilling our duty to our voters. Carswell and Reckless were absolutely right when they went to their electors, but they did so in circumstances slightly different from the ones that I will come to.

But what I really want to ask the whole House to consider is this: we also have a duty to consider in our deliberations what happens not just when things are going right, or perhaps when things are only going slightly wrong in narrow and foreseeable circumstances, but when things go terribly wrong in circumstances that we perhaps have not foreseen? What do we do when things go terribly, terribly wrong?

The problem with my hon. Friend's Bill is that it establishes the principle that we are here contingent on our membership of party. I know he has said that his proposal would not apply if we lost the Whip for some other reason, but the problem is that in saying so, he has conceded that if we were to be forced to a recall petition and a by-election because we had lost the Whip through our actions, that would be an unacceptable transfer of power to the party Whips and a compromise of our ability to vote as our conscience dictated was best for our constituents and the nation.

I will not quote Burke—we all know Burke. I am going to recommend Auberon Herbert's "A Politician in Sight of Haven"—a far better essay. This is the circumstance all of us face. We must balance our conception of what is best, our constituents' and our party's. That is the problem, and, of course, in conceding that we must not allow Members to be forced to a by-election because the Whips do not like how they voted, in a sense my hon. Friend begins to go down the road that I foresee.

What I want to say to the House is this: imagine a major governing party in the United Kingdom captured by a charismatic and radical leader, buttressed by ruthless and ideological advisers accomplished in the political arts. Imagine that party with the leader and those advisers hell bent on dramatic change to our institutions of the British state—[HON. MEMBERS: "Never!"] Of course—as colleagues say, "Never!"—it is inconceivable that such a thing should happen in the Conservative party, but I want to apologise to Members opposite, because I do now need to trespass on matters that are properly for the Labour party, and in a speech in which I can take no interventions, I wish to do so lightly. I will leave many things unsaid that might strengthen my case to avoid reopening old wounds. Many Members will be able to bring to mind the things to which I refer. Many things happened last year that ought not to have happened.

I count among my friends Gavin Shuker, the former Member for Luton South from 2010 to 2019. He has given me this quote, which I will read in full:

"In effect this would be a huge shift of power—not to our constituents—but to the respective Party Leaderships. Imagine the chilling effect on debate; the incentive for a Member to be bullied out of their own party; we have to ignore our own history to become an advocate of this approach. And not ancient history—recent history. When I chose to sit as an Independent, it was on an issue of integrity; like many of my colleagues I could not advocate putting a man so universally ill-suited to leadership, into 10 Downing Street; unlike many of them, I chose to embrace the consequences. I knew full well that at the next election I would likely not be returned and in the end that's exactly what happened. The same people who elected me chose not to return me; the system worked—and all without this Bill.

MPs in this House are not delegates"—

I will allow him that—

"we are representatives. The knowledge that, when a party changes beyond all recognition around a Member, that Member may choose to resign the Whip, is an important safety valve in our system; and a good bit of political hygiene.

This proposed legislation is rooted in a popular argument which at first seems very clever. But it's not very wise."

Those are the words of my friend Gavin Shuker, who of course was the convenor of the Independent Group for Change.

As I came into the Chamber, I said to one of my colleagues that I was going to make this argument and he replied, "Well, imagine that a Conservative leader became 'woke' and decided that to speak of free enterprise as a hate crime; we would need a lifeboat", and indeed we would. But what I want to say to the House is this: I am afraid that we do need to consider very serious contingencies. If one wished to replace a party of government with another because it had so changed beyond recognition, perhaps because a segment of society genuinely feared for their lives if it came to power—that is what happened—one would have to smash the party with sustained pressure and velocity, with meticulous plans and detailed knowledge of every Member of Parliament and when they would leave their party, what they would say, what they would do and with whom. One would really need to know what they were going to do, and they would need time: they would need, for example, not to be driven to European elections for which they were not ready.

I think all the people who left the Labour party were heroic in what they did. They were seeking to ensure that this country had a fit Opposition and an alternative party of government, and it was necessary for them to have the scope, the space and the freedom to still sit in this House and have this platform in the national interest to try to recreate a viable Opposition.

As it happens, those who chose to stay in the Labour party and rescue it have won. I congratulate them because we do need a good Opposition, but in conclusion I want to say that surely this House is about nothing if it is not about restraining power. Of course my hon. Friend the Member for Totnes makes a good argument, and of course if I was in his situation I might well make the same argument, but if we really want the public to be able to recall us, let us really give them the power, without conditions, on a high threshold—high enough to avoid vexatious political activity, because, goodness knows, after all we have been through, we need political stability.

My goodness, we have seen this Parliament, this place and this constitution not just working at 100% but perhaps, as the rules have been stretched and perhaps broken, we have seen our constitution operating at 110%, and what a dread thing it has been. As somebody who has been subjected to the full wrath of the state at least three times—Members will know which votes I mean—my goodness, I do not want to be the person who leaves their party on principle and then in their constituency faces the might of that state trying to procure signatures on a petition. That is among the reasons for my speaking on this.

I have spoken for long enough, and what a privilege it is to be able to put this on the record, but it is because of the dread power of the state, or the dread power of a party gone wrong, that I say to my hon. Friend and to his voters, "Please bear with us, because what we are saying here is not that you cannot get rid of your MP; all those defectors lost their seats—they all lost their seats. We are not saying you won't be able to get rid of your MP; we are asking you to be patient, because if we have learned anything over the past year or so it is that this amazing constitution that we have, and this amazing,

[Mr Steve Baker]

tiresome, wearisome, awful place that is so brilliant, is capable of protecting our freedoms in this nation.” And to Members of Parliament I say, for all that we are all elected on a party ticket and for all the duties we owe to the public via our party, it remains absolutely essential to the freedom and health of this nation that we are able to walk away from our party and seek to destroy it—although I can tell my Whip that I have no plans to do so.

Question put (Standing Order No. 23)

The House divided: Ayes 55, Noes 52.

Division No. 85]

[3.14 pm

AYES

Abbott, rh Ms Diane
Anderson, Lee
Anderson, Stuart
Bacon, Gareth
Bailey, Shaun
Bradley, Ben
Bristow, Paul
Bruce, Fiona
Burgon, Richard
Carter, Andy
Clarke-Smith, Brendan
Clarkson, Chris
Colburn, Elliot
Daly, James
Davies, Gareth
Eastwood, Mark
Evans, Dr Luke
Fell, Simon
Fletcher, Nick
Gibson, Peter
Goodwill, rh Mr Robert
Griffiths, Kate
Gullis, Jonathan
Halfon, rh Robert
Hart, Sally-Ann
Higginbotham, Antony
Hollobone, Mr Philip
Holmes, Paul
Hunt, Tom

Longhi, Marco
Loughton, Tim
Mangnall, Anthony
Maynard, Paul
McDonnell, rh John
Mills, Nigel
Mumby-Croft, Holly
Nici, Lia
Nokes, rh Caroline
Osborne, Kate
Parish, Neil
Penning, rh Sir Mike
Ribeiro-Addy, Bell
Richards, Nicola
Roberts, Rob
Russell, Dean
Smith, Greg
Smith, Royston
Stafford, Alexander
Stewart, Bob
Sultana, Zarah
Sunderland, James
Wakeford, Christian
Webbe, Claudia
Wild, James

Tellers for the Ayes:
Mr William Wragg and
Anthony Browne

NOES

Ahmad Khan, Imran
Aldous, Peter
Baynes, Simon
Bell, Aaron
Bone, Mr Peter
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Chope, Sir Christopher
Cooper, Daisy
Davis, rh Mr David
Davison, Dehenna
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donaldson, rh Sir Jeffrey M.
Drax, Richard
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fletcher, Katherine
Griffith, Andrew
Hudson, Dr Neil
Jardine, Christine
Jenkinson, Mark
Largan, Robert
Loder, Chris
Logan, Mark
Mackinlay, Craig

McCartney, Karl
Millar, Robin
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Robbie
Neill, Sir Robert
Offord, Dr Matthew
Percy, Andrew
Poulter, Dr Dan
Randall, Tom
Robinson, Gavin
Saxby, Selaine
Shannon, Jim
Simmonds, David
Spellar, rh John
Spencer, Dr Ben
Stevenson, Jane
Swayne, rh Sir Desmond
Syms, Sir Robert
Walker, Sir Charles
Whittaker, Craig
Wiggin, Bill
Wilson, rh Sammy

Tellers for the Noes:
Mr Steve Baker and
Dr Julian Lewis

Question accordingly agreed to.

The list of Members currently certified as eligible for a proxy vote, and of the Members nominated as their proxy, is published at the end of today's debates.

Ordered,

That Anthony Mangnall, Anthony Browne, James Sunderland, Sally-Ann Hart, Gareth Davies, Greg Smith, Christian Wakeford, Jonathan Gullis, Mr William Wragg, Bob Stewart, Chris Skidmore and Chris Loder present the Bill.

Anthony Mangnall accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 15 January 2021, and to be printed (Bill 173).

Private International Law (Implementation of Agreements) Bill [Lords]

Second Reading

3.30 pm

The Lord Chancellor and Secretary of State for Justice (Robert Buckland): I beg to move, That the Bill be now read a Second time.

Private international law might sound rather dry and technical—[*Laughter.*] I get ready assent from the hon. and learned Member for Edinburgh South West (Joanna Cherry)—but at its heart sit the lives of real people and the challenges they face when legal disputes arise in relation to cross-border matters. I am talking about people such as the parents who need to make arrangements in the best interests of their children when a relationship breaks down and one spouse moves abroad, or the small business left out of pocket by a supplier based in another country needing to seek redress in the courts.

Reciprocal private international law rules provide a framework to allow businesses in the United Kingdom, families and individuals to resolve these difficult and challenging situations. They help to avoid confusion for all parties by preventing multiple court cases taking place in different countries on the same subject and potentially reaching different conclusions. Such reciprocal rules also allow for the decisions of UK courts to be recognised and enforced across borders. All this helps to reduce cost and anxiety for the parties involved. It is vital, therefore, that in the future the UK can not only continue to co-operate on private international law matters with existing partners, but implement new agreements into our domestic law that are fit for the 21st century, and this Bill underpins our ambition to deliver real and tangible benefits for our country and our citizens both now and in the years to come.

I would also like to reassure right hon. and hon. Members that whilst private international law can support and underpin cross-border trade, the Bill is not about the implementation of free trade agreements. The terms on which trade between two countries take place are clearly outside the scope of the Bill.

During our membership of the EU, we helped to build, develop and refine an advanced framework of rules on private international law. On 31 January 2020 we marked the first time in more than 20 years that full competence in this area of law returned to the UK. It is important that we acknowledge this new reality and take appropriate steps, and those include ensuring that our statute book is fit for purpose. The Bill achieves this by reimplementing in domestic law three key private international law agreements in which we currently take part so that in future we do not need to rely on retained EU law as the main legal basis for our continued participation.

These three agreements are Hague conventions, adopted under the auspices of the Hague conference on private international law. The UK currently operates them due to our previous membership of the EU, but we will become an independent contracting party to them in our own right at the end of the transition period. Our continued membership of these agreements is widely supported by interested parties in the legal and finance sectors, and indeed by Members in this House and the

other place. Clause 1 ensures that these important conventions can continue to operate effectively in the future by stating that they

“shall have the force of law in the United Kingdom”

from the end of the transition period, instead of relying upon retained EU law for their implementation domestically beyond then. This will make their implementation clearer and more straightforward for practitioners, litigants and, indeed, our international partners.

These three conventions cover distinct areas of private international law in the fields of commercial and family law. The 2005 Hague convention increases legal certainty in disputes that relate to cross-border commercial contracts, which include an exclusive choice of court clause. It does this by ensuring that there is no dispute over where a case should be heard and enables any resulting judgment to be recognised and enforced across borders.

These types of choice of court clause are common in high-value commercial contracts, but in family law we are also reimplementing two conventions that cover sensitive and important issues for individuals and families who become engaged in cross-border disputes when a relationship unfortunately breaks down. The 1996 Hague convention improves the protection of children in cross-border disputes and helps families to resolve issues such as residence of and contact with children whose parents live in different countries. Finally, the 2007 Hague convention provides for the recovery of child support and other forms of family maintenance across borders.

The Government made a number of minor and technical amendments in the other place, which received widespread support, to provide a clearer and simpler approach to the implementation of the transitional provisions relating to the 2005 and 2007 conventions. However, the reimplementation of the Hague conventions is only a measure for the status quo. We need to ensure that we are ready for the opportunities that will arise in the future.

I firmly believe that we must now seize that opportunity of regaining full competence in this area by building on our long and proud history in private international law and cementing our role in international forums, such as the Hague Conference, the Council of Europe, the United Nations Commission on International Trade Law and the International Institute for the Unification of Private Law. We have long been a world leader in this field, and we should aspire to remain so. While being justifiably proud of our achievements in this space thus far, to really harness our potential we need a legislative vehicle to be able to implement any new agreements successfully negotiated with our international partners.

John Redwood (Wokingham) (Con): This is an extremely good, positive vision. Can my right hon. and learned Friend give one or two examples of the kind of reforms or improvements that he would be looking to make when we exercise our influence?

Robert Buckland: I am grateful to my right hon. Friend, who will share my strong belief in the success of the legal services sector both in England and Wales, and in Scotland, as well as in the Northern Ireland jurisdiction, and the importance of maximising the advantage that we have not just in our outstanding rule of law reputation, but our reputation as an international forum for the resolution of disputes. I can think in particular of issues

[Robert Buckland]

related to arbitration and mediation, where important international conventions are being developed, where the United Kingdom not only needs to be part of it, but to be at the heart of it when it comes to improving not just the prospects for legal services, but the opportunities for the businesses and the citizens we serve.

John Howell (Henley) (Con): My right hon. and learned Friend mentioned the Council of Europe. I want to stick on that, because it works on the basis of signing international treaties to get things done. At the moment, they take forever to get through, and the UK is one of the worst signers of them. Is this going to help to speed up the process?

Robert Buckland: I share my hon. Friend's enthusiasm and sense of impatience about the pace of change in fora such as the Council of Europe. I just need to caution him on this basis. When it comes to the use of the powers that we anticipate under this Bill, we are talking about a narrowly defined type of agreement—practical, detailed but important changes that will lead to the sort of improvements that I referred to in responding to my right hon. Friend the Member for Wokingham (John Redwood). I am sure that as he hears not just my contribution but the one made in winding up by the Under-Secretary of State for Justice, my hon. Friend the Member for Cheltenham (Alex Chalk), he will be even clearer about the particular role that this Bill will play in the incorporation of international law.

That is very important, because concerns were raised in the other place that somehow this was a Trojan horse or an invitation to open the floodgates, to allow for the incorporation of major swathes of international treaty law into domestic legislation with minimal scrutiny. Nothing could be further from the case.

Sir Robert Neill (Bromley and Chislehurst) (Con): Will my right hon. and learned Friend give way?

Robert Buckland: I give way to my hon. Friend the Chair of the Justice Committee.

Sir Robert Neill: I know that we will move on to the question of what is not in the Bill and what might be later, but before the Lord Chancellor leaves the issue of improving our access to international legal agreements, he has not yet mentioned our application to accede to the Lugano convention, which many regard as critical, it being markedly superior in a number of respects to those listed on the face of the Bill. There is a concern that the Commission is currently recommending against Britain joining the convention, even though the European Free Trade Association members of that convention support it. What is the position on that? Will he assure us that the Government regard this as one of the highest priorities in our ongoing negotiations? It should not be allowed to be hijacked and held as a hostage to fortune in other negotiations.

Robert Buckland: I can assure my hon. Friend that not only do the Government place a very high premium upon the importance of accession to Lugano, but I personally have vested my own time in direct discussions with counterparts at the Commission and other member states of the EU. In fact, in Zagreb, at the final Justice

and Home Affairs Council, I took the opportunity to discuss this at length with several other member states and, indeed, the then newly appointed Commissioner for Justice, and we had a very productive discussion.

My view and that of Her Majesty's Government is very straightforward: the application for Lugano is a discrete matter. It is separate from the negotiations that are ongoing with regard to a future free trade agreement, and it should be treated as a separate matter. The time for ideology has gone. This is a time for us all to remember that the interests of the citizens that member states serve are paramount, and the interests of ensuring that civil judgments are enforced as swiftly as possible are clear. I call upon all interested parties to put those priorities first, and then hopefully we will see a swifter conclusion to the negotiations, but I welcome the warm support we have had from EFTA countries both prior and subsequent to our application.

Mr Jonathan Djanogly (Huntingdon) (Con): I thank my right hon. and learned Friend for giving way on this Lugano point. I agree with everything he says: it should be treated as a discrete treaty, separate from us leaving the EU, and it is very important for our future trade. But if that is the case, why does he not mention Lugano on the face of the Bill? By doing so, he could perhaps limit the scope of the wide statutory instrument powers—the so-called Henry VIII powers—that I think he will talk about bringing back. He would then have the specific Bill that would make the other place a bit happier.

Robert Buckland: I am always grateful to my hon. Friend, who served with distinction as a Justice Minister, for his long interest in these matters as a member of the profession. I did indeed consider whether this Bill should be a Lugano-specific Bill, but I took the view—and I will explain it in more detail in the body of my remarks—that, because of the narrow ambit of what we are seeking to achieve here, there was a necessary flexibility in allowing the United Kingdom Parliament, by affirmative resolution and therefore by debate on the Floor of the House, to determine whether particular future treaties could be incorporated into domestic law.

I do not regard these as Henry VIII powers. I accept the point that there is a distinction to be drawn in relation to the bringing forward of primary legislation, but as a matter of strict interpretation these are not powers that would allow us unilaterally to amend primary legislation, which, of course, is what a Henry VIII power is. These are powers that will allow us to use secondary legislation, but with the necessary parliamentary scrutiny before the incorporation in domestic law of these treaties. Let's face it, while we were members of the EU, in large measure, because of the competence of the EU in this area, many of these arrangements and agreements took direct effect in our domestic law without any debate whatever. In my view, this actually represents a qualitative improvement and creates a consistency with that flexibility to allow us to make the sort of advances—I know he shares my view on those—which I referred to in my remarks to my right hon. Friend the Member for Wokingham. I am very grateful not just to him, but to all Members in the other place who gave the Bill detailed and careful consideration. However, we believe that it is constitutionally appropriate and proportionate to deploy delegated powers to implement the type of international agreement envisaged in the Bill.

This delegated power, in my strong view, is narrow, well defined and proportionate. Indeed, private international law itself is still a very narrowly defined area of law. It is familiar in scope and content to courts, legal advisers and experts in the field. The type of international agreement which can be implemented under the delegated power relates primarily to jurisdiction: rules that determine where a dispute is heard, rules that determine which country's law applies, and rules on the recognition and enforcement of legal decisions or judgments in cross-border cases. No agreement could be implemented that was not related to these specific sorts of issues, which arise in relation to the resolution of cross-border disputes.

On that point, we recognise that the Delegated Powers and Regulatory Reform Committee's report on the Bill recommended the removal of the proposed delegated power, but it is our view that that is, respectfully, a misinterpretation of the breadth of the powers sought and the types of international agreements it can cover. Many of the examples given in its report that had previously been implemented by primary legislation are not actually private international law agreements in themselves. Although those agreements contain specific private international law provisions, they are wider in their overall scope and could not have been implemented using the proposed delegated power to be reintroduced into the Bill.

It was also said in the other place that the use of delegated powers to implement private international law agreements would be constitutionally unprecedented. With the greatest respect, I wholly disagree. There are delegated powers to implement new bilateral agreements on recognition and enforcement of civil judgments via Orders in Council under the Administration of Justice Act 1920, the Foreign Judgments (Reciprocal Enforcement) Act 1933, the Maintenance Orders (Facilities for Enforcement) Act 1920 and the Maintenance Orders (Reciprocal Enforcement) Act 1972. Indeed, the powers under the 1933 Act were used as recently as 2003 by the Labour Government to update a bilateral agreement with Israel relating to the recognition and enforcement of judgments, and extending that agreement to cover judgments of the Israeli magistrates courts. However, while it is important to look back at the precedents that exist, it is vital that we look forward, too. The powers contained in those Acts only allow us to implement bilateral agreements in this area. Frankly, the world has moved on significantly since the '20s and '30s, because most private international law agreements are now made on a multilateral basis. We need to ensure that the necessary powers exist to implement such agreements in a timely manner.

Parliamentary scrutiny procedures have moved on as well, and our proposals recognise this by requiring statutory instruments made under the delegated power to implement new agreements to be subject to the affirmative resolution procedure, which provides much more scrutiny than the Order in Council process. Any decision for our country to join a particular agreement in this area of law would also still be subject to successful completion of parliamentary scrutiny procedures under the provisions of the Constitutional Reform and Governance Act 2010—CRAG—which many of us got to know intimately in the context of last year's machinations on Brexit.

The delegated power in the Bill would not alter the well-established approaches to parliamentary scrutiny of treaties and the process of approving ratification under CRAG. Instead, it would simply be a mechanism to draw down the resulting treaty obligations into domestic law in readiness for the ratification of the treaty. The Government recognise that Parliament has begun to strengthen the scrutiny procedures under CRAG, including, importantly, the establishment of the International Agreements Sub-Committee in April of this year under the chairmanship of Lord Goldsmith. We look forward to working with the Committee, including on the scrutiny of the private international law agreements.

Mr Djanogly: Does my right hon. and learned Friend appreciate that that is the exact same Committee that has constantly been attacking CRAG as totally inadequate and unfit for purpose?

Robert Buckland: Indeed it has made some very trenchant comments about CRAG, and that is precisely why it is important that that Committee does its work on improving and enhancing the procedure. I welcome its work and we will actively engage and ensure that that is so.

The most pressing need for the delegated power is to implement what we hope to see—namely, the Lugano convention, which we have already discussed. As I have said, we still do not know the outcome of our application. It is being considered by the contracting parties to the convention, including the EU. It currently underpins our private international law relationship with Switzerland, Norway and Iceland, but could also be used to underpin our relationship with the EU after the end of the transition period. It would provide valuable certainty on cross-border recognition and the enforcement of civil and commercial judgments, as well as clarity on which country's courts may hear a dispute.

Sir Robert Neill: I welcome my right hon. and learned Friend's commitment to joining Lugano. It is important for all the reasons he has set out. There was compelling evidence given to the Justice Committee over a number of years about the importance of this. Also, is it not important that we join so that we can then, as one of the convention parties, seek to influence the development of the convention—for example, to avoid a race to the bottom in jurisdictional terms in dealing with the threat, as it is sometimes called, of the Italian torpedo? We cannot deal with the Italian torpedo until we are in Lugano to sort it out, so is that not all the more reason to reflect on putting this on the face of the Bill? Perhaps nothing would be lost by doing that.

Robert Buckland: I am grateful to my hon. Friend. The Italian torpedo is not a reference to the successful naval action by the Royal Navy against the forces of fascist Italy in the second world war. This is a particular device taken by parties who issue proceedings in a jurisdiction that they know will not accept control over the particular proceedings. It is, in other words, a massive delaying tactic that can cause real obstruction to the course of justice and to the resolution of important disputes, and that is why he is right to say that Lugano would be very much a beginning when it comes to the development and refinement of that type of important co-operation.

[Robert Buckland]

My hon. Friend the Member for Huntingdon (Mr Djanogly) asked why we do not mention Lugano. Well, there is an obvious argument that I should have addressed, which is that, as we have not yet been able to join it, it would perhaps be premature for us to refer to it directly on the face of the Bill, as opposed to the Hague conventions, which we have joined. Regrettably, there will not be time to bring forward further primary legislation before the end of the year, should our application be approved within the next few months. Therefore, for that sad but practical reason, it would be right not to pass anticipatory legislation but rather to await the outcome of the negotiation and then to allow the use of the delegated power.

The power could also be used to implement other agreements. I have talked about mediation, and in particular the 2019 Singapore convention on mediation and 2019 Hague judgments convention. We have not yet taken a formal decision on either of those, but of course I am happy to talk more about those conventions with hon. Members during the passage of this Bill and, indeed, in the future as we decide on our final approach to these instruments.

John Howell: If I catch your eye, Mr Deputy Speaker, I will speak a little more about the Singapore mediation convention, because I think everyone approves of it. All it does is bring mediation settlements under UK law in the same way that arbitration settlements are included within the New York convention. I hope that my right hon. and learned Friend's offer to speak to people who are involved with this includes me, because I would be very happy to discuss it further.

Robert Buckland: I am grateful to my hon. Friend and he is right to mention the New York convention. Indeed, it develops the point I made to my right hon. Friend the Member for Wokingham about our ambition on the recognition of arbitral decisions and mediation resolutions, too.

The reintroduced delegated power would allow us to strengthen our internal UK and our wider UK family relationships, including those with the Crown dependencies and the overseas territories, by allowing us to apply and to implement the terms of an international agreement between the different jurisdictions of the UK or, indeed, to apply and implement an arrangement or a memorandum of understanding based on the terms of an agreement between a self-governing territory or a dependency and the United Kingdom. Of course, this would be done only with the agreement of the relevant devolved Administration or self-governing territory or dependency, because the Government recognise that private international law, including the implementation of agreements, is indeed fully devolved to Scotland and Northern Ireland, and this will continue to be reflected in any reintroduced delegated power in the Bill.

In summary, this Bill will allow our country to capitalise on regaining full competence to enter into international agreements on private international law in our own right after our withdrawal from the EU. It simplifies the implementation of three important Hague conventions in domestic law, to which the UK will be an independent party from the end of the transition period. The reintroduction of the former delegated power will also

allow us quickly to implement any new agreements we strike with our international partners, thereby remaining at the forefront of promoting global co-operation and, indeed, best practice in this area. Finally, it will also allow our citizens to harness the benefits of these agreements in a timely manner, including to assist in the resolution of cross-border disputes. I commend the Bill to the House.

3.57 pm

Alex Cunningham (Stockton North) (Lab): Labour welcomes the principle of the Bill to maintain and enhance our legal co-operation across jurisdictions and to provide certainty and fairness for those involved in cross-border litigation. In a post-Brexit world, this is essential in attempting to maintain a prosperous economy, protecting our legal system, and providing for families and individual claimants engaged in cross-border disputes. International agreements provide clear and reciprocal mechanisms for dealing with international disputes. In doing so, they are crucial in protecting our country's proud reputation as the world centre for resolving complex disputes, while offering us a competitive advantage in finance, business and trade.

However, this Bill, and the Chancellor talked about this, will also affect human stories. A wide range of family law issues can lead to cross-border disputes, including when one partner takes a child abroad and there is a disagreement about parenting arrangements—I have had such cases in my own surgeries—as well as when making arrangements for divorce in similar circumstances and, of course, issues relating to abduction and adoption. To keep our citizens safe, we must ensure we have robust international agreements so that justice can be done. Clause 1, which gives effect to international treaties in domestic law through primary legislation, is therefore both necessary and welcome. It is hoped that the provisions affecting the rules on jurisdiction and the recognition and enforcement of judgments overseas will play a crucial role in building a strong economy and provide some certainty for families in often desperately difficult circumstances.

Although we welcome the principle of the Bill as it currently stands, it must be noted that this is largely due to the successful efforts in the other place of my noble and learned Friend Lord Falconer and others to remove clause 2 of the Bill—[*Laughter.*] I am glad the Lord Chancellor finds that amusing. I will touch on that in due course, but, first, let us come to the specific points of the Bill on which we agree.

Clause 1 gives effect to key international conventions in our domestic law, which is welcomed on the Opposition Benches. The Lord Chancellor spoke of these issues. The 1996 Hague convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children is critical to improve the protection of children in cross-border disputes. The 2005 Hague convention on choice of court agreements aims to ensure the efficacy of exclusive choice of court agreements between parties to international commercial transactions. We support this incorporation into domestic law, as such clauses are commonly provided for in high-value commercial disputes.

The 2007 Hague convention on the international recovery of child support and other forms of family maintenance provides for the international recovery of

child support and spousal maintenance. It is abundantly clear that this is a positive move, which will help to ensure that parents pay their fair share when providing for their children. We welcome these provisions and hope most certainly that we can offer that certainty in other areas of cross-jurisdictional disputes—I have just managed to tie my tongue in knots.

Labour will not, however, support any attempt by the Government to reintroduce clause 2, which would allow for the future agreements to be implemented via secondary legislation only. As we heard in the other place, this provision would be of profound constitutional significance. Labour is concerned that the reintroduction of clause 2 would represent an extension of the power of the Executive into uncharted territory, amending the convention that international legal agreements that change our domestic law can only be given force by an Act of Parliament.

Robert Buckland: I am listening with great interest to the hon. Gentleman's speech. Would he care to comment on the involvement of the noble Lord Falconer as a Minister in the passage of the Mental Capacity Act 2005, which did precisely what the hon. Gentleman complains of with regard to the incorporation of important international agreements on mental capacity? I would be very interested in his view.

Alex Cunningham: The Lord Chancellor has an advantage over me; he has expertise in this particular area. I accept that we may have dealt with things quite differently in the past, but it is important that we recognise that this is a matter of international law.

I was rather surprised to hear the Lord Chancellor effectively rubbish the concerns of those in the other place, particularly given their comprehensive arguments. The House of Lords Constitution Committee said that this change would represent a

“significant new power that would change the way this type of international agreement is implemented in UK law and how Parliament scrutinises them.”

The House of Lords Constitution Committee and the Delegated Powers and Regulatory Reform Committee both considered whether the secondary legislating power should be granted, and both were very clear that it should not. The Constitution Committee stated:

“If the balance between the executive and Parliament is to be altered in respect of international agreements, it should be in favour of greater parliamentary scrutiny and not more executive power.”

As his lordship, Lord Mance—the chair of the Lord Chancellor's Advisory Committee on Private International Law and perhaps the pre-eminent expert in this area of law—told the other place:

“Opinion is almost universally against Clause 2. The two committees that have reported have categorically condemned it.”—[*Official Report, House of Lords*, 17 June 2020; Vol. 803, c. 2228.]

Lord Pannick, another pre-eminent constitutional lawyer, argued in the debate that there is

“no justification for allowing the law of this country to be changed by statutory instrument in this context without full parliamentary debate. That is because important policy decisions might arise in this context both on whether to implement an international agreement in domestic law and on the manner in which such an agreement is to be implemented.”—[*Official Report, House of Lords*, 17 June 2020; Vol. 803, c. 2224.]

The Delegated Powers and Regulatory Reform Committee also offered a stern warning about the unprecedented nature of the constitutional change, saying:

“For the first time there will exist a general power to implement international agreements on private international law by statutory instrument, thereby obviating the need for an Act of Parliament. This will be so regardless of the nature or importance of the agreement.”

In its briefing, the Bar Council was also highly critical of this new constitutional grab, stating:

“The Bar Council is...somewhat concerned that the power in section 2”—

that is, clause 2—

“to proceed by delegated legislation is very broad. For instance, it enables the appropriate national authority...to make regulations ‘for the purpose of, or in connection with, implementing any international agreement’”.

The power could extend to matters in our criminal law, such as increasing or, indeed, reducing the penalties for criminal offences.

To give effect to international treaties in domestic law is not a rubber-stamping exercise. The effect, implementation and enforcement of such provisions requires robust parliamentary debate; we must protect the parliamentary scrutiny of such important legal provisions at all costs. The Government have attempted to make arguments as to why the new constitutional measure would be necessary, but all have failed to convince. Their first argument was that the new provision would allow the Government to implement each new international agreement without unnecessary delay, yet there is no evidence to suggest that fast-track legislation is required. In the past, the implementation of international agreements has often taken years, and there is nothing to suggest that implementing them by primary legislation would cause any difficulties beyond the Government's having to put legislation through normal parliamentary scrutiny.

The Government raised the 2007 Lugano convention, which deals with the jurisdiction and enforcement of judgments between members of the European Union. The Government's argument appears to be that there may be only a short period during which to legislate to give effect to the Lugano provision at the end of the transition period. Of course, that is not an argument for developing the new executive power more generally. The Government have not considered providing for clause 2 only in relation to Lugano, which might be more amenable—why not? That question has already been posed this afternoon. The Lord Chancellor said that is the main reason that the Government want to have the delegated powers; if that is so, why does he not just put that on the face of the Bill and recognise the issues that have been raised in the other place?

The Government claimed that the Constitutional Reform and Governance Act 2010 allows for sufficient parliamentary scrutiny. Once more, that argument does not carry much weight. As a result of clause 2, the Government would be able to give force to model law without being subject to the scrutiny mechanism under the 2010 Act. That Act does not allow for the amendment of treaties or the consideration of measures to implement treaties. It is a red herring and the argument has unravelled when subjected to expert scrutiny.

This is an issue of constitutional propriety for a Government with a reputation for constitutional vandalism. The Conservative peer Lord Garnier stated:

[Alex Cunningham]

“Unquestionably, the provisions in Clause 2, which gave the Executive the extensive future law-making powers originally in the Bill, have been shown to be constitutionally awkward and unwelcome, by the Constitution Committee, the Delegated Powers Committee and contributors to these debates. When the Bill goes to the other place, I trust that the Government will not use their large majority there to restore the Bill to its original form.”—[*Official Report, House of Lords*, 29 June 2020; Vol. 804, c. 483.]

Unfortunately, we on the Labour Benches fear that that is the very intention of the Government, who on so many occasions have shown themselves to be keen to avoid parliamentary scrutiny.

As Members of Parliament, we have a duty to tread with real care when reforming our constitution, especially when the Executive is empowered and the power of Parliament is undermined. There is no evidence before us as to why the reintroduction of clause 2 would be necessary or right; with that in mind, Labour will support the Bill as it currently stands but wholeheartedly oppose any attempts to reintroduce clause 2 as the Bill progresses through its remaining stages.

4.7 pm

Sir Robert Neill (Bromley and Chislehurst) (Con): I welcome the approach to the Bill that the Lord Chancellor has adopted and I support the Bill. I support it without hesitation, because it is necessary, but also with a measure of sadness, because I wish it were not necessary. It is a consequence of a decision that was taken that some of us continue to regret and is perhaps an example of the price that is paid in respect of an issue that some thought was technical and dry but that in fact affected people’s everyday lives and the prosperity of the business community of this country but was perhaps not given enough attention in the course of the debates that preceded our decision to leave the EU. Perhaps that caused us not to value enough the system of connections and regulation that we were party to.

The reality is that we are doing our level best—the Lord Chancellor and the Under-Secretary of State for Justice, my hon. Friend the hon. Member for Cheltenham (Alex Chalk) are doing precisely that—to put in place the best possible scheme that we can have and that is available to us when, at the end of the year, we leave the most comprehensive set of private international law agreements that exist. We just have to accept that that is the reality, but let us not kid ourselves that we will get any improvement: we will end up with something that is less good than we had and that we are leaving behind—ironically, when the Brussels IIa recast, particularly in its relation to the strengthening of the provisions in relation to jurisdiction-of-choice clauses, is something that Britain has succeeded in having changed and improved specifically to advance and protect the interests of the British-jurisdiction and English-law clauses that greatly advantage the City of London and our broader national financial services sector. I put that on the record as a matter of context and to get it off my chest, but it needs to be said, because it ought to influence the way and the speed with which we now move on this.

I welcome the fact that the Government have picked up, on this and the preceding measures, a number of the Justice Committee’s recommendations on how we might best deal with the situation that we find ourselves in. For example, bringing the Rome regulations on family

and other matters, which did not require reciprocity, into domestic law, and implementing the Hague convention, as set out on the face of the Bill, are desirable. The ambition to join Lugano is, for reasons that we have already debated, very important. The Hague conventions are worthwhile but are not as good as what we had before, so moving to Lugano, which would be an improvement, would be a step forward.

I hope, too, that we swiftly deal with the other two conventions referred to in the helpful letter that the Under-Secretary of State for Justice, my hon. Friend the Member for Cheltenham, sent to all Members of Parliament: the 2019 Singapore convention and the future Hague convention agreements. There has been some debate in the other place, particularly from Lord Mance, about which order they shall come in. On balance, I am persuaded by the evidence that we have heard over the years and the arguments made by the Law Society of England and Wales—I think the Law Society of Scotland finds itself in the same place—that the more important thing is not to have any gap in the recognition and enforcement of judgments and recognition of international public clauses. That is why the Law Society favours pressing ahead with entry to Lugano as soon as we can, rather than waiting for what may develop with the Hague arrangements. The Government are right not to delay in that regard; we must press ahead.

That is, of course, the means by which we should deal with the Italian torpedo. I mention it not because this is like when we were doing trials in long, boring fraud cases, and there was sometimes a bit of a side bet to make an unlikely comment in one’s closing speech to the jury. The truth is, as we all know, that the Italian torpedo—the delaying tactic of seeking to thwart an exclusive jurisdiction clause, very often operating in favour of the UK, by commencing unmeritorious and almost abusive proceedings in another jurisdiction, which would then hold up the process—has caused a problem in commercial matters and real hardship in many family law cases. Getting the family law issues right is particularly important. The Government’s objective of ensuring that, for example, the partner of a finished relationship is able to enforce her maintenance payments from the other partner, who may be in one of the EU or other contracting states, is critical for ordinary individuals—not just businesses. Having in place a means of protecting the English and Scots law jurisdiction clauses, which are very important for financial services contracts, is critical too.

It is perhaps not the time to go into this in detail, but when we get to Committee, may I ask Ministers to reflect on the matter of asymmetrical jurisdiction, which was raised by Lord Mance, who has massive experience in this field? I tend to agree with him on that, whereas I am not persuaded about the sequencing of Lugano and Hague. He referred to it in some detail in his speech in the Lords. I will not repeat what he said, as he is much more experienced than me, the Lord Chancellor and the Under-Secretary of State, who did not have the fortune—literally or otherwise—to practise in that field. Lord Mance’s wise words are important, because this issue relates to derivative swaps and other financial instruments, which, for reasons that he set out well, are of particular importance to the UK financial services sector. As things stand at the moment, the provisions in the Bill do not sufficiently address that.

That is a technical but important matter for our business interests that we ought perhaps to reflect on as the Bill makes progress in Committee.

The other thing I want to say at this stage is that while I know the Lord Chancellor wishes to be ambitious in scope, I am not saying that this is necessarily a Henry VIII power or that all wide-ranging powers to amend by delegation are always wrong. Lord Garnier, who has been referred to as a mutual friend of all those on this side of the House and elsewhere, put it rather well when he said—I paraphrase him—that essentially all parties when in opposition oppose clauses of this type, but all parties when in government make use of them. He said that he had done so himself, and I did so myself when I was a Minister. Those on the Treasury Bench have done so at various times, so it is not a question of haloes in that regard—

Alex Cunningham: But on this occasion, Lord Garnier was actually in support of the Opposition's position.

Sir Robert Neill: He was indeed, and if the hon. Gentleman allows me to develop it, I will suggest a nuanced way around this. It is not to say that we should not have delegated powers, but that we should perhaps look again at the way in which they are cast. I do not think it would necessarily be needed to bring back clause 2, as it was before it was removed by the other House—and I understand Lord Chancellor's point about not bringing in pre-emptive legislation—but there was some merit and a genuine concern to assist in the point made by my hon. Friend the Member for Huntingdon (Mr Djanogly) about putting the power on the face of the Bill with a provision to exercise it at such time as the application was approved. That might remove the sting from it.

I know that the Under-Secretary has examples of instances when delegated legislation is used to create criminal offences. Those of us who have much more experience in that field, as the Lord Chancellor and others have, know it happens. It is not an objection in principle, but it might be possible to redraw the provisions more tightly to make sure that that is not unduly widened. Perhaps there are things that can be done to speed up the process without bringing ourselves into what might be quite a significant conflict given the size of the majority by which clause 2 was rejected in the other place; I think it was 320 to 233, so it was not a marginal matter. I hope, therefore, if we are to ensure the swift passage of the Bill, which is the one thing that we absolutely must have for the sake of avoiding a lacuna on 31 December this year, perhaps some imagination can be given to how that potential difficulty with the other place might be overcome.

I hope that we will be able to proceed with the Bill swiftly. We do not perhaps always give sufficient value and attention to these matters. The status of our civil law and the status of private international law are not talked about enough—

John Redwood: I wonder whether my hon. Friend will address my query to all the expert lawyers in the House about what Britain could now do by way of leadership to improve a big area like family law through these mechanisms. Does he have any ideas for Ministers?

Sir Robert Neill: The first one is one that we have been talking about, which is early joining of Lugano, and being active in the international law field. I think we can do that and, in particular, one area in family law has been a concern, which was expressed by the Family Law Bar Association in evidence to the Select Committee some time ago. It is that the current arrangements in The Hague convention can tend—as the evidence of Philip Marshall, QC, the then chairman, suggested—to militate against mediation in family law cases. Active participation in that could be a very constructive way forward.

I am keen that we get on with this. As I know, and my hon. Friend the Member for Henley (John Howell) will talk about this more, Britain has a world-leading sector in mediation and arbitration, and that is something that we should also develop. In terms of commercial cases, it is of great value to the country, but it is also of real human value when it can be applied in mediation cases. Despite my regret about the necessity for the Bill, it is well put forward by the Lord Chancellor and I take on board his points. I hope that we will be able to resolve any outstanding issues between this House and the other place as to the best way forward to get the practical objectives that we all share across the House on the statute book as soon as possible.

4.19 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure to follow the Chair of the Justice Committee. I found much with which to agree in what he said and I share his regret that the Bill is necessary.

I start, however, by recognising that the Bill is necessary as a result of the United Kingdom's withdrawal from the European Union, and I wish to make it clear that the Scottish National party supports the swift implementation of the 1996, 2005 and 2007 Hague conventions, because that will allow vital family law co-operation measures to continue after the transition period. My party is all for close and co-operative judicial relationships and we hope that, despite some worrying signs to the contrary, the United Kingdom will work with the European Union to ensure such relationships during and beyond the transition period.

However, my party's support for the Bill does not change the fact that the Scottish National party, along with the majority of people living in Scotland, deeply regrets the withdrawal of the United Kingdom from the European Union on 31 January 2020. That happened without the consent of the people of Scotland and against the explicit wishes of our Parliament. In the EU referendum, which seems an awfully long time ago now, Scotland voted by a significant majority to remain in the European Union, and majority support for EU membership remains constant in opinion polls in Scotland. Indeed, at every electoral opportunity since the 2016 referendum, voters in Scotland have given my party and the other pro-EU parties a resounding majority. I know these facts may be unpalatable to some on the Government Benches but they are facts, and ignoring these facts—ignoring the repeatedly expressed democratic wishes of people in Scotland—has consequences. These consequences are plain to be seen in the fact that, even in the absence of a campaign, support for Scottish independence has reached 55% in

[Joanna Cherry]

the opinion polls during the current crisis. Brexit is widely recognised as a significant factor in the rise of that support, which is now at unprecedented levels.

The Government and those on their Back Benches would do well to listen to wise voices, such as that of the right hon. Member for Sutton Coldfield (Mr Mitchell), who last night told “Newsnight” that

“Brexit has made the case for the Union more difficult to push in Scotland”

and that it would be

“very difficult to resist”

a second independence referendum.

Mr Deputy Speaker (Mr Nigel Evans): Order. I understand the point that the hon. and learned Lady is making, but is there any chance that she could now get to the Bill in front of us?

Joanna Cherry: I was about to do so, Mr Deputy Speaker, but I think it is important for the record that we restate the view, and make it crystal clear—as my constituents, and those who elected my fellow SNP Members, would wish us to do—that we are agreeing to the Bill only because we see it as inevitable to protect constituents and businesses in Scotland; but that we do not agree to the fact of Brexit, and that that has consequences, which I am sure are relevant to all discussions in this Parliament going forward—at least from the point of view of Scottish Members of Parliament.

Returning to the specific terms of the Bill, we accept the need to make preparations for the circumstances that will arise as a result of the end of the transition period. As others have said, although international private law is rather dry—as a student, I regarded it with dread—nevertheless it is really important to our constituents, and particularly important in the field of family law, but also really important for commerce and business.

As an aside, I was pleased to see that during the Bill’s passage through the Lords, the UK Government registered their intent to ratify and implement the 2000 Hague convention on the international protection of adults. That has already been done in Scotland, but I am pleased to see that it will now happen in England and Wales, and that there will be an appropriate consultation with the Northern Ireland Executive.

Although the Bill’s introduction has been triggered by the UK leaving the EU, there are aspects of it that go beyond Brexit. I think the Bill—certainly clause 2—was very much about the future strategy for international relations in the area of private international law, about which the Lord Chancellor spoke. I very much hope that for so long as Scotland remains part of the United Kingdom and, indeed, afterwards, when it becomes an independent nation, the strategy of the Government will be based on a commitment to international co-operation on private international law, including multinational agreements, and not just limited to the European Union. As others have said, these agreements are important because they allow and support the legal services sector in the United Kingdom, including in the separate jurisdiction of Scotland, to participate in private international law developments internationally. The commitment to international co-operation on international

private law is in line with my party’s policy. We would like to see more international co-operation, not less, and that is certainly the strategy that an independent Scotland will pursue in the years to come.

I welcome the fact that this Bill was drafted to recognise that Scotland is a separate legal jurisdiction and to make provision accordingly. The Lord Chancellor knows that, in another area, I have had occasion to write to him recently to remind him of the fact that the Scottish system of civil justice is indeed completely independent from that of England. That is not just because of devolution, which, of course, is a fairly modern event. It is important to understand that the civil justice system under the Scotland Act 1998 is the preserve of the Scottish Parliament, but that separateness is also guaranteed by the Treaty of Union—in particular by article 19 of the Treaty of Union.

Although I am afraid, as the Lord Chancellor knows, that in the field of judicial review there may be a threat of an excursion into Scottish territory, I am very pleased to see that, in this Bill, that is not the case. None the less, it is worth reminding ourselves that it has often been said that some parts of the Treaty of Union, such as the preservation of Scotland’s Church and also Scotland’s legal system, are so fundamental that this Parliament does not have the power to legislate in contravention of them. I am aware that that point has never been definitively tested in a court of law, but were there to be an excursion into Scots law in the field of judicial review, that might be the opportunity to test that question, and I think the outcome of any such litigation could have interesting knock-on effects. However, as I say, it is not a bridge that we need to cross in relation to this Bill. I see the Lord Chancellor shaking his head with something approaching belief and I am sure that he will be aware that any interference in Scotland’s independent legal system would be met with some resistance, not just from adherence to the cause of Scottish independence, but from the Scottish legal profession. The two things are not always the same thing, although they are increasingly becoming the same thing.

I do not mean to jest here because I am grateful to the Government for having drafted this Bill in a way that recognises that, under section 126(4)(a) of the Scotland Act, private international law is part of Scots private law and that includes matters such as choice of law that this Bill covers, choice of jurisdiction, recognition of judgments and enforcement of decisions. There is also the convention under section 28(8) of the Scotland Act—the Sewel convention—that this Parliament would normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament without the consent of the Scottish Parliament. I know that that has been breached on a number of occasions recently, but thankfully not in a relation to this Bill. Under the original clause 2 of this Bill, Scottish Ministers were given certain powers in relation to delegated legislation because, whereas negotiating and joining international agreements on private international law is reserved, implementing them in domestic law is devolved. As the Lord Chancellor will be aware, the Scottish Government have considered carefully the provisions of the Bill as originally laid insofar as they legislated for Scotland and legislative consent was sought from the Scottish Parliament and granted on 17 June. That was very much because the view was taken that, because the provisions of the Bill cover Scotland as a separate

jurisdiction, Scotland would be placed in a prejudicial position if allowance was not made, and that would adversely impact on Scottish citizens and businesses. I think it is fair to say that my colleagues in the Scottish Government wanted to provide reassurance to those affected by cross-border family support and custody mechanisms, as other Members have adverted to.

Finally, I come to the removal of clause 2 in the other place. I appreciate that if clause 2 is not reinserted into the Bill, it will mean that for each private international law agreement the UK enters into in future, primary legislation will be required to implement it domestically. A lack of clause 2 would not mean that the UK did not have the ability to enter into these agreements, but it would mean that they would have to be brought before this House and implemented into law by way of primary legislation. I note that the Lord Chancellor intends to reinstate clause 2, but I say to him, having read the debate in the Lords, that legitimate concerns about parliamentary scrutiny, or the lack thereof, in relation to delegated legislation were raised.

Let me pick up on what other hon. Members have said. If it is the case, as it appears to me, that the Government's clear policy is to rejoin the Lugano convention—obviously, we would need to do that quickly—I suggest to the Lord Chancellor, and I am indebted to the Law Society of Scotland for this suggestion, that one way around this would be to reintroduce clause 2 on the basis that it focuses only on the implementation of the Lugano convention. I believe that was suggested by the hon. Member for Huntingdon (Mr Djanogly). If the Government are insistent on bringing it back on a general basis, might I suggest attaching a sunset clause to it, perhaps for a year or so?

More broadly, the Government need to establish a clear and comprehensive approach to ratifying treaties, one that includes an appropriate role for this Parliament in providing scrutiny, because when the transition period ends, the UK will negotiate and sign treaties on a much larger scale than when we were members of the EU. Although the negotiating and signing of treaties is a function of government, exercised through prerogative powers, the increasing complexity of modern treaty obligations and the way they affect individual rights creates a need to ensure that they are adequately scrutinised here. As others have mentioned, it is particularly important that that happens when criminal offences are being created, or indeed amended or extended, because that has particular implications for individual rights. Let me finish by saying that if the Government do not find a way to enhance parliamentary scrutiny of these matters, the promise that leaving the EU meant taking back control will be made a mockery of.

4.32 pm

Mr Jonathan Djanogly (Huntingdon) (Con): The Bill, as presented from the other place, is not in the least objectionable. As has been pointed out, the European Union (Withdrawal) Act 2018 automatically inserts directly effective treaty rights into domestic law after the end of the transition period. However, clause 1 takes a number of treaties that we all consider to be valuable and directly puts them into our own laws as though they were non-EU-signatory treaties. I agree that not only is that more transparent, but it makes a clear statement on our new post-Brexit position to the international

community. So far, so good. The problem comes when we then get to discuss what Government powers should be in relation to the private international law issues that we do not currently know anything about.

Looking at this Bill, the dilemma I have, when including the Government's stated intention to reinsert clause 2, is that we have an Administration keen to take back control when it comes to the EU, but there seems to be less of an issue with passing laws that facilitate the Executive handing out control and sovereignty to non-EU foreign powers with minimal parliamentary scrutiny. Building on one point made by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), let me say that one confusing thing I find when looking through the Bill is working out which aspects of private international law we benefit from now through our former membership of the EU that we would wish ideally to retain. That is relevant because we still do much of our business with EU countries. We still have the most UK-owned foreign homes in France and Spain, and I would hazard a guess that UK citizens marry and have children with more European Union citizens than other foreigners.

The treaties set out in clause 1 are very limited—the protection of children, the exclusive choice of court agreements and family maintenance. They do not deal with insolvency, business law and many other key issues dealt with under European law. Could the Minister point me to some document that shows what is covered with the EU now and will be rolled over into our law, or to what extent those items feature in current EU deal negotiations? That would be helpful.

As the Lord Chancellor said, the issue with this Bill is not what is in it now, but rather what has been taken out by the other place—namely, the former clause 2 delegated powers provision. I note that no attempt was made in the other place to upset the royal prerogative and demand that PIL treaties are approved by Parliament before signature, although the weakness of the CRAG pre-ratification review process was well covered as being limited and flawed.

On looking at the debates on this Bill in the Lords, the key difference between the Government and almost everyone else who spoke was the Government's contention that these proposed Henry VIII powers—that is what I think they are—were not a constitutional breach, as they had already been used for other laws. We heard the Lord Chancellor repeat that today. Lord Keen referred to the Mental Capacity Act 2005, which came up in an earlier intervention, but it was pointed out that that Act was the primary legislation that gave effect to an international convention, and as such, it was not the best example that the Minister might give.

It seems to me that we need to consider the Government's suggestion that PIL is a narrow enough genre to merit its own delegated powers. That is a hard case to make, and it has not yet been made by the Government. To answer the point validly made by my right hon. Friend the Member for Wokingham (John Redwood), the processes, for instance, to enforce private contracts, international financial bonds or insolvency procedures are difficult to lump into the same basket as, say, child protection or mental health, which is what the proposal in clause 2 does.

The Government have repeatedly said that clause 2 is necessary to move ahead with the Lugano treaty, yet their wording referred to “any international agreement”,

[Mr Jonathan Djanogly]

which could stretch to much more than the Lugano treaty. Furthermore, the proposed powers last without a sunset clause, so they could presumably be used in the future for not only the implementation of now unknown treaties but any changes to those unknown treaties, no matter how significant.

Other issues arise. I am concerned, for instance, about the extension of Executive power to use statutory instruments to change domestic law to give effect to model laws. I am concerned at such powers being used to make new criminal offences by order. A more general observation would be on the timing of the process. In recent weeks, Ministers have been arguing for Bills to be heard in an afternoon because of the covid emergency. International treaties, however, work on the slowest and most planned of timescales, so to say that these issues are time-constrained is not realistic. Likewise, to accuse these PIL subject areas of being only technical is unrelated to how very important they tend to be to the lives of people who actually need them. Furthermore, given how the world becomes an ever smaller place, I foresee these cross-border jurisdictional issues becoming more, not less, relevant and important, particularly with our being out of the European Union.

For all those reasons, my instinct suggests that the Government should accept the position presented to them by the Lords and simply move on. At the least, we could tie the powers to named foreseeable treaties in the Bill such as Lugano. However, if the Government are dead set on their current course, I suggest that they need to improve their offer to Parliament, and four areas comes to mind. First, they should limit the order-making powers to a period of, say, two years after each relevant treaty has been signed. Secondly, a Joint Committee should be formed to review the orders. Thirdly, a Government report should be issued to Parliament setting out the proposal, and fourthly, the report should be issued a minimum period of, say, 21 sitting days before the relevant SI Committee sits.

As things stand, the Government's proposed reinsertion of clause 2 must represent one of the largest potential power grabs ever seen by the Executive in this Parliament. The Government should think again.

4.39 pm

John Howell (Henley) (Con): I first declare an interest as an associate of the Chartered Institute of Arbitrators.

I welcome this Bill and the proposals to change it during its next stages. As I said during an intervention, I want to mention one thing in particular—the Singapore mediation convention. This is a treaty that we have been waiting to sign since it was first talked about in 2018. It is absolutely unconscionable that it has not been signed, ratified and brought into UK law in a much shorter period. This goes to the heart of the question asked by my right hon. Friend the Member for Wokingham (John Redwood)—what do we need to do to keep ourselves ahead of the game in this? I went to Singapore and talked to the mediation community there. We are being left out. The centre of mediation is here in London. It is being left out because there is no means of making sure that the mediated conclusion to a dispute can be brought into law in another country. In fact, the process that one has to go through is a fairly arbitrary one

where, after the mediation, one has to get new proponents as arbitrators, which increases the cost enormously, to have a formal arbitration that can be caught under the New York convention. That is an utterly absurd way to go about this.

We all know that mediation has become an important part of modern business, especially as the courts are busy. When I was doing my Industry and Parliament Trust fellowship in law and sitting with judges, I was very pleased that many of them advised the people who were pleading before them that they should go away and consider mediation beforehand. Getting a mediation settlement agreed and applicable across countries seems to be a very narrow and technical thing to do. It does not affect anyone in an adverse way, and it has been welcomed by almost everybody I have spoken to.

I hope that the Minister will be able to confirm that this Bill will allow us to steam ahead in getting the Singapore mediation convention ratified and brought into UK law so that, for the future, we can maintain our position in the UK as the centre of mediation in the world.

4.42 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to make some brief comments in this debate. The Lord Chancellor is no longer here, but I thank him for setting the scene so well for us all to follow. As we are all aware, the Library has made things clear in the notes on the Bill. I want to start with the words of the Bar Council:

“Private international law is at once both a highly technical field and one that is extremely important in regulating the lives of individuals and businesses when they cross borders. Never has there been a greater need to consult specialists in this field and to ensure rigorous scrutiny to produce a cogent and coherent strategy in this field. Time is short to ensure that United Kingdom private international law is left in a clear and satisfactory state upon exit day.”

That sets the scene for where we are and the importance of what we are trying to achieve.

The Bill as introduced into the House of Commons contains only one substantive clause that would give domestic effect to three international agreements covering aspects of private international law—the Hague conventions of 1996, 2005 and 2007. These provide a framework for determining jurisdiction and enforcement in international disputes covering child custody and maintenance, and civil and commercial matters. The United Kingdom currently participates in these arrangements as a result of our former membership of the EU, as well as the EU-wide measures covering co-operation on cross-border legal issues.

My interest in these matters comes purely from my constituency work load. Over the years, as a Member of Parliament since 2010 and as a Member of the Northern Ireland Assembly prior to that, constituents have come to me with such issues, and most of those were to do with the custody of children or divorce, but sometimes there were insolvency or commercial matters. However, the real issue was family law, so I am encouraged by what the Lord Chancellor said in relation to that, because there is a necessity to provide certainty and protection to children and families in what is often the very fractious and difficult environment of family disputes. Some cases and disputes that I have been involved in over the years as an elected representative—not as a

legal matter; I am not legally qualified and I am always conscious of saying that—can be made additionally complicated by the cross-border element.

I have also been involved in issues when there have been accidents in other jurisdictions, where there were claims to be made and where accountability was part of that process, and that again comes under international law. On one or two occasions, someone has bought a product in another country and wants the right of recourse because it was defective. The hon. Member for Huntingdon (Mr Djanogly) referred to one of the greater issues in the last few years—the purchase of houses and villas. I suppose my introduction to this was on behalf of constituents who then had difficulties with the purchase of those properties, and with land disputes. These are key issues for some of my constituents. There were not just problems with the law—sometimes the problems were with the interpretation of the law and, ultimately, with the language difficulties that arose.

We have found, in most cases, that the successful Brexit vote has determined that we must have arrangements in place that will include the continuation of our ability to govern cross-border legal disputes. I believe that that is essential—as the Lord Chancellor said earlier—for Northern Ireland and our border with the EU member, the Republic of Ireland. We want, need and desire a good working relationship with the Republic of Ireland and, if possible, with the EU. Many international companies operate in Northern Ireland, such as Bombardier in my constituency, to which my hon. Friend the Member for Belfast East (Gavin Robinson) referred in a question to the Prime Minister today, as well as insurance firms. These are among many others in Northern Ireland who need confidence and the assurance that, in the post-transition period, they will continue to be offered the same protections that EU firms enjoy. It is very important for firms in my constituency to have that same protection and to know that that will happen because of the Bill we have before us.

In a briefing for the peers, the Bar Council welcomed clause 1 of the Bill, suggesting that although it might not be necessary, it would be helpful in making things clearer in primary legislation. I am pleased to see that this has been retained. The Lord Chancellor also stated that for the Scottish Parliament, which the hon. and learned Member for Edinburgh South West (Joanna Cherry) spoke about, and the Northern Ireland Assembly, matters will be devolved. Will the Minister say in his conclusion—it would be good to have this on record—whether there will be occasions when Westminster, or the House of Commons, will and can overrule what may happen at the Northern Ireland Assembly or the Scottish Parliament? I just want to have that on record, if possible.

The Bar Council also referred to the fact that it might be necessary to consult specialists in the field. The specialists that we have in the Northern Ireland Assembly and Northern Ireland will guide us and give advice, so it is always good to know whether there are occasions when we may find ourselves, not in conflict with the House of Commons in any way but with a difference of opinion legally.

In conclusion, I would also like the Minister, in summing up, to underline that the consultation process with those who work daily with the remit of this legal principle has cast the net wide—I am sure it probably has, but I ask him please to confirm it. Will he also

confirm that he understands the necessary protections needed to ensure that on the day that our chains to Europe are finally broken—boy, do I look forward to that day—we have the continuity of domestic protection with effect to the three international agreements governing aspects of private international law, The Hague conventions of 1996, 2005 and 2007?

4.50 pm

Shaun Bailey (West Bromwich West) (Con): I promise that I will try to keep my comments as brief as possible. It is a bit of an intimidating experience to follow such distinguished lawyers, particularly as I was only sitting my legal practice course finals some two years ago, so to be here debating with the Lord Chancellor on private international law is an interesting one.

A really important point was raised at the start of the debate, which was about making the Bill applicable to real life. To reiterate that point, which was articulated particularly well, I must say, by the hon. and learned Member for Edinburgh South West (Joanna Cherry), this affects real people's lives. This is about how businesses operate and how some of the most vulnerable children and young people in our society are protected. I think about the exporters in my region of the west midlands who account for a quarter of a million jobs. The export value of the goods sent out from the black country was something like £3.81 billion in 2018-19. The Bill is really important, because it relates to people's livelihoods. It is absolutely vital that we get it right.

On the protections for young people who need financial support from absent parents, I have 3,000 lone parents in my constituency who rely on support for their children. Looking at my caseload, I would say that many of them do not get that support. We spend time having to fight very complex battles to receive very complex levels of support, so we must relate this to the situation on the ground. I think of businesses in my constituency, such as KTC Edibles in Wednesbury, which rely on these provisions to do their day-to-day business. It is as simple as that: they rely on private international law to ensure they can trade and can keep their employees in a job.

Turning more widely to the provisions in the Bill, I want to touch on the clause 2 that was removed by the other place. We have heard articulate arguments about that today. In my preparation for this debate, I read the comments in the other place. To an extent, I have sympathy with what was said on the possibility of utilising the delegated powers as some sort of Executive power grab. What I would say—I think this was articulated by my right hon. and learned Friend the Lord Chancellor—is that the preceding system was one of direct effect, so in a way it took those powers away from this place in the first place. Having said that, however, equally we cannot just remove the role of this place entirely. We cannot allow that to happen. I am somewhat reassured that, through the affirmative procedure, there is a degree of scrutiny. I appreciate that for some Members it is not the desired level of scrutiny, but I have been very impressed by my hon. Friend the Minister's openness in taking forward suggestions on how it could perhaps be improved on.

Mr David Davis (Haltemprice and Howden) (Con): Apart from diluting the number of lawyers here for my hon. Friend's comfort—

Sir Robert Neill We all need clients!

Mr Davis: I am the client of the House today.

The hon. and learned Member for Edinburgh South West (Joanna Cherry) made the very important point that these prospective pieces of legislation, only under secondary legislation, could actually create criminal offences and therefore impinge directly on the rights of our citizens. They could, when I think about it, even put the rights of those citizens under foreign laws, as has happened with the European arrest warrant and other such measures. Does my hon. Friend think that that specific test of whether it creates a criminal offence that might impinge on our citizens might require rather more than simply secondary affirmative legislation?

Shaun Bailey: I thank my right hon. Friend for his intervention. He raises a really important point very eloquently, which I would need to explore. I do not want to give him a definitive answer right now, because I would need to explore it further. If I were to do that I would want to formulate my opinion based on the fullest research, but he makes a really important point that is certainly one to take forward and one that I have listened to with great interest in this debate, which has sort of formed my opinion.

Moving forward with this, and conscious of the fact that I want to keep my remarks as brief as possible, I would say that my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) made an important point, which was supported by my right hon. Friend the Member for Wokingham (John Redwood): we have got to ensure that, as we move forward now, this country is at the forefront of improving private international law. We cannot just pass this legislation and think, “Right, okay, there we go. We are an observer, or we are just partaking.” We have to be a leader on this, because when that campaign was happening four years ago and people made that decision, whatever people’s views on that, one premise of the campaign was that we would once again be a leader in the world. To do that, we have to ensure that we take a proactive and positive approach.

I am heartened to see that there has been respect for the devolved Administrations, particularly for Scots law. We need to respect the unique legal structures and legal framework in Scotland. I am pleased to see that in the Bill.

To round up my comments, I would say that this is a Bill that, on the face of it, has broad support from all sides. There are some interesting debates still to be had as it proceeds on its passage and I am heartened by the way those on the Treasury Bench have been open to discussions and to listening. We might think this measure is technical and convoluted—the joy of legal debates among lawyers in the Tea Room—but it is people’s lives. This is every day. This is about keeping people in jobs. This is about ensuring that the most vulnerable in our society remain protected. I commend the Bill to the House.

4.56 pm

Alex Cunningham: With the leave of the House, I will sum up on behalf of the Opposition.

When I was preparing my closing remarks, I thought I was following the hon. Member for Darlington (Peter Gibson) and I was going to remind him that he has the privilege to represent what was my home town for a

large part of my life. He also has the privilege of following in the footsteps of great MPs such as Ted Fletcher, who was himself an internationalist and would have been interested in today’s proceedings. He was a person who believed very much in action rather than words, and he put his life in the line of fire when he fought in the trenches in Spain against the fascists in the civil war. I am pleased to have this opportunity to pay tribute to Ted, the first MP I was honoured to knock doors for. He inspired me and I would never have been here if it had not been for him.

As I said in my opening speech, Labour recognises the importance of private international law, particularly in a post-Brexit setting. Without the framework that private international law provides, UK businesses, families and individuals would face greater difficulty in seeking to resolve conflicts arising from cross-border disputes. As we get closer to the new year and the great and growing uncertainty posed by Brexit, the need for a clear and fair framework to settle cross-border disputes becomes ever more urgent. Without this framework, businesses and individuals would face great uncertainty. That is why Labour fully supports clause 1, which gives effect in domestic law to three important international agreements to improve the protection of children involved in cross-border disputes, regulate court arrangements relating to high-value international transactions, and allow for the recovery of child support and spousal maintenance.

Not only will each of those three agreements make a significant and positive change to domestic law; they will be incorporated in domestic law in the proper way, by primary legislation debated before the House. That is why we support them. This is the exact opposite of what the original clause 2 sought to do, and it is regrettable that the Government seek to bring it back in Committee. The Lord Chancellor would be wise to take the counsel of the hon. Member for Huntingdon (Mr Djanogly) and the Chair of the Select Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill). They have outlined specific issues, and if the Government were to concentrate on those areas, they might find themselves with a little more support for their proposals. Also, the Government should do that because it would recognise the concerns of those in the other place. I hope that when the Minister winds up in a few minutes he addresses that good advice given by Members on his own side, because we know that clause 2 represents a very concerning extension of Executive power in any other circumstances, allowing the Government to bypass parliamentary scrutiny and implement private international law agreements by the back door by utilising statutory instruments. That would represent a dangerous break with past parliamentary practice, which so far requires all public international law treaties to be implemented by Act of Parliament. Instead, it would represent a permanent shift of power from Parliament to the Executive, with little reasoning provided for why such a shift is needed. Sadly, it appears that this shift is very much the approach of this Government and it must be challenged. That is why the Bill was amended in the other place. As we have heard, distinguished lawyers and constitutional experts across the political divide voted against the inclusion of this clause because it so offends the constitutional principle of parliamentary sovereignty that requires proper scrutiny of international agreements before they have effect in domestic law.

When the Government were asked to explain the need for the powers contained in clause 2 they provided three basic arguments. I spoke of them in my opening speech, so suffice it to say now that not one of those arguments held under expert scrutiny in the other place.

It is not only those of us on the Labour Benches who have been far from convinced by the case put forward by the Government for the need for clause 2. As we have heard, when the Constitution Committee considered whether this legislative power should be granted, it made it clear it should not. The Committee went on to say:

“It is inappropriate for a whole category of international agreements to be made purely by delegated legislation”.

It went on to say that that is not only because it reduces parliamentary scrutiny but because

“Such an approach risks undermining legal certainty.”

Why would the Government seek to reintroduce clause 2 at a later stage in the Bill’s passage if each of the arguments for its inclusion have been shown to be false? The Government currently have a perfectly reasonable and necessary Bill, which I imagine would receive wide cross-party support; we have seen examples of that this afternoon.

In conclusion, as we leave what is arguably the world’s most comprehensive network of private international law agreements in the new year, it is vital that we have a framework in place that fills that void. Labour recognises that, and it is our collective responsibility to defend parliamentary scrutiny, irrespective of procedural ease or expediency. For that reason, we will support this Bill in its current form but will reject any attempts to reintroduce clause 2 or any other clause that allows for the implementation of international agreements in domestic law by secondary legislation.

5.2 pm

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): I want to begin by expressing my gratitude to all Members who have contributed to the debate, with speeches of conspicuous clarity of thought. It is clear that across the House there is proper concern about the balance that exists between the powers of the Executive and the powers of the legislature. I will return to that, because it is absolutely right that those important points are engaged with fully. But first let me make some brief introductory remarks, setting the stage for why this matters and why, indeed, the Government are taking the approach we are.

As others have indicated, the Bill might at first glance appear somewhat dry and academic, but, as my hon. Friend the Member for West Bromwich West (Shaun Bailey) noted, it is of great practical importance for the lives and livelihoods of individuals and businesses in all our constituencies. It is also important—this point should not be lost—for the international rules-based order, which we can and must consolidate and strengthen in the months and years ahead. My hon. Friend the Member for Henley (John Howell) made the excellent point about the urgency of a mediation agreement, but in summary this Bill provides a legal framework for resolving cross-border disputes, and that framework provides legal certainty about jurisdiction, recognition and enforcement for both businesses and individuals whose legal affairs cross borders.

As has been noted, it benefits individuals where, for example, the relationship with the former partner has broken down but both parties need to resolve the child contact arrangements where one parent lives overseas. Such cases have arisen in my constituency surgery in Cheltenham. They are very painful cases, and are more painful still without these rules in place. It benefits businesses, too, for example where suppliers are abroad and the parties want to know that the agreement to litigate any dispute in a particular country will be honoured and upheld internationally, and it matters that when our jurisdiction is chosen by the parties in a commercial agreement other courts and states will recognise and enforce that jurisdiction. That is really what matters.

How does this Bill achieve that? In essence, in two ways: first, it carries over international treaties that we were parties to by dint of our membership of the EU; and secondly—this is the point that has attracted the most attention in this debate—it creates a mechanism for us to participate in future agreements and, in doing so, to strengthen the international rules-based order for the benefit of all our citizens. I just want to underscore that point. There is a countervailing public interest in our being able to do that in a timely and efficient way, because the longer that we delay in implementing these arrangements, the longer the delay in strengthening the international rules-based order.

It is important to be clear what the Bill is not about. The Lord Chancellor did that before me, but it is right that I underscore it. It is not about trade agreements. Private international law agreements remain distinct from free trade agreements both in content and scope. As hon. Members well understand, FTAs are agreed between countries, and they remove or reduce tariffs and other restrictions on most goods traded between them to allow easier market access. FTAs rarely, if ever, contain specific private international law provisions.

Promoting international recognition of jurisdiction and enforcement is important because the UK is the chosen court centre for so much of the world’s litigation: 40% of all global corporate arbitrations used English law in 2018, 75% of cases in the UK commercial court in the same year were international in nature and English law is the leading choice of law for commercial contracts. That is underpinned by the excellence and integrity of our judiciary and the calibre of our legal practitioners. It is right to pay tribute to them, and I am pleased to have the opportunity to do so.

As a result, our successful legal sector contributed £26.8 billion to the economy in 2017 and employs over 300,000 people. To sustain that, we in the United Kingdom must be ready to contribute more than ever to the international rules-based order. For the UK to remain a progressive force in the field of private international law, we must be able both to negotiate and then to implement into British domestic law modern agreements with our international partners once the UK has decided to become bound by them.

The hon. Member for Strangford (Jim Shannon) made the point—he will forgive me for paraphrasing—“Look, will the British Government impose things on Northern Ireland?” The answer to that is no. Just as we recognise, of course, the distinct and distinguished legal arrangements that exist in Scotland, so it is in Northern Ireland, and no doubt that is what lay behind the legislative consent motions. While it would be the British

[Alex Chalk]

Government who negotiate the agreement, the decision on whether to bring it into force is a devolved matter for the Ministers in Scotland and, indeed, in Northern Ireland, respectively.

Let me turn to what the Government are proposing to do in respect of clause 2 as was, before the other place removed it. The reintroduction of the delegated power to implement private international law agreements into domestic law via secondary legislation is necessary, proportionate and constitutionally appropriate. My hon. Friend the Member for Huntingdon (Mr Djanogly), in a characteristically eloquent speech, referred to this at one stage as, I think, the largest potential power grab for some time. I think that was his point, but I respectfully suggest that that needs to be placed in some wider context.

Let me first underscore the point that was touched on by my hon. Friend the Member for West Bromwich West, but also by the Lord Chancellor. Lest we forget, the arrangements that prevailed when we were in the European Union operated a bit as follows: the European Union, on behalf of all the member states, would go out to negotiate these agreements, and having reached an agreement with another country, it would fall to the UK Government in effect to implement it. How would that take place? It would take place either under the doctrine of direct effect, which lawyers in this Chamber will remember stems from the case of *Van Gend en Loos*, which essentially means—[*Interruption.*] The right hon. Member for Walsall South (Valerie Vaz) perhaps remembers; I am not sure.

The case of *Van Gend en Loos* means that, so long as such an agreement satisfies certain appropriate criteria, it would take effect in this country with no parliamentary intervention at all. In other words, hon. and right hon. Members would be entirely ousted from the process of its taking effect in the United Kingdom. However, even if it did take effect by way of direct effect, the effect of section 2(2) of the European Communities Act 1972 means that it would be Ministers using the negative resolution procedure who brought it into effect in this country.

Joanna Cherry: Of course that is accurate, but as I said earlier, the whole point of Brexit was to take back control. If that is really what Brexit was about, why are the Government reintroducing clause 2 without any of the compromises that I and others have suggested? The whole project of leaving the EU was about taking back control—so we are told—yet the Government are taking that control, rather than giving it to the House or indeed the people.

Alex Chalk: When we talk about taking back control, it is important to note that in future it will not be the EU but the British Government negotiating private international law agreements. I am simply pointing out that when the EU negotiated the arrangements and Parliament had no role at all, it did not seem to attract any concern in this place, yet when it is the British Government negotiating them on behalf of the UK, it seems to create difficulties.

Mr Djanogly *rose*—

Alex Chalk: I will come to the hon. and learned Member's second point in a moment, but first I will let my hon. Friend come in on this point.

Mr Djanogly: The difference is that in the EU the Parliament has a vote and a potential veto on international trade agreements. My hon. Friend is arguing in effect that we move back to the position before we were in the EU. I think the point the hon. and learned Lady is making, which I would back up is, that we do not want to go back to what we had before we were in the EU; we want to move forward and have a system that is relevant to today's democracy.

Alex Chalk: I take that point completely. I will answer it by touching first on what the situation was before we entered the EU and then on how it ought to evolve in a way that I hope meets my hon. Friend's concerns. He is right—others have touched on this—that arrangements were in place prior to our entering the EU, albeit on a bilateral basis, for us to enter into these sorts of agreements. Two have been touched on because they have been used quite recently: the Foreign Judgments (Reciprocal Enforcement) Act 1933 and the Maintenance Orders (Reciprocal Enforcement) Act 1972.

It is worth taking a moment to consider them. How is the first Act used in practice? In 2003, it was used for us to enter into a PIL agreement with Israel that had a significant impact: namely British courts would have to give effect to what magistrates courts in Israel said. Yet how was that brought into force in the UK? Was it brought into force through an Act of Parliament? No. Was it brought into force through the affirmative resolution procedure? No. It was brought into force through an Order in Council. It states:

“Her Majesty, in exercise of powers conferred on Her by section 1(4) of the Foreign Judgments (Reciprocal Enforcement) Act 1933, is pleased, by and with the advice of Her Privy Council, to order”—

and then she gave effect to this private international law Bill. My point is simply that this procedure, which was used in 2003, is far inferior to what we are introducing in clause 2. We are doing away with any idea of an Order in Council, which we accept would be too old fashioned. The appropriate way to apply scrutiny in this House is through the CRAG procedure and the affirmative resolution procedure.

The second Act was used in respect of a US agreement in 2007 as a result of which an Order in Council had the effect that an order on maintenance would have to be given effect in the UK. How was that PIL agreement given effect in the UK? It was not through an Act of Parliament but again through an Order in Council, and again we are going beyond that in this Bill.

In dealing with this matter, I want to make one final and very important point. Not content with simply using Orders in Council to introduce PIL agreements in the past, in fact the House has legislated in recent memory to include more scope to introduce PIL agreements by way of delegated legislation. First, the House passed the Insolvency Act 2000, which created a power to introduce regulations in 2006. Secondly—this is the final point that I will make on this issue, but it does seem relevant—the House passed the Mental Capacity Act 2005. That Act created powers to make further provision as to private international law. Paragraph 32(1) of schedule 3 states:

“Regulations may make provision—(a) giving further effect to the Convention”—

that is the convention on the international protection on adults—

“or (b) otherwise about the private international law of England and Wales in relation to the protection of adults.”

In other words, it was being created in 2005.

Mr Djanogly: I appreciate that, but it did not provide a statutory instrument for looking at international financial bonds, insolvency law or other jurisdictional issues; it was focused on that specific area. The point that has been made by many hon. Members this afternoon is that this is too broad.

Alex Chalk: I accept my hon. Friend’s point, but the way it has been framed thus far is, “Look, this is constitutionally unprecedented.” It is not constitutionally unprecedented, and that ought to be borne in mind.

The distinguished Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), made the proper point about criminal laws, and I recognise that that is something that we should look at carefully. It would be going too far to suggest that delegated legislation is not used to introduce criminal laws. An extremely distinguished paper was produced by academics at the University of Glasgow which went so far as to say that the overwhelming majority of criminal offences are created by delegated legislation, particularly where they are highly specific, technical, environmental offences and so on, so it is not without precedent at all, but I recognise that the point requires consideration.

In short, the Bill will future-proof our legislative requirements in this area for the years to come, while at the same time ensuring that UK businesses, individuals and families can continue to benefit from an efficient and effective framework to help resolve cross-border disputes. It will also ensure that our domestic laws can keep up to date with the latest developments in private international law in international forums, and that the UK can implement any agreements it intends to join

in a timely manner while maintaining appropriate parliamentary oversight. I commend this Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

**PRIVATE INTERNATIONAL LAW
(IMPLEMENTATION OF AGREEMENTS) BILL
[LORDS]**

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

That the following provisions shall apply to the Private International Law (Implementation of Agreements) Bill [Lords]:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee of the whole House, any 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 in Committee of the whole House are commenced.

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

4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

5. Any other proceedings on the Bill may be programmed.—(*Leo Doherty.*)

Question agreed to.

Mr Deputy Speaker (Mr Nigel Evans): We will now suspend the sitting for three minutes; those who are leaving the Chamber should do so carefully.

5.17 pm

Sitting suspended.

Proceedings During the Pandemic (No. 4)

5.20 pm

Mr Deputy Speaker (Mr Nigel Evans): Before I call the Leader of the House to move the motion, Members will be aware that the debate on Second Reading of the Bill could have continued until 7 pm and that the next motion on proceedings during the pandemic has been tabled as a motion that is not debatable after 7 pm—a procedure sometimes referred to as “nod or nothing”. As such, a motion can be debated only if the previous business finishes before its full allotted time. A call list has not been prepared, but given that we now have time before 7 pm and I see present some Members who wish to speak, I shall call several colleagues to make brief contributions on the motion.

Motion made and Question proposed,

That the Orders of 2 June (Proceedings during the pandemic (No. 2)) and of 4 June (Virtual participation in proceedings during the pandemic) shall have effect until 3 November 2020.—*(Mr Rees-Mogg.)*

5.21 pm

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House for tabling the motion and the Procedure Committee for its work on this issue. It is the right thing to do in the circumstances, given the difficulties that we still face with the pandemic, so Her Majesty’s Opposition support the motion.

5.22 pm

Karen Bradley (Staffordshire Moorlands) (Con): In my role as Chair of the Procedure Committee, I welcome the fact that my right hon. Friend the Leader of the House has tabled this motion. There is no doubt that this Parliament is sub-optimal—we have used that term time and again about the way Parliament operates—but in the circumstances we are in and with the Government guidance as it is, this is the best that we make of the situation at this time. I urge right hon. and hon. Friends around the Chamber to agree the motion so that we can continue to make sure that Members who are unable to be here at this time can continue to participate. I urge the Government to look carefully at the guidance for workplaces to see whether it can be changed in ways that will enable us to change the way we hold proceedings in this place.

5.23 pm

Patrick Grady (Glasgow North) (SNP): The SNP also fully supports the continuation of the provisions for virtual participation. I welcome the proposal that the provisions will run at least until 3 November, which gives us time to plan and prepare properly, allows the Government to progress with their business, and allows Members to participate as safely as they can. Even if some shielding restrictions have been reduced, parts of the country continue to go into local lockdown—we are experiencing some restrictions in my Glasgow constituency—and the more that Members are able to participate virtually, for whatever reason, the less pressure there is on the ancillary services here in the Chamber. The reality is that only 50 people can be in the Chamber at any one time, so enabling Members to continue to contribute to the scrutiny processes through the virtual system is welcome. Attempts to derail the Government’s

progress and upset the cross-party consensus on maintaining that would be disappointing, so the Government can be assured of the SNP’s support for the motion.

5.24 pm

Mr David Davis (Haltemprice and Howden) (Con): I am going to disappoint the hon. Member for Glasgow North (Patrick Grady) by breaking the consensus. It is a paradox that one of the great champions of Back-Bench rights, my right hon. Friend the Member for North East Somerset (Mr Rees-Mogg), has been forced, now that he is Leader of the House, to introduce measures that massively undercut Back-Bench rights.

I have been in the House for 33 years; to call this arrangement sub-optimal is to use a very delicate phrase. This is the weakest House of Commons that I have ever seen. It does not do its job. The House of Commons, at its best, is far greater than the sum of its parts. It is an organic entity that reflects our constituents’ interests and pushes the Government to do better, govern better and make the right decisions first time, not after several preliminary attempts. It has been bled dry—I am being as delicate as I can about what others would call U-turns—and it gives Ministers a pathetically easy time. That is actually not a benefit to Ministers. Having to stand at the Dispatch Box to defend their case, and think through before they arrive all the weaknesses that might be in it, is a way for our Government to improve their case. Those who have been special advisers or Ministers in the past know exactly how the process works. It is one of the things that makes our Government, our Parliament and our democracy better than almost any other in the world.

That is particularly true given that, in late March, under the coronavirus emergency legislation, we gave Ministers huge powers, which were exercised almost straightaway to go into lockdown, and almost straightaway ran into problems because the Government had not had to face this House over several hours to talk about what would happen if somebody’s constituent has a disabled child or a mother they could not look after, or about all the other small, detailed things that make legislation work properly, keep it effective, and keep the confidence of the public.

Frankly, I am not bothered by the performance of the House in the next month, because it is September and we are not doing many very, very important things, but the House, the Government and the country face three massive sets of decisions. Decisions on the recovery of the economy will be critical before the end of October. That is when the various funding schemes run out and we face the brick wall in our economic future. We have Brexit still coming, and October will be the key month there—that is when the rubber is going to hit the road. And of course there is covid-19 running into winter; again, October will be the key time.

Unlike the hon. Member for Glasgow North, I do not think 3 November is a good date. We have to think about the decisions that this House and the Government will have to make during October.

Patrick Grady: That is the whole point: if we get into a second wave in the winter, and there are more local lockdowns and more people who are ill or have to stay at home and shield, that is all the more for reason for people to be able to participate virtually.

Mr Davis: I will come back to participating virtually. I do not disagree that people should be able to participate virtually, but we have the worst of all worlds. At the moment, we have a Chamber that does not work. I have watched my colleagues in this Chamber make incredibly powerful speeches that would have moved the whole House under normal circumstances, and yet they have exactly the same effect as an Adjournment debate speech. That is what is missing; that is the problem. We are in the middle of some of the biggest problems this country has faced in peacetime, and we have a House of Commons that is not functioning. Parliament is not working.

I want the Government to look at ways of making it possible to use the Chamber better. There are small things we can do, like using the Galleries, but I think we should be testing every MP every day so that we can be sure that we can operate properly. People say, “But what about our constituents?” Well, that is what they want; I have had any number of communications in the past couple of weeks saying, “Why aren’t you going back to work? Where are you?” It is very important to do that. We do not have to do away with electronic voting, proxy voting and protecting the vulnerable—by the way, I count as a vulnerable Member in these circumstances—but we can make the House work.

My plea to the Leader of the House is this: by all means carry on for the next month, but before we get to November, when we have to make the decisions about covid—not after covid either has or has not blown up—about the next stage of the economy and about Brexit, we must ensure that we do it with a full and properly functioning House.

5.29 pm

Jim Shannon (Strangford) (DUP): We are in exceptionally difficult times—we often say that, but it is the truth. We have to look at the issues and where we are. I understand the issues that the right hon. Member for Haltemprice and Howden (Mr Davis) referred to, because they have been on my mind, and particularly those relating to Brexit, primarily because businesses in my constituency are asking me where we will be. They are three or four businesses in the agrifood sector that probably employ 2,500 people. It is very important that they have some idea of where they will be.

But I understand why we need to extend these measures to 3 November. I have to be honest: I support that, because I understand the reasons for it. It is not ideal. There will be burning issues relating to the economy, and those will become greater as furloughing decreases and pressure comes upon businesses, as the way they respond will have an impact on the high streets and our constituents.

Brexit is a burning issue for me, as a Brexiteer. I need to be able to go back to businesses in my constituency and tell them where we are going in relation to it. I am fearful that as we get closer to 3 November, all of a sudden—I said this earlier today to some colleagues—it will be the new year, and then this becomes a real problem, because at the end of this year we will be making many big decisions that will impact greatly on our people.

There is also the issue of covid-19. I am hoping—I say this with lots of prayer—that we will not have a second wave of covid-19. The fact is that we do not

know, but we now know better how to respond to it, so there will be that ability, with the Government responding to clusters, but we need the support of our constituents to make that happen.

I make a wee plea to the Leader of the House, and it is one I have made before. One of the things that many of us in this House—indeed, probably all of us—enjoy is being able to take debates on specific subjects to Westminster Hall. I asked Mr Speaker about this. The Chair of the Backbench Business Committee, the hon. Member for Gateshead (Ian Mearns), is not here, but I spoke to him before recess. He made me aware, as he has made others aware, of the many outstanding debates that MPs want to bring forward on behalf of their constituents in Westminster Hall, where they have that opportunity. Is it not possible for us to have the opportunity to be involved in Westminster Hall debates between now and 3 November? There is a way of doing that. It is an opportunity that every one of us here enjoys.

Those are the points that I wish to make. I support the reasons why we have to extend these measures to 3 November—we cannot ignore them, because they are so important. But I believe that we must have other methods of answering questions that are relevant to the economy, to Brexit and to covid-19 and being able to participate in a bigger and better way in this House. We all have the privilege of doing so, and every one of us would like to ensure that that continues, but maybe in a better way between now and 3 November.

5.33 pm

Sir Robert Syms (Poole) (Con): I am disappointed that, having come back thinking that we might move on and be able to accommodate more Members within this Chamber, we seem to be where we were in the summer. We are here to lead. We are expecting schools to go back, universities to go back and people to go back to work. With 650 MPs and only 50 allowed in the Chamber, that inevitably restricts the ability of Members to represent their constituents. We live in a difficult time. We also live in a time when Government legislation undermines the civil liberties of many people. We have certain areas of our country in local lockdown, yet those Members of Parliament are restricted in their ability to come to this Chamber because of how we are operating at this moment.

I am disappointed that the motion, had it come at 7 pm, would have been without debate and for an extension until November. We already see the number of cases reducing and the number of deaths and hospital admissions falling, and yet we will continue with the existing arrangement for several more weeks.

Sir Desmond Swayne (New Forest West) (Con): I apologise for contributing from the Opposition Benches, but there is no room anywhere else. Does my hon. Friend believe that the measures we are taking are proportionate, given that in the last two weeks of July five times more people died of seasonal flu, outside the season, than of covid-19? When we had Hong Kong flu, it carried off 80,000 people. Did we behave in this ridiculous way?

Sir Robert Syms: It is interesting that my right hon. Friend is over there, given the ten-minute rule Bill we had today. The key point is that we should be making

[*Sir Robert Syms*]

progress. If the Government wish to continue, as they do, with the current arrangements, they should not go to November. The arrangements should come back to the House on a more regular basis to be debated and tested, because they affect the civil liberties of our constituents. If the House is willing to go along with them, fine, but just to shut debate down until the beginning of November is wrong. I hope that the Leader of the House, who has been a strong defender of the rights of Back Benchers in this House, comes back and tests the opinion of the House more regularly. I have to say that Back Benchers are restless; they do not have the say that they should have.

Karen Bradley: I agree with much of what my hon. Friend says and I think it is very good that we are actually having a debate on this matter. My right hon. Friend the Leader of the House will know that I felt strongly that we needed a debate on this matter, but I hope that he can confirm that, if the Government guidance on social distancing and other matters changes before 3 November, he will give the House an opportunity to consider what changes we could make at that time to the way our sittings proceed, based on that revised Government guidance.

Sir Robert Syms: My right hon. Friend makes a very good point, but I also make the point that this is the Parliament of the nation, and we should be deciding the guidance for what our citizens have to do, rather than it go through by edict or statutory instrument without proper debate. We need to be debating these issues and we are not doing so. At the moment, I do not think this House is in a position to call itself a proper Parliament. If we are to proceed in this way, the House ought to consider the motion on a more regular basis with a debate, and the Government should on those occasions put forward the reasons why we should stay as we are. As many Members have said, there are many big issues out there that we should consider, and I think that Parliament is going down a cul-de-sac by supporting this motion.

5.38 pm

Sir Christopher Chope (Christchurch) (Con): I very much agree with my hon. Friend the Member for Poole (Sir Robert Syms), and also with my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), because this motion is over the top. It was only at the end of July that we agreed to extend the arrangements until the end of September. What has happened since the end of July that has caused us now to feel the need to extend them until the beginning of November?

The motion is consistent with the knee-jerk way in which the Government are dealing with many of our constituents. Take, for example, last Saturday when at 24 hours' notice the Government introduced an extension to the restrictions on evictions of tenants from 20 September until March of next year. That six-month extension was implemented without any impact assessment and without any notice. Now we are talking about having a much longer period of notice before we introduce changes to the way in which we operate in this House.

My right hon. Friend the Member for Haltemprice and Howden made an excellent point in saying that we are on the cusp of being able to have a testing regime of the type that was spoken about by the Secretary of State for Health and Social Care yesterday.

He said that a 90-minute testing regime would soon be in place. If that is in place in the next two or three weeks, which I very much hope it will be, that would negate completely the purpose of the motion before us.

I hope that my right hon. Friend the Leader of the House, who is generally a great facilitator of parliamentary and legislative scrutiny, will agree that although the motion is likely to go through this evening there will, notwithstanding what is in the motion, be a review in which the Procedure Committee will be able to express its own opinion, so that we can take into account the emerging evidence and the ability to provide us all with tests. If we were all tested and those tests were pretty accurate, we would be able to set a much better example to those people who are going back to schools, the people we are encouraging to go back to factories, the people we are encouraging to get back on to public transport.

I will not speak at greater length now because I have a very similar subject on legislative scrutiny for this evening's Adjournment debate and I would not want to eat into my own time.

5.40 pm

The Leader of the House of Commons (Mr Jacob Rees-Mogg): I am extraordinarily keen that the House should get back to normal operation. Hon. and right hon. Members may remember that when we reduced the hybrid Parliament on 2 June, it was perhaps not the most popular motion I have ever brought forward to this House—that there was at that point considerable reluctance to limit hybridity. But I thought it was fundamentally important that we set the lead for the nation. We have in fact been back at work in this place since the beginning of June, and we have been primarily physical from that point; and I think that has led the way.

I would encourage hon. and right hon. Members to look at what the motion actually does, rather than what they fear it does. We have the limitation on Members sitting in the Chamber, being physically present, but that is under a motion that says, under "Participation in Proceedings":

"The Speaker...may limit the number of Members present in the Chamber at any one time".

That does not set the number at 50; the number is not set in stone. These arrangements—the little cards that replace our prayer cards—are not under Standing Orders; they are at the discretion of Mr Speaker, on the advice of Public Health England. The Commission discussed with Public Health England, the last time they visited us, how we could change that; how, with the change to three and a quarter feet, we could have more people in the Chamber, and the Commission said we could do that, on the advice of Public Health England, if we made our speeches sitting down and wore masks. Now, I must say to this House that my personal opinion is that it would be far worse to allow a few more people in here, and to sit down with masks on our faces to try and orate, in a most ludicrous fashion.

My right hon. Friend the Member for Haltemprice and Howden (Mr Davis) is one of the most distinguished orators in this House, and I think he did himself a disservice when he said that his speeches were received now, in this Chamber, as if it were a very quiet Adjournment debate. I think that, with 50 in the Chamber, Members can have an effect on the mood of the House. Yes, it is not the same as that packed and bustling Chamber that we get for the Queen's Speech and Prime Minister's questions, but look around: here we are, on a Wednesday afternoon, and the House is not full. There are spare seats, even with social distancing. Many of the people who watch our proceedings know that actually, with a few exceptions, this is broadly as full as the Chamber usually is. It is not that all the 400-odd seats are taken every day; it is that there are a few occasions when the Chamber is full, and those few occasions, I absolutely accept, are less exciting than they normally would be. But it does not mean there is no holding to account. It does not mean there is no representation of our constituents.

Steve Brine (Winchester) (Con): I am listening to the Leader of the House and of course he is right to talk about this Chamber—this House of Commons—and it is about this House of Commons, but I wonder whether he would address the point raised by the hon. Member for Westminster Hall, otherwise known as the hon. Member for Strangford (Jim Shannon), about Westminster Hall, about the Backbench Business Committee, about the Petitions Committee, about the tapestry of debate in this place. Having been a Minister—a Public Health Minister, who spent most of his life in Westminster Hall answering debates—I know that is what keeps Ministers honest. That is what means that you have to be on top of your brief. Parliament is missing that tapestry, and therefore it is missing scrutiny—and not just on covid. There are many other issues that this place is missing out on because we have hobbled this place, and we are living a lie to the public at the moment. We have never worked harder, but we are not working hard here in SW1.

Mr Rees-Mogg: I gave the good news to the House at the last session before the recess that Westminster Hall will be coming back in October, and I believe that private Members' Bills will be coming forward next week, so we are getting back to the normal pattern. I do not wish to pre-empt my statement tomorrow by indicating thoughts about Backbench Business days, but Members should listen carefully, as there may be good news on that.

We are back at work in this place. Many of us, I among them, have brought our staff back into the office from 1 September. Mr Speaker has rightly asked that we limit that to two members of staff, and I encourage Members to follow that, but we are back at work in SW1 and the opportunities for holding to account are there. Let me point out that when we brought forward the earlier proposals that we are now renewing, or in the emergency debate afterwards, I took more than two dozen interventions, if my memory serves me right, from Members concerned about what was happening. If that is not scrutinising Ministers at the Dispatch Box, I do not know what is.

Dr Julian Lewis (New Forest East) (Ind): I am a little surprised that the Leader of the House tried to draw a comparison between the presence of Members in the

Chamber when we are having a debate in the later part of the day and the spontaneity of oral Question Time, which has been lost completely. I accept that he has done his best, as have the Speaker and the Deputy Speakers, to get as many people as possible into oral questions, remotely, as well as in person, but spontaneity has gone nevertheless and if a Member is unlucky in a ballot, their voice is silenced.

Mr Rees-Mogg: I am very keen that more Members should be present, and I would say that these motions are permissive—they are not compulsory; people do not have to appear remotely. However, it seems sensible to keep the opportunity for remote participation, because some Members may prefer to appear remotely if the area they represent is in a local lockdown. They would not be obliged to, because there is an absolute right to attend Parliament, but they may prefer that in those circumstances, and that ought to be facilitated. It ought to continue until we are confident that there will not be further local lockdowns. That is a reasonable position to have. It may be that the House will think that it should be more tightly drawn, but I do not think that is the consensus of the House at the moment. Members do not have to appear remotely, and I certainly encourage them to be here in person.

Mr David Davis: I do not think for a moment that we should do away with the ability of vulnerable Members to take part remotely, be it through voting or taking part in debate—it is too soon for that. There is no doubt about that. However, I wish to come back to the point about spontaneity and controversy in this House. Everything my right hon. Friend said before, resting on Public Health England and other “august” authorities, depended on ignoring what my hon. Friend the Member for Christchurch (Sir Christopher Chope) and I have said about testing. If this House undertakes proper testing—it is now technically possible to test, in 90 minutes, every Member of the House every day, if need be—this House could return to being what it was before, in short order.

Mr Rees-Mogg: The problem with testing is that it tells us only whether someone has this virus; it does not tell us whether someone is in the process of developing it. Therefore, as I understand it—I am not pretending to be the Health Secretary—if someone tests negative in the morning, they may, none the less, have caught it the night before and be positive by the vote at 10 pm. Therefore, much as I wish that what my right hon. Friend was saying were the case, I do not think it is as straightforward as that.

Sir Desmond Swayne *rose*—

Mr Rees-Mogg: I am delighted to give way to my new socialist friend.

Sir Desmond Swayne: With the greatest respect, that is an argument against the effectiveness of testing in any form, anywhere. Either we are going to accept the testing regime and live accordingly, or we are completely lost.

Mr Rees-Mogg: As I am sure my right hon. Friend is aware, the point of the 14-day quarantine is that after 14 days it is clear that you have not been infected and that a test indicating that you are clear will mean that you are completely clear. However, people who have the

[Mr Rees-Mogg]

illness need to self-isolate for only seven days until the symptoms have cleared up, because after that point they are not infectious. Those two differentials show that the testing regime is worth using and also that it does not show that you haven't got it until you have got it, if my right hon. Friend follows what I am saying.

The key points here are not only that we are getting back to work in this House, but that we were already back at work. We led the way. The letters that came into my office about what we were doing in June bear some reading. People did not think we were necessarily wise to be leading the way as we did, but we are back. We are firmly back. We are physically voting, and most business in this House takes place physically rather than virtually. None the less, to protect some vulnerable people, and to consider the situation of the nation as a whole, we have maintained some facilities voluntarily used by Members to allow for remote participation in some of our proceedings, and we are maintaining social distancing within the Chamber, which is in line with Government advice.

A number of hon. and right hon. Members have asked whether that can be changed before 3 November, and the answer is yes, of course it can. If the advice of PHE changes, Mr Speaker can change the arrangement of the House under this order immediately. There would need to be no delay and no debate. This is a facilitating motion to allow us to keep up with the best recommendations from PHE. I note that my right hon. Friend the Member for Haltemprice and Howden does not have much confidence in that organisation, but I would ask him where else the advice is going to come from. Who are we going to take the advice from? I think we have to take it from the responsible Government body.

John Redwood (Wokingham) (Con): Would the House authorities and the Leader of the House also look at the question of whether we can optimise the use of the seats we have? Why do we have to keep to the rule that we cannot speak from certain seats, when we are desperately short of seats and want more people to spontaneously join in the debate?

Mr Rees-Mogg: My right hon. Friend has a record of making important and valid points in the Chamber, and that one is absolutely spot on. We must of course look at whether we can use those seats. As I look up to the Galleries, I note that according to "Erskine May" it is still possible to speak from the Galleries. It might upset the broadcasters a little, but I am not sure that that is everybody's concern. If my right hon. Friend went up to the Gallery and sang "Rule, Britannia!", I wonder whether the broadcasters would find a way of recording and broadcasting it. Perhaps he would like to do that.

I want to reassure the House that I, perhaps as much as anybody in this Chamber, want to get back to normal. I, as much as anybody in this Chamber, think it is right that we have been leading the way for the nation as a whole, but this motion is not as bad as it seems. It is permissive, not compulsory. It allows discretion, and it will allow the numbers to increase. Yes, it runs till 3 November, but bear in mind that proxy voting will come up for review before the end of this month. This is

not the only time we will be able to discuss this and to think about it, but this seems to me to be the right step to be taking this evening.

Question put and agreed to.

PETITIONS

Abolition of the House of Lords

5.53pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I rise to present a petition on behalf of my constituents of the North Ayrshire and Arran constituency and I do so under great advice from huge numbers of them.

The petition states:

The petition of residents of the constituency of North Ayrshire and Arran,

Declares that the House of Lords is unrepresentative of and unaccountable to the general UK population, over which it makes decisions and casts votes on important issues; expresses concern at the recent creation of 36 new life peers, increasing the size of the House of Lords to nearly 800 Members, despite the Government's commitment to reducing the size of the House of Lords; notes that the House of Lords is the largest parliamentary chamber in any democracy; further notes that the House of Lords is one of very few parliamentary bodies in the world with reserved places for members of the clergy—

Iran being the only other example—

further notes concern over the number of peers that fail to speak in the chamber yet are able to claim expenses, for example in 2016-17 when 115 peers failed to speak even once yet still claimed £1.3 million between them; and further notes concern over the high proportion of members of the House of Lords who were, before their elevation, significant donors to political parties.

The petitioners therefore request that the House of Commons urges the Government to abolish the House of Lords in the interests of democracy, accountability and transparency.

And the petitioners remain, etc.

[P002592]

Closure of gyms in Bradford due to Covid-19

5.55 pm

Judith Cummins (Bradford South) (Lab): I rise to present this petition on behalf of Terry Holt who owns the Pride gym in Low Moor and other gym and fitness facility owners in my constituency and across Bradford.

The petition states:

The petition of residents of the United Kingdom,

Declares that the continued closure of gyms and fitness facilities in Bradford only is having a grave impact on a vast number of businesses and members, creating a desperate situation with consequences beyond what is being appreciated by those in power; notes that businesses in Bradford that are currently closed have received no additional support during the extra four weeks and are closed at their own cost; further declares that, after over four months of closure, any recovery from these closures becomes more unlikely by the day; further notes that gym members are being forced to travel into neighbouring districts causing a counter intuitive effect in social mixing, and in turn increasing the transmission risk; further declares that Bradford is currently facing an obesity, diabetes and mental health crisis which these facilities are at the forefront of fighting; and further declares that the nature of these closures was based on now out-of-date advice, and not on more recent data that is available and shows that the measures gyms are putting in place greatly mitigate any risk to almost zero.

The petitioners therefore request that the House of Commons urges the Government to allow gyms to reopen in the Bradford district according to COVID-secure guidelines.

And the petitioners remain, etc.

[P002593]

Regulatory Impact Assessments (Legislative Scrutiny)

Motion made, and Question proposed, That this House do now adjourn.—(Tom Pursglove.)

5.57 pm

Sir Christopher Chope (Christchurch) (Con): I shall start with some quotes from my constituents about the Government:

“The most inept and incompetent administration in my lifetime.”
“Incoherent and indecisive.” “Authoritarian and arrogant.”
“Inconsistent and incomprehensible.” “Socialist in all but name.” As these criticisms become increasingly difficult to rebut, it is indeed essential that the Prime Minister gets a grip. The constructive purpose of this debate is to remind the Government that one key tool to enable them to get a grip is to use regulatory impact assessments as part of the policy-making process.

A regulatory impact assessment is a well-established, internationally acclaimed toolkit for good policy making. It facilitates transparency and public accountability, promotes democratic discussion by enabling potential possible policy options to be evaluated and compared. It prevents the inconsistency that arises from knee-jerk reactions and policies being developed on the hoof.

It helps to ensure that sudden changes are the exception and are made in response to changes in hard evidence rather than in response to the chorus of a single-issue pressure group—and I think it is probably fair to say that the covid alarmists are the most successful pressure group in British history. If, for the past six months, the Government had been using this toolkit, it would not have been possible for commentators to observe, as one did on Sunday:

“Britain has become a paradise for those who like to answer questions with ‘rules is rules’; even when they’re clearly made up on the spot or nonsensical.”

Allowing beard and eyebrow trimming for men but not eyebrow treatments for women was but one ridiculous example.

Most fair-minded observers supported the Government’s initial response to the covid-19 pandemic. The Government had no option but to make their priority ensuring that our hospitals were able to treat all those seriously ill as a result of covid-19. Our NHS was not as well-prepared as it would have been if the recommendations of Exercise Cygnus had been implemented. Cygnus was a brilliant initiative to war-game a serious epidemic of respiratory illness in order to identify where investment was needed to fill the gaps and thereby ensure an effective response. Tragically, Public Health England did not learn the lessons identified and failed to put the recommended preparatory work in place. We, the public, have been denied access to the full results. It remains a mystery to me as to why the Government are so defensive about the whole matter—and have indeed been dodging parliamentary questions that I have put down on the subject.

Jim Shannon (Strangford) (DUP): The hon. Gentleman often brings things to the House that are very important, and this is certainly one of them. Does he agree that impact assessments, if produced reliably, can form a critical element of the better regulation agenda? Regulatory impact assessments need to be the right foundation and

the right basis to ensure that legislative scrutiny is not just a checklist but is instead an effective mechanism. I think that that is what he was referring to.

Sir Christopher Chope: The hon. Gentleman has given a brilliant summary of my Adjournment thesis. He is saying that this should not be a tick-box exercise but that clear evidence should be presented that can then lead to proper debate and facilitate scrutiny, and that is what this is all about. I hope the Government are still wedded to that, because their better regulation unit has had consultations and is, I think, still taking the line that we need to have proper regulatory impact assessments. The purpose of this debate is to try to get some more assurance from the Government that they are going to apply these principles not just to covid-19 but to other regulatory measures that are, at the moment, being brought in with far too insufficient scrutiny.

Tomorrow it will be six months since the Department of Health and Social Care policy paper on coronavirus was published. This action plan, as it became, on which the Coronavirus Act 2020 was based, envisaged four phases: contain, delay, research and mitigate. The delay phase was to

“slow the spread in this country, if it does take hold, lowering the peak impact and pushing it away from the winter season”.

Because of the emergency timetable, the legislation had the sketchiest of regulatory impact assessments, without any cost-benefit analysis. But who would have thought that none of the regulations being made under that primary legislation would be properly evaluated before implementation? I certainly hoped that that would happen, but it has not.

The basic steps in the RIA process should involve consultation and an assessment of the nature and extent of the problems to be addressed. There should be a clear statement of the policy objectives and goals of the regulatory proposal, which should include the enforcement regime and strategy for ensuring compliance. Alternative courses of action should be identified, including any non-regulatory approaches considered as potential solutions to the identified problem. There should also be a clear outline of the benefits and costs expected from the proposal and identified alternatives. The conclusion should not only identify the preferred solution but explain how it is superior to the other alternatives considered. Finally, there should be a monitoring and evaluation framework set out describing how performance will be measured.

Although the processes I have set out could not be embarked on in the immediate emergency of introducing lockdown, they should surely form an inherent part of the process of easing lockdown, and ensuring consistent and timely relaxations of the regulations. It is the failure to do this that has resulted in sudden and contradictory changes to the regulations.

This has also led to unacceptable mission creep, which increasingly embodies a gradual shift in objectives. Hon. and right hon. Members will remember that the original objective was to enable the NHS to provide the best care to all the victims of covid-19 who needed it. That clear mission has now widened into a mission to suppress the spread of covid-19 as an end in itself, regardless of the cost. The irony is that, in allowing the original objective to be blurred, the important subsidiary objective of preventing the virus peaking again in the winter is being put in jeopardy.

[Sir Christopher Chope]

The easing of lockdown has, sadly, become a veritable shambles. While the number of deaths from covid-19 has mercifully plummeted from its April peak, there has not been a corresponding relaxation of the emergency regulations. I shall refer later to the OECD principles of best practice for regulatory policy, but one of the key principles is:

“Proposed solutions should be appropriate to the risk posed, and costs identified and minimised.”

In the statement he made yesterday to the House, the Secretary of State for Health said that there are now “60 patients in mechanical ventilator beds with coronavirus”.—[*Official Report*, 1 September 2020; Vol. 679, c. 23.]

This compares with 3,300 at the peak of the epidemic, and he then said that the latest quoted number for reported deaths is two in one day. Today, *The Sun* newspaper has calculated from these figures that the odds of catching covid-19 in England are about 44 in 1 million per day. Economist Tim Harford, who presents what I think is one, if not the only, good programme on the BBC—the statistics programme, “More or Less”—has said:

“Covid-19 currently presents a background risk of a one in a million chance of death or lasting harm, every day.”

While age, gender, geography, behaviour and other aspects affect the risk, it is now far lower than the risk of death or serious injury in a motor accident. On average, five people continue to be killed each day on our roads, yet I have not yet heard from the Government any proposals to ban people from driving because of the risks associated with so doing.

One sure way of ensuring consistency would be to impose the discipline of a regulatory impact assessment on each and every continuing restriction, so that the justification for loss of personal liberty could be evaluated against the alleged benefits. It is not too late for this to start, and I hope that the Minister, in responding to this debate, will provide an assurance that the forthcoming six-month review of the legislation will include a full regulatory impact assessment and an evaluation of the performance of the emergency regulations introduced.

The public would then be able to see the evidence about whether the decisions taken were correct. For example, was closing schools and setting back the education of the covid regeneration a proportionate and necessary measure? Was the postponement of 107,000 weddings across the United Kingdom justified? Could any of the 4,452 weddings which should have taken place last Saturday have been permitted? Why can people sit safely side by side with strangers on an aircraft, but not at a wedding breakfast or in a church, a theatre or a concert hall—or even in this Chamber?

Why was the World Health Organisation advice, which was originally that there should be 1 metre social distancing, not applied from the outset? We introduced a 2-metre or 6-foot rule, but that has now been modified with the 1 metre-plus rule, but at the same time the additional safeguards required for the 1 metre-plus situation are being applied to the 2-metre situation, which is creating all sorts of problems, conflicts and uncertainties for our constituents.

Is it protecting the NHS to create a situation where, as was revealed in *The Times* on 27 August, 15.3 million people are now on the hidden waiting list for treatment?

Is it reasonable that we should try to prevent two deaths a day and keep 15.3 million people on waiting lists for treatment, with all the dire consequences that flow from that? Madam Deputy Speaker, I do not know whether you were listening to the Secretary of State for Health when he made his statement yesterday, but in my view his responses on the issue of NHS waiting lists were the weakest and least convincing parts of what he had to say.

Is the continuing economic cost of lockdown now disproportionate to the benefits? Well, let us have an exercise and see. Let us see the data presented, so that we can have a proper debate about it. I raised the importance of regulatory impact assessments in public policy making with the Leader of the House at business questions on 2 July. It was his response on that occasion which caused me to apply for this Adjournment debate, which I am delighted that we are having this evening. I said that we would be able to achieve much more consistency in Government advice with regulatory impact assessments. The Leader of the House, however, argued that

“if we spend too long doing all this, by the time we have done it we have moved on to the next stage of the lockdown.”

He accused me of “calling for bureaucratic folderol”, which would inhibit moving

“at a pace to ensure that things happen in a timely manner”.—[*Official Report*, 2 July 2020; Vol. 678, c. 534.]

Would that they were. But I must correct the Leader of the House, because, far from being the worthless trifles described in the expression “folderol”, regulatory impact assessments are fundamental to ensuring that we make the right decisions as legislators.

It is incredible that, instead of lockdown continuing to be relaxed, new restrictions on freedom, such as mandatory face coverings, have been introduced. The consequence is that I detect a growing atmosphere of gloom and foreboding as we see winter approaching: no vaccine availability for many months; the economy in a worse state than most of our competitors; and the prospect of the resurgence of the pandemic coinciding with the flu season. I do not like the expression “waves” because it makes it seem as though we are talking about something equivalent to the Atlantic rollers so much enjoyed by our former Prime Minister and colleague, David Cameron. We are not talking about waves. We are talking about the potential resurgence of the pandemic—not everywhere, but in particular hotspots.

This scenario demands a rational evaluation of conflicting risks to the economy and public health, together with a cost-benefit analysis, and now is the time for the Government to reinstate the intellectual rigour of the regulatory impact assessment process. Sooner or later, the incredible economic cost of the Government’s failure to remove lockdown restrictions in a timely and effective manner will become apparent. If that coincides with the Government asking their natural supporters to pay the price for their failure through higher taxes, the political consequences will indeed be dire. It is for that reason that I commend to the Government what the OECD says about regulatory impact analysis. It describes it as an

“important element of an evidence-based approach to policy-making...that...can underpin the capacity of governments to ensure that regulations are efficient and effective in a changing and complex world.”

I will not read from the whole OECD regulatory impact assessment report on best practice principles for regulatory policy, but it extends to about 40 or 50 pages and is extremely well researched and documented. As I understand it—the Minister will correct me if I am wrong—these principles are supported by the Government; the trouble is that they do not seem to be being implemented by the Government and by Government Departments. I hope that in his response the Minister will tell us what he is doing to try and put that right.

The Government should revert to following their own “better regulation framework” established under the Small Business, Enterprise and Employment Act 2015, which requires that

“A RIA should be prepared for all significant regulatory provisions as a standard of good policy making and where an appropriate RIA is expected by parliament and other stakeholders.”

The interim guidance issued in March this year sets out a general threshold for independent scrutiny of regulatory impact assessments and post-implementation reviews, where the annual net direct cost to business is greater than £5 million. It calls on Government Departments to undertake proportionate cost-benefit analysis to inform decision making.

The trouble is that this is not being done, and I will give just one topical example, to which I referred in my brief comments in the previous debate. Under the Coronavirus Act 2020, there was specific primary legislation saying that residential tenancies should be protected from eviction until 20 September this year. On Friday last week—27 August—regulations were made extending that period from 20 September for another six months. The regulations came into force on 28 August, which was last Saturday, the very same day that they were laid before Parliament. Regulation 1(2) says:

“These Regulations come into force on the day after the day on which they are laid”.

Those regulations have caused a storm of protest from residential landlords in my constituency; they are apoplectic about the fact that they are not going to be able to recover possession of their premises. Notwithstanding the contractual agreements they have entered into with their tenants, they are not going to be able to recover their premises until 31 March 2021.

It says in the explanatory notes to the regulations that they amend schedule 29 of the 2020 Act. This is primary legislation being amended by subordinate legislation subject only to the negative resolution procedure, and so one might have expected that there would be a regulatory impact assessment or something which would indicate to us, on behalf of our constituents, that the Government have thought this whole process through, but that is not there, and instead there is a little note which says:

“A full impact assessment has not been produced for this instrument due to the temporary nature of the provision.”

Bob Stewart (Beckenham) (Con): I thank my good friend for allowing me to intervene. In my constituency I have a huge backlash from residential landlords about this extension. I find it almost impossible to believe that the Department has not done an assessment of this, and I make the assumption—perhaps my hon. Friend or the Minister will correct me—that an assessment was done. I cannot believe that civil servants and decent Ministers would have made such a decision without actually

looking at it, as this is a really bad thing for people who are trying to provide accommodation, because they see no good in this whatsoever; in fact it is extremely bad.

Sir Christopher Chope: I agree with my hon. Friend. One would have expected that an assessment was carried out—we will hear from the Minister in a minute whether there was—but what was so extraordinary is that it was only a week or two before the U-turn of last week that we were being assured by Ministers that there was no proposal to extend the application time for these regulations. I imagine that when Ministers were briefing that, they had not done any work suggesting that they wanted to extend the regulations, and then, at the last minute—perhaps as a result of the pressure group behaviours to which I referred—the Government just changed their mind. They had imposed this regulation at enormous cost, but we do not know what cost, because there is no estimate of that.

Bob Stewart: It makes us look like clowns.

Sir Christopher Chope: I hope that that is on the record—it makes us look like clowns. That is why I hope that we can persuade the Government to reform their ways. It is also extraordinary that the excuse should be put forward that this is a temporary arrangement and that is why there is no need for a regulatory impact assessment. That is not set out anywhere in any of the books on this, and it is a novel interpretation of what should be happening.

Switching away from the regulations directly related to coronavirus, I have received support for raising this issue from the Internet Association, which is the only trade association that exclusively represents leading global internet companies on matters of public policy. The organisation responded to the Government’s invitation when they went out to consultation in June inquiring about the reforming regulation initiative. It said, “Regulation in the digital sector has a wide range of potential impacts which extend beyond traditional economic impact analysis. As a matter of course, the Internet Association recommends that Government Departments and regulators undertake a wider impact assessment of their proposals covering not only the economic impact, but also issues such as technological feasibility and impacts on freedom of expression and privacy.” It goes on to say that “there have been a number of recent policy and regulatory initiatives in the digital sector where it has not been clear whether an impact assessment has been conducted and/or the impact assessment has not been published for external scrutiny.” It gives an example of the Department for Digital, Culture, Media and Sport/Home Office online harms White Paper. The Internet Association believes that wider regulatory impact assessments, as specified, should be required for major digital policy and regulatory initiatives. Therefore, this extends into that field also, as it does to all legislative and Government policy making—or it should do—and I hope that we will be able to get ourselves back on track.

The interim guidance to which I refer, which was published in March this year, referred to the Government considering how best the better regulation framework can be delivered

“more effectively over the course of this Parliament”.

[Sir Christopher Chope]

Now is the time, surely, to take some action. As their first step, the Government should promise that the six-monthly review of the Coronavirus Act 2020 will be accompanied by a full post-implementation review and that a full cost-benefit analysis of those emergency regulations that it recommends should be kept in place. I hope that the Minister will announce that he is going to do that tonight and thereby help to restore public confidence in the Government's decision making and the ability of Parliament to scrutinise it, because that is fundamental. I am grateful for the opportunity to put this point to the House.

6.25 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): I am grateful to my hon. Friend the Member for Christchurch (Sir Christopher Chope) for bringing this important issue to the House. Parliamentary debate and the exchange of views reflect the importance of parliamentary scrutiny.

When a policy decision is made, it is informed by an assessment of the potential impacts of a range of different policy options. The evidence and analysis informing these decisions will inform consultation and engagement with stakeholders, and for legislative proposals, it is usually presented to Parliament in a regulatory impact assessment alongside the legislation. In the UK, regulatory impact assessments present the outcomes of evidence-based processes and procedures that assess the economic, social and environmental effects of public policy on businesses and wider society. Their use has contributed to better policy making and reduced the cost to business, which is so important.

Our commitment to conducting such impact assessments remains strong. The analysis that goes into impact assessments ensures that Government consider the need for and likely impact of new regulations to support legislative change. They ensure that we consider how regulation will affect the operation of markets and best enable businesses to innovate, and, in line with the subject of this debate, they inform parliamentary decision making.

Where Government intervention requires a legislative or policy change to be made, Departments are expected to analyse and assess the impact of the change on the different groups affected. That is generally published in the form of a regulatory impact assessment. However, attempts to conduct regulatory impact assessments for public policy making, particularly in the current climate of the coronavirus pandemic, could be problematic. That is because responding to emergencies requires legislation to be introduced at a much greater pace than during normal times.

The Coronavirus Bill, introduced in March this year, provided powers needed to respond to the coronavirus pandemic. The powers enabled the Government to introduce temporary emergency legislation to respond to the pandemic. To allow the Government to deliver at the required pace, formal regulatory impact assessments are not required for better regulation purposes for the temporary measures put in place in response to the pandemic. Further flexibility in the approach to impact assessments is appropriate where permanent measures need to be enforced urgently.

My hon. Friend mentioned some specific examples where we have assessed the impact in a different way. He is right to talk about the importance of regulatory impact assessments. Some of the guidelines that he mentioned fall within my area. The specific residential landlord and tenant issue that he mentioned falls to my colleagues in the Ministry of Housing, Communities and Local Government, but in terms of the commercial Landlord and Tenant Act 1954 changes, we found from listening and speaking to businesses over a period that some companies that were struggling to pay their rent were being wound up by some landlords, so we acted.

This is on the basis of detailed, long-standing conversation and engagement with businesses on both sides of the debate. In my short time as a Minister, I have had around 500 meetings with, I estimate, 3,000 to 4,000 businesses, so I think I have a reasonable handle on retail, hospitality, weddings and the beauticians who do eyebrows and beard trimming that my hon. Friend mentioned. It is a source of great regret that we are unable to allow wedding celebrations of more than 30 people to occur at the moment. I have seen at first hand and heard from people in the wedding sector, which is an enormous contributor to the UK economy, how badly they are suffering as a result.

Edward Timpson (Eddisbury) (Con): I know that my hon. Friend has been working hard with a range of different sectors, including the wedding industry. Will he reassure the House that work is ongoing to try to find a way for wedding venues to reopen more fully, beyond the current 30-person limit, so that they can see a future ahead of them?

Paul Scully: I am glad that my hon. Friend made that point. He has been working tirelessly with his local wedding venues in Eddisbury to try to get a road map. We continue to work and engage on that issue to make sure that the sector, which is a really important contributor to the UK economy, can reopen, and that people whose special day is being put off, and in some cases ruined, can come together.

Dr Julian Lewis (New Forest East) (Ind): I fully accept that in certain Departments, including the Minister's own, Ministers are trying conscientiously to weigh up the different factors, come to sensible decisions and stick to them, but will he take the message back to the Government that the inability of Government at a very high level to choose policies that seem capable of withstanding gusts of public opinion or media opinion, which is something else, is undermining confidence in the process, at least in part of Government, because if a decision has to be changed in the way that my hon. Friend the Member for Christchurch (Sir Christopher Chope) described in his rather splendid opening speech, that suggests that a certain degree of rigour is absent.

Paul Scully: I think that rather than gusts of public pressure, the Government have been working in what is, in effect, as close to real-time decision making as we are ever going to get, and it is based on health advice and the business response. My right hon. Friend talked about the press and the media; I direct him to the example with which my hon. Friend the Member for Christchurch started—male eyebrow trimming and beard trimming—because that was never actually in the guidance.

The guidance, which I worked on, was such that male beard trimming could work out, apart from detailing at the front if there was close, face-to-face, near contact. That was exactly the same as female eyebrow trimming, so there was no sense that men could go and get their eyebrows trimmed and women could not. The rhetoric in the media that men were getting a better deal than females, which understandably upset beauticians, just was not the actuality—it was not what was happening—but unfortunately, as we know, it is sometimes difficult to work with the media to stop a good story.

We must continue to engage. We do want to get back to the formality of regulatory impact assessments but, as I say, we need to engage at pace, so we will continue to listen to businesses. Sometimes, the consultations on the guidance we have been working on have lasted literally 12 hours on a Sunday. That guidance has come to me, to the unions and to businesses and we have all been acting within the same time constraints. We have not been hiding things away from businesses and those people who are most affected by this situation.

Jim Shannon: I must say that I am impressed by the number of people and businesses the Minister has met; that is an indication of the knowledge that he has gauged from them. May I make a quick suggestion on weddings? It is possible, in a bigger venue, to have people self-distanced and to have more than 30 people. It is also possible at weddings to have clusters of families who live closely together: there could be tables of 10 people—genuinely—which could increase the numbers who can go to weddings. To go back to the issue of regulatory impact assessments, if that was done, more people could attend weddings.

Paul Scully: As I say, weddings have been a big source of concern for me and others and, understandably, that argument has been put to me. The huge difference between weddings and, say, restaurants—an example that has often been cited—is that the wedding parties tend to know each other, whereas in a restaurant people have little interest in speaking to those at the table next door. Clearly, if someone's grandmother or extended family are sitting at the next table, as the wedding and the evening develops, social distance suddenly starts to fall by the wayside.

I totally get the fact that wedding organisers know everybody who is there, so they can register and have test and trace working effectively, but it is a concern to the scientists. We are trying to balance the economy from the economic point of view, the human behaviour point of view and the science point of view, which is a difficult mix to deal with. Because we are working at pace, the regulatory impact assessments, which are the source of this debate, are not always easy to compile. For the reasons that the Leader of the House gave—I understand the concern of my hon. Friend the Member for Christchurch about the way that was worded—when compiling a formal regulatory impact assessment while working at pace, it is not always possible to go through that procedure.

We are reminding Departments of the importance of ensuring that appropriate resources are invested in gathering and analysing evidence about the regulatory impacts of the affected policies, and to publish it, where appropriate, throughout the period, if not at that particular time.

Sir Christopher Chope: May I present a challenge to the Minister? Will he publish for our benefit a regulatory impact assessment on the issue of not allowing larger weddings? That would bring into the open all the issues with which he is familiar but which have not yet been exposed to public debate and scrutiny. Is that not what it is all about? This has now been going on for six months, and people want to know where the future lies for the small organisations involved in weddings. Will he offer to do that for us, notwithstanding the fact that his Department is very busy? That would be really helpful.

While I have the Floor, let me also say that I am concerned that the Minister seemed to distance himself from what is happening to individual landlords. Although they may not be incorporated, they are small businesses.

Paul Scully: To answer my hon. Friend's last point, I am not distancing myself; I literally was not involved in that decision. I do not want to offer a line of thought on something that I was not involved in, but I understand his point.

On weddings and the public debate, my hon. Friend has clearly not been following my Twitter feed—totally understandably—which is full of such debates about the wedding sector. We are trying to work with the sector to make sure it can open. My primary concern is about ensuring we get our economy open again with a warm but safe welcome to people. The Government's first priority has always been to save and protect lives, but restoring livelihoods, protecting jobs and protecting businesses are right up there, for the reasons that my hon. Friend set out. If we do not get this kick-started now, the effect on the economy will be huge, so it is important that we work together to give people not just confidence but joy, so that when they come out to use services in their local high streets and city centres they enjoy the experience and come back time and time again.

A one-off hit to our economy is not good enough. We know it is not going to go back to how it was in February, and there are some permanent behaviour changes that seem to be kicking in. None the less, we need to work with the new normal, which means working with the virus, because we will be living with it. My hon. Friend talked about a second wave, or spike or whatever he wants to call it. If we learn to live with it, there may be a third and a fourth until we get a vaccine, but live with it we must. There will be a new reality of the permanent behaviour change.

Well-designed and effective regulation, which my hon. Friend wants to see in our legislation, and which we are championing, enables markets and business to flourish, grow and innovate. It can provide certainty for investors and protection for individuals and society. The use of impact assessments in informing regulatory design can help us to achieve those outcomes. Excessive or poorly designed regulation can impede innovation and create unnecessary barriers to trade, investment and economic efficiency. We have sought to limit that by ensuring that regulation changes in response to the pandemic are targeted and time-limited.

Bob Stewart: One of the biggest things that the Government have insisted on is facemasks, which we have mentioned already. I would be intrigued to know

[Bob Stewart]

whether there is a regulatory impact assessment on why we all have to wear facemasks in public and various other places, because I have not seen it. If there is one that could be made public, perhaps it could be put in the House of Commons Library. There are growing numbers of people in my constituency of Beckenham who are rebelling against that idea.

Paul Scully: I thank my hon. Friend for his intervention. I get the train and the underground into London each and every day, and the adherence of people to wearing face masks is, on the whole, good. Tube use, I am glad to say, is increasing substantially. London city centre—the central activity zone in London—is incredibly quiet. That is affecting the west end in particular, and the City.

The west end represents 3% of the entire UK economy—just the west end—so although we need to make sure that the whole country is able to restore the confidence and joy that I was talking about, it would be remiss of me, as Minister for London as well, not to showcase those areas that make up a massive amount of our capital city as a strategic and world city, so that it is ready for international travellers when they have the confidence to travel.

The Government's focus has been on improving design and proportionality in regulation. That is done through the Better Regulation Executive, which is responsible for embedding smarter, more cost-efficient and better regulation across Government, and which has recently introduced new guidance templates and training to improve the quality of impact assessments. As a result, impact assessments have clearer presentation of results, better planning for implementation and more quantification of costs and benefits.

The better regulation guidance represents the agreed Government policy on evidence and independent scrutiny, including when to seek independent scrutiny. It is clear that legislation should be accompanied by robust evidence and assessment of impact.

Bob Stewart: Forgive me. The Minister is a really good friend of mine, but he did not answer my question. I would really like to see the Government's justification, in writing, as to why so many people have to wear face masks. Can we know what that justification is in this House?

Paul Scully: There has been a long debate about the use of face masks, both on transport and in retail. There are arguments either side—whether it gives a false sense of security or whether people touch their face when they put on or take off their mask. None the less, we have a better understanding of the transmission of the virus and the aerosol nature of its transmission. That is why the World Health Organisation has changed its advice from the beginning, when it said people do not need to have masks or face coverings, to, “Yes, you do.” Actually, we can learn from history. In the 19th century, cholera was assumed to be transmitted by air, but by greater understanding and by working through it—they did not need a regulatory impact assessment to figure it out—eventually people found that it was the water supply that was causing cholera, so they were able better to tackle that particular issue at that given time.

The Regulatory Policy Committee undertakes the verification role that provides independent oversight of the quality of the regulatory impact assessments, as well as providing the Government with external independent scrutiny of evidence and analysis supporting regulatory impact assessments of the proposals. The RPC also has a role in scrutinising the quality of post-implementation evaluations of legislation to help the Government develop the evidence base on how regulation has worked in practice.

Sir Christopher Chope: Is this body to which the Minister is referring going to look at the issue of face masks, or face coverings? In answer to my hon. Friend the Member for Beckenham (Bob Stewart) he has said that there are arguments on both sides of this. In those circumstances, why are the Government taking one side and criminalising behaviour instead of trusting people to reach their own decisions on the information provided by the Government?

Paul Scully: I am sure the necessary people will have heard my hon. Friend's call for that to be examined, but on the use of face masks, it is the same as self-isolation as a result of the test and trace system: the number of people who are having to self-isolate at any one time means that millions of us can go about our relatively normal lives by going to retail, hospitality or our places of work, which we were not able to do for so many months.

Those changes are evolving. I, like my hon. Friend, do not take any infringement of our civil liberties lightly, but this is a situation—I am not going to use the word “unprecedented” even though I just have; it has been used an unprecedented number of times—that we have never had to face before. No Government have ever had to face such a situation, so we are learning as we go along. We will not always get it right, but we have to make sure we are using the best engagement, listening to both sides of the argument, and working through as the science evolves and as we see what is in front of us in terms of human behaviour.

My hon. Friend the Member for Christchurch talked about the OECD, whose latest report acknowledged that better regulation is an area of strength in the UK. It notes that the UK has been a leader in regulatory policy in general, with the early adoption of the better regulation agenda. Our ambitious agenda is reflected in the results of the OECD's monitoring of regulatory management tools, as displayed in the “OECD Regulatory Policy Outlook 2018”, with the UK displaying the highest composite indicator score for stakeholder engagement for primary laws. Our score for secondary legislation is also significantly above the OECD average. We also had the highest composite indicator score for regulatory impact assessments across the OECD. That includes strong formal regulatory impact assessment requirements in areas such as establishing a process to identify how the achievement of the regulation's goals will be evaluated; assessing a broad range of environmental and social impacts; and undertaking risk assessments as part of regulatory proposals. So we should be justifiably proud of our world-leading reputation in this area.

These assessments are valuable documents, and the Government should be applauded for encouraging their production and the transparent scrutiny of them, but,

as with some individual impact assessments themselves, there is always room for improvement. As with the principles underpinning better regulation, we are always looking for ways to learn and improve our approach.

Sir Christopher Chope: Obviously, we are fortunate in having a bit of extra time this evening, which is great. Will the OECD be asked to opine on the effectiveness of the Government's regulatory response to the coronavirus epidemic? For example, will the OECD be able to comment on the distinction, which my hon. Friend has made, between rules on face coverings, for which there are lots of exemptions, and rules about isolation and quarantine, for which there are no exemptions. I am afraid that there is an anomaly there.

Paul Scully: I am afraid I do not have the OECD on speed dial, but I am sure that my hon. Friend will be able to ask it to look into all these things. I am glad that we have extra time, because there is nothing I like more than to discuss regulatory impact assessments—I am afraid that *Hansard* does not detect sarcasm. Although I make light, it is good that we have parliamentary scrutiny of an important topic to cover.

As I say, there is a further cultural shift in Whitehall to make on such impact assessments across the board. We do have a responsibility to monitor the extent to which the laws we have passed are implemented as intended and have the expected impact. My hon. Friend

is justified in raising this important issue, so that we can consider, learn and move forward together. The planning for monitoring and evaluating regulatory changes could be more effective. There is a risk that laws are passed that result in unexpected consequences or inappropriately stifle innovation. I have seen that at first hand as we have been changing and tweaking various support measures for businesses; we have had to change them so that they are supporting businesses as intended, rather than with an unintended consequence. Better planning for monitoring and evaluating will help to ensure that there is sufficient information to assess the actual state of a law's implementation and its effects.

In conclusion, regulatory impact assessments, in themselves, have evolved into an important and valuable component of the UK's better regulation system. The transparent publication of impact assessments has added accountability to the analytical dimensions to policy development, which has increased the amount of evidence presented alongside policy proposals, and the existence of the independent scrutiny has increased both the transparency of the process and the accountability of government. I thank my hon. Friend for raising this important issue.

Question put and agreed to.

6.49 pm

House adjourned.

Members Eligible for a Proxy Vote

The following is the list of Members currently certified as eligible for a proxy vote, and of the Members nominated as their proxy:

Member eligible for proxy vote	Nominated proxy
Ms Diane Abbott (Hackney North and Stoke Newington)	Bell Ribeiro-Addy
Nickie Aiken (Cities of London and Westminster)	Stuart Andrew
Tahir Ali (Birmingham, Hall Green)	Mark Tami
Tonia Antoniazzi (Gower)	Mark Tami
Mr Richard Bacon (South Norfolk)	Stuart Andrew
Siobhan Baillie (Stroud)	Stuart Andrew
Hannah Bardell (Livingston)	Patrick Grady
Mr John Baron (Basildon and Billericay)	Stuart Andrew
Margaret Beckett (Derby South)	Clive Efford
Scott Benton (Blackpool South)	Stuart Andrew
Sir Paul Beresford (Mole Valley)	Stuart Andrew
Jake Berry (Rossendale and Darwen)	Stuart Andrew
Clive Betts (Sheffield South East)	Mark Tami
Mhairi Black (Paisley and Renfrewshire South)	Patrick Grady
Bob Blackman (Harrow East)	Stuart Andrew
Kirsty Blackman (Aberdeen North)	Patrick Grady
Crispin Blunt (Reigate)	Stuart Andrew
Mr Peter Bone (Wellingborough)	Stuart Andrew
Andrew Bridgen (North West Leicestershire)	Stuart Andrew
Ms Lyn Brown (West Ham)	Mark Tami
Richard Burgon (Leeds East)	Zarah Sultana
Conor Burns (Bournemouth West)	Stuart Andrew
Ruth Cadbury (Brentford and Isleworth)	Chris Elmore
Dan Carden (Liverpool, Walton)	Mark Tami
Sir William Cash (Stone)	Leo Docherty
Sarah Champion (Rotherham)	Mark Tami
Douglas Chapman (Dunfermline and West Fife)	Patrick Grady
Damian Collins (Folkestone and Hythe)	Stuart Andrew
Rosie Cooper (West Lancashire)	Mark Tami
Ronnie Cowan (Inverclyde)	Patrick Grady
Mr Geoffrey Cox (Torridge and West Devon)	Alex Burghart
Neil Coyle (Bermondsey and Old Southwark)	Mark Tami
Angela Crawley (Lanark and Hamilton East)	Patrick Grady
Stella Creasy (Walthamstow)	Mark Tami
Tracey Crouch (Chatham and Aylesford)	Caroline Nokes
Janet Daby (Lewisham East)	Mark Tami
Geraint Davies (Swansea West)	Chris Evans
Alex Davies-Jones (Pontypridd)	Mark Tami
Mr David Davis (Haltemprice and Howden)	Stuart Andrew
Martyn Day (Linlithgow and East Falkirk)	Patrick Grady
Marsha De Cordova (Battersea)	Rachel Hopkins
Thangam Debbonaire (Bristol West)	Chris Elmore
Martin Docherty-Hughes (West Dunbartonshire)	Patrick Grady
Allan Dorans (Ayr, Carrick and Cumnock)	Patrick Grady
Nadine Dorries (Mid Bedfordshire)	Stuart Andrew
Jackie Doyle-Price (Thurrock)	Gagan Mohindra
Philip Dunne (Ludlow)	Jeremy Hunt
Ruth Edwards (Rushcliffe)	Stuart Andrew
Florence Eshalomi (Vauxhall)	Mark Tami
Sir David Evennett (Bexleyheath and Crayford)	Stuart Andrew
Michael Fabricant (Lichfield)	Stuart Andrew
Stephen Farry (North Down)	Alistair Carmichael
Marion Fellows (Motherwell and Wishaw)	Patrick Grady
Vicky Foxcroft (Lewisham, Deptford)	Mark Tami
George Freeman (Mid Norfolk)	Theo Clarke
Richard Fuller (North East Bedfordshire)	Stuart Andrew
Marcus Fysh (Yeovil)	Stuart Andrew
Sir Roger Gale (North Thanet)	Caroline Nokes
Preet Kaur Gill (Birmingham, Edgbaston)	Mark Tami
Dame Cheryl Gillan (Chesham and Amersham)	Stuart Andrew
Mary Glendon (North Tyneside)	Mark Tami
Mrs Helen Grant (Maidstone and The Weald)	Stuart Andrew
Peter Grant (Glenrothes)	Patrick Grady
Neil Gray (Airdrie and Shotts)	Patrick Grady
Margaret Greenwood (Wirral West)	Mark Tami
Jonathan Gullis (Stoke-on-Trent North)	Mark Fletcher
Andrew Gwynne (Denton and Reddish)	Mark Tami
Robert Halfon (Harlow)	Lucy Allan
Fabian Hamilton (Leeds North East)	Mark Tami
Claire Hanna (Belfast South)	Liz Saville Roberts
Ms Harriet Harman (Camberwell and Peckham)	Mark Tami
Sir Oliver Heald (North East Hertfordshire)	Stuart Andrew
Sir Mark Hendrick (Preston)	Mark Tami
Mike Hill (Hartlepool)	Mark Tami

Member eligible for proxy vote	Nominated proxy	Member eligible for proxy vote	Nominated proxy
Simon Hoare (North Dorset)	Fay Jones	Jessica Morden (Newport East)	Mark Tami
Wera Hobhouse (Bath)	Alistair Carmichael	David Morris (Morecambe and Lunesdale)	Stuart Andrew
Mrs Sharon Hodgson (Washington and Sunderland West)	Mark Tami	David Mundell (Dumfriesshire, Clydesdale and Tweeddale)	Stuart Andrew
Adam Holloway (Gravesham)	Maria Caulfield	James Murray (Ealing North)	Mark Tami
Sir George Howarth (Knowsley)	Mark Tami	Ian Murray (Edinburgh South)	Mark Tami
Dr Neil Hudson (Penrith and The Border)	Stuart Andrew	Gavin Newlands (Paisley and Renfrewshire North)	Patrick Grady
Imran Hussain (Bradford East)	Judith Cummins	John Nicolson (Ochil and South Perthshire)	Patrick Grady
Dan Jarvis (Barnsley Central)	Mark Tami	Dr Matthew Offord (Hendon)	Rebecca Harris
Mr Ranil Jayawardena (North East Hampshire)	Stuart Andrew	Brendan O'Hara (Argyll and Bute)	Patrick Grady
Dr Caroline Johnson (Sleaford and North Hykeham)	Stuart Andrew	Guy Opperman (Hexham)	Stuart Andrew
Dame Diana Johnson (Kingston upon Hull North)	Mark Tami	Kate Osamor (Edmonton)	Nadia Whittome
Gillian Keegan (Chichester)	Bim Afolami	Jess Phillips (Birmingham, Yardley)	Mark Tami
Barbara Keeley (Worsley and Eccles South)	Mark Tami	Dr Dan Poulter (Central Suffolk and North Ipswich)	Peter Aldous
Afzal Khan (Manchester, Gorton)	Mark Tami	Lucy Powell (Manchester Central)	Mark Tami
Sir Greg Knight (East Yorkshire)	Stuart Andrew	Yasmin Qureshi (Bolton South East)	Mark Tami
Julian Knight (Solihull)	Stuart Andrew	Christina Rees (Neath)	Mark Tami
John Lamont (Berwickshire, Roxburgh and Selkirk)	Stuart Andrew	Ellie Reeves (Lewisham West and Penge)	Mark Tami
Ian Lavery (Wansbeck)	Mary Kelly Foy	Bob Seely (Isle of Wight)	David Rutley
Chris Law (Dundee West)	Patrick Grady	Naz Shah (Bradford West)	Mark Tami
Clive Lewis (Norwich South)	Rosie Duffield	Mr Virendra Sharma (Ealing, Southall)	Mark Tami
Mr Ian Liddell-Grainger (Bridgwater and West Somerset)	Stuart Andrew	Mr Barry Sheerman (Huddersfield)	Mark Tami
Tony Lloyd (Rochdale)	Mark Tami	Tommy Sheppard (Edinburgh East)	Patrick Grady
Julia Lopez (Hornchurch and Upminster)	Lee Rowley	Tulip Siddiq (Hampstead and Kilburn)	Mark Tami
Mr Jonathan Lord (Woking)	Stuart Andrew	Jo Stevens (Cardiff Glasgow Central)	Mark Tami
Kenny MacAskill (East Lothian)	Patrick Grady	Sir Gary Streeter (South West Devon)	Stuart Andrew
Rachael Maskell (York Central)	Mark Tami	Julian Sturdy (York Outer)	Stuart Andrew
Karl McCartney (Lincoln)	Stuart Andrew	Alison Thewliss (Glasgow Central)	Patrick Grady
Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East)	Patrick Grady	Gareth Thomas (Harrow West)	Mark Tami
John McDonnell (Hayes and Harlington)	Cat Smith	Emily Thornberry (Islington South and Finsbury)	Charlotte Nichols
Anne McLaughlin (Glasgow North East)	Patrick Grady	Jon Trickett (Hemsworth)	Olivia Blake
John Mc Nally (Falkirk)	Patrick Grady	Tom Tugendhat (Tonbridge and Malling)	Huw Merriman
Stephen McPartland (Stevenage)	Stuart Andrew	Karl Turner (Kingston upon Hull East)	Mark Tami
Ian Mearns (Gateshead)	Mark Tami	Dr Philippa Whitford (Central Ayrshire)	Patrick Grady
Johnny Mercer (Plymouth, Moor View)	Stuart Andrew	Hywel Williams (Arfon)	Ben Lake
Stephen Metcalfe (South Basildon and East Thurrock)	Stuart Andrew	Mohammad Yasin (Bedford)	Mark Tami
Carol Monaghan (Glasgow North West)	Patrick Grady		

Written Statements

Wednesday 2 September 2020

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Wylfa Newydd Nuclear Power Station Energy Infrastructure Project

The Minister for Business, Energy and Clean Growth (Kwasi Quarteng): This statement concerns an application made by Horizon Nuclear Power Limited under the Planning Act 2008 for development consent for the construction and operation of a new nuclear power station and associated infrastructure at Wylfa Head on the Isle of Anglesey.

Under section 107(1) of the Planning Act 2008, the Secretary of State must make a decision on an application within three months of receipt of the examining authority's report unless exercising the power under section 107(3) to set a new deadline. Where a new deadline is set, the Secretary of State must make a statement to Parliament to announce it. The deadline for the decision on the proposed Wylfa Newydd (Nuclear Generating Station) Order application was 23 October 2019, but that deadline was reset to 31 March 2020 to allow further information in respect of environmental effects and other outstanding issues to be provided and considered.

Following initial analysis of the further information which has now been provided, the Secretary of State has concluded that an additional period of time is required in order to complete his consideration in respect of environmental effects and other issues which were outstanding following the examination. It is not anticipated that any further information will be required.

The Secretary of State has set a new deadline for deciding the application of 30 September 2020. The decision to set the new deadline for the application is without prejudice to the Secretary of State's decision on whether to grant or refuse development consent.

[HCWS430]

OECD Report of International Regulatory Co-operation in the UK

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): My right hon. Friend the Parliamentary Under Secretary of State (Minister for Climate Change and Corporate Responsibility) Lord Callanan has today made the following statement:

I am today publishing the Government response to a review by the Organisation of Economic Co-Operation and Development (OECD) into the UK's international regulatory co-operation practices. This includes launching a call for evidence targeted at UK regulators, standard bodies and industry groups to understand their priorities for greater regulatory co-operation, and how the Government can help support and leverage their engagement in support of the UK's wider national interest.

International regulatory co-operation (IRC) is about understanding the implications of regulation beyond national borders. It provides an important opportunity for countries to adapt their regulations to the rapidly evolving needs of a globalised world and to influence the regulation of others. In practical terms, this involves

shaping and complying with international agreements, utilising international evidence and collaborating with international partners when designing and enforcing regulations.

For the UK, consideration of IRC is increasingly important given we are at a critical juncture for the country and our regulatory policy. We are seeking to build on our global ambitions now that the UK has left the European Union and is taking back regulatory competencies. In tandem, we are developing our own independent trade policy for the first time in almost fifty years. The emergence of new technologies, which are global in their scale and implications, also means that regulation is more international than ever. Effective regulation in these technologies underpinned by international co-operation enables consistent enforcement across borders and opens up trade opportunities by the reduction in non-tariff barriers.

In light of this, in 2018 the Government invited the OECD—as the leading authority on regulatory policy—to conduct a review into the UK's IRC practices. The resulting OECD report finds that there is no overarching, cross-Government strategic vision and systematic practices in place in relation to IRC. And while there are some examples of effective regulatory co-operation initiatives being undertaken by our world-renowned regulators, overall, this is sporadic and sector specific.

The report makes 25 recommendations to address this across three broad categories which are: building a holistic IRC vision, a strategy and political leadership for IRC in the UK; embedding IRC more systemically in regulatory management tools; and increasing awareness and understanding about IRC across departments and regulators.

The document I am publishing today “International Regulatory Cooperation for a Global Britain”, sets out our response to these recommendations. It welcomes the OECD's report and sets out the programme of work my Department will be undertaking to drive a systematic focus on IRC across Government and regulators by:

developing a whole-of-Government international regulatory co-operation strategy, which sets out the policies, tools and respective roles of different departments and regulators in facilitating this;

embedding international regulatory co-operation considerations within the better regulation framework and other government guidance;

developing specific tools and guidance to policy makers and regulators on how to conduct international regulatory co-operation; and

establishing networks to convene international policy professionals from across government and regulators share experience and best practice on international regulatory co-operation.

The call for evidence we are launching as part of this response aims to understand where regulators, standards bodies and industry groups already engaged in IRC, their priorities for where they would like to see greater IRC and how the Government can aid them identify and pursue opportunities.

The UK has a proud tradition of better regulation in ensuring that regulation is proportionate, targeted, transparent, accountable and consistent. Adopting a more international approach continues this by helping to reduce regulatory burdens on our exporting businesses and ensuring more effective regulatory outcomes for society. IRC will play a critical role in delivering on the Government vision of a global Britain that is a responsible international actor playing a constructive role in tackling issues of collective global responsibility, and a champion of free trade that seeks to counter the growing proliferation of non-tariff barriers.

The results of the call for evidence will be used to inform the development of the Government international regulatory co-operation strategy to be published at a future date, on which I will update the House.

[HCWS429]

CABINET OFFICE

List of Ministerial Responsibilities

The Minister of State, Cabinet Office (Chloe Smith):

As part of the Government's ongoing commitment to transparency and accountability, I am pleased to announce that the Government have published the list of ministerial responsibilities document on gov.uk. I will today be placing copies in the library of both Houses.

The list includes details of ministerial Departments, the Ministers within ministerial Departments, the private offices of all the Ministers and the Executive agencies within each Department.

[HCWS434]

HOME DEPARTMENT

Biennial Report of the National DNA Database Strategy Board

The Minister for Crime and Policing (Kit Malthouse):

I am pleased to announce that I am, today, publishing the annual report of the National DNA Database Strategy Board for 2018 to 2020. This report covers the National Fingerprints Database and the National DNA Database (NDNAD).

The strategy board chair, Assistant Chief Constable Ben Snuggs, has presented the annual report of the National DNA Database to the Home Secretary. Publication of the report is a statutory requirement under section 63AB(7) of the Police and Criminal Evidence Act 1984 as inserted by section 24 of the Protection of Freedoms Act 2012.

The report shows the important contribution that the NDNAD and the National Fingerprint Databases (policing collections) make to supporting policing and solving crimes. I am grateful to the strategy board for their commitment to fulfilling their statutory functions.

The report is today being laid before the House and copies will be available from the Vote Office.

[HCWS431]

HOUSE OF COMMONS COMMISSION

Contingencies Fund Advance: the Parliamentary Works Sponsor Body

Pete Wishart (Perth and North Perthshire) (*representing the House of Commons Commission*): In April 2020, the Commissions of both Houses agreed funding for the restoration and renewal programme for April to June 2020 of £27,500,000 which was laid before the House of Commons on 4 May as the initial Main Estimate for 2020-21. In June, the Commissions of both Houses agreed funding for the programme for July 2020 to March 2021 of £98,700,000 which will be laid before the House of Commons as a Supplementary Estimate for 2020-21 during the current financial year. Ahead of the Supplementary Estimates being voted on towards the

end of the 2020-21 financial year, a cash advance has been sought from HM Treasury in order to enable the continued operation of the programme.

Parliamentary approval for additional resources of £96,230,000 and capital of £2,470,000 will be sought in a Supplementary Estimate for the Parliamentary Works Sponsor Body. Pending that approval, urgent expenditure estimated at £98,700,000 will be met by repayable cash advances from the contingencies fund.

[HCWS432]

JUSTICE

Independent Review of Supervision of Terrorism and Terrorism-risk Offenders

The Parliamentary Under-Secretary of State for Justice

(Chris Philp): Last November Usman Khan brutally murdered Saskia Jones and Jack Merritt before being shot dead by police on London Bridge. Khan was being supervised by the National Probation Service (NPS) on a post-release licence following a number of years in prison for terrorist offences. He was subject to Multi-Agency Public Protection Arrangements (MAPPA), where the NPS, prisons and police work together with other agencies, including, when it comes to terrorist offenders, the security services to assess and manage the risk presented by known dangerous offenders.

Protecting the public from harm is the first duty of any government, and police, prison, probation and intelligence officers work tirelessly to keep our country safe. However, they can only manage and reduce the risk posed by dangerous individuals, it can never be eliminated entirely. Some offenders will always be determined to sow terror, despite all the efforts made to divert them from extremism.

It is, therefore, imperative that we seize every opportunity to improve our counter-terrorism efforts. That is why, as part of our response to the London Bridge attack, the government asked Jonathan Hall QC, the independent reviewer of terrorism legislation, to review the effectiveness of MAPPA when it comes to managing terrorist offenders and other offenders who may pose a terror risk. The terms of reference were published in January:

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-review/terms-of-reference-independent-review-of-the-statutory-multi-agency-public-protection-arrangements>

The review includes an annex assessing the tools available to manage radicalised offenders with serious mental health needs.

The importance of this review was further highlighted by the horrific attack in Streatham in February in which two people were stabbed. Thankfully, their lives were saved by the rapid work of the emergency services, and the attacker, Sudesh Amman, was shot dead before he could inflict more harm. He, too, was a convicted terrorist subject to MAPPA management and had recently left prison.

Jonathan Hall's review did not consider the circumstances that led up to these attacks - separate reviews are still under way.

Jonathan Hall found that MAPPA is a well-established process and did not conclude that wholesale change is necessary. He has made a number of recommendations

on how the management of terrorists can be improved and the government, police and prison and probation service have been working on changes in line with many of them. For example, we are already legislating to require terrorist offenders to undergo polygraph testing; in addition, we are also legislating so that other offenders can have their crimes identified as terror-related, even if not terror offences as set out in law.

We are also establishing a division of specialist staff in the NPS to manage terrorist risk offenders, bringing together counter-terrorism expertise in one place and strengthening its work with the police and security services.

This is on top of our wider efforts to tackle terrorism:

Increasing funding for Counter-Terrorism Police by 10% this year to over £900 million.

Doubling the number of probation staff who supervise terrorist offenders.

Strengthening the tools used to monitor and manage extremist individuals, including Terrorist Prevention and Investigation Measures and Serious Crime Prevention Orders.

Ensuring terrorists spend longer in prison, including by creating a minimum 14-year jail term for those convicted of serious terror offences.

We are considering the remainder of Jonathan Hall's recommendations and hope to set out our response shortly. The full report has been published here:

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-review>

[HCWS435]

WORK AND PENSIONS

Kickstart Scheme

The Secretary of State for Work and Pensions (Dr Thérèse Coffey): Today we are launching the kick-start scheme, which was announced by the Chancellor as part of our plan for jobs in his statement on 8 July. This £2 billion

programme will fund the direct creation of additional jobs focused on young people at risk of long-term unemployment to improve their chances of progressing to find long-term, sustainable work.

As we build back our economy and return to work we know that for many young people a lack of work experience can be a barrier to taking that first step on the jobs' ladder. That is why we are taking steps to help young people gain experience through the kick-start scheme and a foothold in the world of work.

The scheme is open to employers from across the private, public and voluntary sectors. Through the scheme, employers will be able to access a large pool of young people with lots to offer, ready for an opportunity. Organisations of all sizes are encouraged to participate. Organisations with a small number of placements will be expected to bid through intermediaries or umbrella organisations like local enterprise partnerships, business trade associations or local Government, ensuring the necessary support is in place to enable them to deliver placements effectively.

Employers will need to show that these are additional jobs and that the kick-start role will provide the experience and support a young person needs to improve their chances of permanent employment. People will be referred through the Jobcentre Plus network. Employers will be able to interview candidates for the roles they offer.

Funding available for each job will cover the relevant national minimum wage (NMW) rate for 25 hours a week, plus the associated employer National Insurance contributions, and employer minimum automatic enrolment contributions. It will also include £1,500 for start-up and wraparound support for people of a kick-start placement.

Today we are calling for employers to bid to be involved in the scheme, with the first job placements expected to begin in November. The bid application and information to support employers will be available online through www.gov.uk/kickstart.

[HCWS433]

ORAL ANSWERS

Wednesday 2 September 2020

	<i>Col. No.</i>		<i>Col. No.</i>
NORTHERN IRELAND	143	NORTHERN IRELAND—continued	
Aerospace Sector	152	Payments for Victims of the Troubles.....	147
Border Control Posts	147	Security Situation.....	153
Covid-19: Film and TV Quarantine Exemptions....	151	The Economy	143
Leaving the EU: the Economy	150	The Union	146
Northern Ireland Protocol: Infrastructure at Ports	146	PRIME MINISTER	153
Northern Ireland-Republic of Ireland Border.....	151	Engagements.....	153

WRITTEN STATEMENTS

Wednesday 2 September 2020

	<i>Col. No.</i>		<i>Col. No.</i>
BUSINESS, ENERGY AND INDUSTRIAL STRATEGY	5WS	HOUSE OF COMMONS COMMISSION	7WS
OECD Report of International Regulatory Co-operation in the UK.....	5WS	Contingencies Fund Advance: the Parliamentary Works Sponsor Body	7WS
Wylfa Newydd Nuclear Power Station Energy Infrastructure Project.....	5WS	JUSTICE	8WS
CABINET OFFICE	7WS	Independent Review of Supervision of Terrorism and Terrorism-risk Offenders.....	8WS
List of Ministerial Responsibilities	7WS	WORK AND PENSIONS	9WS
HOME DEPARTMENT	7WS	Kickstart Scheme	9WS
Biennial Report of the National DNA Database Strategy Board.....	7WS		

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than
Wednesday 9 September 2020**

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PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

CONTENTS

Wednesday 2 September 2020

Oral Answers to Questions [Col. 143] [see index inside back page]

Secretary of State for Northern Ireland
Prime Minister

Channel Crossings in Small Boats [Col. 167]

Answer to urgent question—(Chris Philp)

Foreign, Commonwealth and Development Office [Col. 187]

Answer to urgent question—(Dominic Raab)

Cash machines [Col. 206]

Bill presented, and read the First time

Climate and Ecology [Col. 206]

Bill presented, and read the First time

Recall of MPs (Change of Party Affiliation) [Col. 208]

Motion for leave to bring in Bill—(Anthony Mangnall)—on a Division, agreed to
Bill presented, and read the First time

Private International Law (Implementation of Agreements) Bill [Lords] [Col. 215]

Motion for leave to bring in Bill—(Robert Buckland)—agreed to
Programme motion—(Leo Docherty)—agreed to

Proceedings During the Pandemic (No. 4) [Col. 245]

Motion—(Mr Rees-Mogg)—agreed to

Petitions [Col. 254]

Regulatory Impact Assessments (Legislative Scrutiny) [Col. 255]

Debate on motion for Adjournment

Written Statements [Col. 5WS]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
