

Tuesday  
26 October 2021

Volume 702  
No. 60



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Tuesday 26 October 2021**

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# House of Commons

*Tuesday 26 October 2021*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

*The Secretary of State was asked—*

#### **Losing Loved Ones Overseas: Support**

1. **Antony Higginbotham** (Burnley) (Con): What support her Department offers to people who lose loved ones overseas. [903829]

**The Minister for Asia (Amanda Milling):** Losing a loved one is always extremely difficult, particularly if it happens overseas. The Foreign, Commonwealth and Development Office supports about 4,000 families affected by death abroad annually. Consular staff work tirelessly to provide information on local laws and systems, and offer tailored support to British people and their families in order to make arrangements.

**Antony Higginbotham:** In my constituency, we have sadly had two recent and high-profile cases of families losing a loved one abroad, including Susan and John Cooper in Egypt, and more recently Kelsey Devlin in Pakistan. Will my right hon. Friend look into those two cases to see whether there is anything further that the Foreign Office can do in order that the families can finally get the answers they need so that they can grieve?

**Amanda Milling:** May I first offer my deepest sympathies to my hon. Friend's constituents following the deaths of their loved ones? Officials continue to support Mr and Mrs Cooper's family and are working with Her Majesty's Coroner and Egyptian authorities to enable the inquest to take place as soon as possible. My officials are also supporting Ms Devlin's family, and will assist them in reporting their concerns surrounding this tragic case to the police in Pakistan. I would also like to offer to meet my hon. Friend to discuss these two cases.

**Jim Shannon** (Strangford) (DUP): Does the Minister agree that although charities such as the Kevin Bell Repatriation Trust in Northern Ireland do a tremendous job in assisting with complex repatriation, there is a greater role and need for a Government-led repatriation section to be established?

**Amanda Milling:** As I said, FCDO consular staff provide assistance to about 4,000 British families a year. The purpose of the assistance is to provide tailored support depending on families' particular needs.

#### **Palestinian Authority: ODA**

2. **John Howell** (Henley) (Con): What steps she is taking to ensure that official development assistance to the Palestinian Authority supports the peace process. [903830]

**The Minister for the Middle East and North Africa (James Cleverly):** Development programmes in the Occupied Palestinian Territories work to preserve the prospect of a negotiated two-state solution and simultaneously to improve the lives of Palestinians, in line with the UK's long-standing approach to the middle east peace process. Although the UK will no longer provide direct funding to the Palestinian Authority, we understand the importance of capacity building of Palestinian institutions.

**John Howell:** Earlier this year, the long-awaited EU review into the Palestinian Authority's school curriculum was published, and it confirmed numerous examples of antisemitism. I note the Minister's recent announcement that the UK is no longer funding Palestinian teachers to draft and deliver this curriculum, but will he ensure that any further UK support to Palestinian education is conditional on a zero-tolerance approach to antisemitism, and that that is shown at the United Nations Relief and Works Agency for Palestine Refugees in the Near East?

**James Cleverly:** I assure my hon. Friend that the UK Government take a zero-tolerance approach to antisemitism, wherever it is. The reduction in funding to the Palestinian Authority was in direct response to the official development assistance prioritisation review, which was itself in response to the economic constraints driven by covid. We do, however, continue to support the Palestinians through the UNRWA. We will ensure that, as we have done, we continue to press for that education curriculum to be devoid of any examples of antisemitism.

**Tony Lloyd** (Rochdale) (Lab): I obviously totally agree with bringing pressure to bear on issues such as antisemitism. Nevertheless, the humanitarian crisis that exists in Gaza in particular ought to shock the world, with a lack of access to clean water and of proper education, particularly for young girls and women in Gaza. As a country, we still ought to support the provision of those things. Can the Minister give us a clear understanding of when that assistance will return, because it matters?

**James Cleverly:** As I said, the UK continues to support UNRWA, which does fantastic work in both the west bank and Gaza. On my recent trip to Egypt, I spoke with Egyptian officials about the work that they had done to help to support Gaza after the conflict. The best thing that we can all do for the people of Gaza, the OPTs and the wider region is to push for a sustainable, peaceful two-state solution. That will remain the foundation stone of the UK's policy in the region.

**Chris Law** (Dundee West) (SNP): I welcome the new Secretary of State for Foreign, Commonwealth and Development Affairs and I hope that she has a long and welcome time in that place.

How can this Government be serious about supporting the peace process and striving for reconciliation when they are cutting aid spending by 71%? With further deeply damaging cuts expected in tomorrow's Budget and spending review, does the Minister not see that slashing the aid budget fundamentally undermines our national security as well as being against our national interest?

**James Cleverly**: I remind the House that because of covid this country experienced the worst economic contraction in three centuries, and it was absolutely right that we responded to that. We remain, in both absolute and percentage terms, one of the most generous aid donors in the world. We are proud of that record, as I and my right hon. Friends in Government have said. We aim to return to 0.7% as soon as the fiscal situation allows.

### Economic and Security Ties with Allies

3. **James Grundy** (Leigh) (Con): What diplomatic steps her Department is taking to strengthen economic and security ties with international allies to help challenge hostile actors. [903831]

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss)**: We are deepening our economic and security ties with allies, including the United States, members of the comprehensive and progressive agreement for trans-Pacific partnership, and India. We need to win the battle for economic influence through free enterprise and economies based on democracy.

**James Grundy**: Boosting our economic ties with India could provide opportunities for businesses in my constituency of Leigh and across the UK. Can my right hon. Friend assure the House that she will do everything she can to turbo-charge that relationship?

**Elizabeth Truss**: I completely agree with my hon. Friend. I was in New Delhi and Mumbai last week doing just that. India is a key strategic partner for the United Kingdom. It is the world's largest democracy. There are huge opportunities. We are shortly about to launch trade talks with India and we are working to increase two-way investment flows.

**Lisa Nandy** (Wigan) (Lab): I welcome the Foreign Secretary to her role and congratulate her on becoming the second woman in history to hold the post. I think I speak for Labour Members when I say that we look forward to welcoming the third. The Foreign Secretary is right to make delivering build back better a priority. COP26 will fail without a commitment to clean and reliable infrastructure in the developing world. We will never be taken seriously in Beijing if we do not claw back some of the influence we have lost in the world. She is right to identify that being a pushover with the Treasury does nothing for our national interest and nothing for our national security. However, the non-official development aid budget has been halved—ODA spending is down by £4 billion—and the Treasury's accounting

tricks will leave her coffers almost empty. With just days to go until the most important climate summit in a generation, has she clawed back some of that funding in tomorrow's Budget, or will we see the same story playing out of a Foreign Secretary who is not taken seriously in Beijing because she is not taken seriously around her own Cabinet table?

**Elizabeth Truss**: I thank the hon. Lady for her warm welcome to the Dispatch Box. I look forward to working with her over the coming years—many, many years. I do not think the Chancellor would be very happy if I announced the spending review today—and I am not sure you, Mr Speaker, would be very happy either. However, I assure her that we are absolutely prioritising our humanitarian aid budget. We are prioritising women and girls as part of our development budget, and we are prioritising investing in honest, reliable infrastructure in developing countries, particularly clean, green infrastructure.

**Lisa Nandy**: If the Foreign Secretary is still the only person in this country who has not seen the contents of the Budget, may I refer her to the *Daily Mail*, which has the entire read-out for her and for the rest of us?

When the Foreign Secretary's budget has been devastated over the past 10 years of Tory Government, can she not see the problem with no new money being announced in the Budget tomorrow? The Department she inherited was hollowed out under her predecessor and everything that she says she plans to do depends on her ability to reverse that. This House needs not more words but a serious plan. Only a few months ago, Members of this House made clear our view that what has been happening in Xinjiang constitutes genocide. She is an enthusiastic supporter of the UK's application to join the trans-Pacific partnership, which she mentioned in relation to an earlier question. However, China's application leaves open the very prospect that this House sought to avoid and that her predecessor blocked. We should not be entering into preferential trade arrangements with countries that commit genocide. If she cannot give the House guarantees that she has won the battle for resources, can she at least guarantee that she will veto China's membership if the application is successful?

**Elizabeth Truss**: I completely agree with the hon. Lady about the terrible atrocities that are taking place in Xinjiang, and I raised that with the Chinese Foreign Minister, Wang Yi, on the phone last week, as well as our concerns over Hong Kong, which I have also raised publicly. It is important that we trade with China, but we need to ensure that it is reliable trade, that it avoids strategic dependency and that it does not involve the violation of intellectual property rights or forced technology transfer. I urge China to respect the rules of the World Trade Organisation. Of course, the United Kingdom is not yet a member of the CPTPP, so we do not have rights over decisions, but I am clear that any country that enters the CPTPP needs to follow its high rules and standards, including high environmental and labour standards.

**Tom Tugendhat** (Tonbridge and Malling) (Con): I very much welcome my right hon. Friend to her place at the Dispatch Box. Given her past experience and her former jobs, can she tell us how she will build on the economic power of the United Kingdom to develop our

strategic influence around the world? This country grew rich not on the force of arms, but on the force of law and the different ways in which we have traded and travelled around the world. It would be fantastic to hear from her how she will use the office she now holds to defend the place of law both at home and abroad and to shape our alliances to promote our interests.

**Elizabeth Truss:** My hon. Friend is absolutely right to say that developing our economic ties with like-minded allies is vital to developing our influence in the world and also the influence of free enterprise, freedom and democracy. That is why we are pursuing trade deals with the likes of the CPTPP, India and the United States, which are all democratic and free enterprise-based. We now have a unique opportunity, as post-Brexit Britain, with all the tools at our disposal—development, trade, diplomacy and security—to build those links that I describe as a network of liberty across the world.

**James Gray** (North Wiltshire) (Con): I know the Foreign Secretary will agree that the sharply reducing ice in the Arctic is producing huge environmental challenges and serious economic and commercial opportunities, but also therefore an increase in security risks and the possibility of militarisation of one kind or another. Does she agree that the Arctic is an area worthy of intense diplomatic activity in the years to come?

**Mr Speaker:** That is well crowbarred in.

**Elizabeth Truss:** I agree with my hon. Friend. Following our successful partnership with Australia and the United States on AUKUS, we are looking for similar partnerships that cover regions like the Arctic, working with close allies, such as Canada.

**Alyn Smith** (Stirling) (SNP): I also welcome the Foreign Secretary to her place. Like many other Members, I look forward to seeing many more glossy pictures of her in exciting places around the world doing her job looking fabulous. Perhaps she should sign them for Members keen to have more images of her.

**The Minister for the Middle East and North Africa** (James Cleverly): We will get a signed copy for you.

**Alyn Smith:** That would be most kind, if the Minister can arrange that. Consistency in international law is vital for credibility and for building trust, none more importantly than in Cyprus, where part of the island remains under illegal occupation. Does the Foreign Secretary agree that the only basis for peace in Cyprus is a bizonal, bicomunal federation and that any speculation—we have heard some speculation—to the contrary would be deeply unhelpful and a retrograde step?

**Elizabeth Truss:** I am pleased to hear about the hon. Gentleman's reading material. What I would say on the subject of Cyprus is that the UK supports a comprehensive settlement based on previous parameters set out in the UN Security Council resolution, so I do not agree with the premise of his question.

### Afghanistan

4. **Caroline Dinenage** (Gosport) (Con): What steps her Department is taking to help protect the rights of women and girls in Afghanistan. [903832]

12. **Karl McCartney** (Lincoln) (Con): What recent steps the Government has taken to provide humanitarian support to the people of Afghanistan. [903841]

13. **Dan Jarvis** (Barnsley Central) (Lab): What recent assessment she has made of the security situation in Afghanistan. [903842]

**The Minister for the Middle East and North Africa** (James Cleverly): The security situation in Afghanistan remains fragile and volatile. Islamic State has launched deadly terror attacks, including at Kabul airport and a number of Shi'a mosques. The situation for women and girls has become even more difficult since the Taliban took power. Women are now largely absent from public life and barred from many roles in the workplace. We continue to press the Taliban to allow secondary education for girls to ensure full and equal access to education for all. Between April and 18 October, we disbursed nearly £35 million of life-saving humanitarian support to Afghanistan.

**Caroline Dinenage:** Before the Taliban took control, more than 3.5 million girls were in school, and many more were in university and vital roles across the Afghan economy. Taliban spokesmen say that girls can go to school, yet in many areas they are permitted only up to grade 6 or 7, and in some areas they are not permitted at all. There is a growing gap between the Taliban's promises and the reality. To those girls and women, it must feel that the doors that opened over the last two decades are slamming shut in their faces, and those who have stood against that have been met by violence. What are our Government doing to give them hope?

**James Cleverly:** I thank my hon. Friend for her question about this incredibly important issue. This year, we are doubling our humanitarian and development assistance to Afghanistan to £286 million, including for women and girls. We continue to press the Taliban to ensure that women play a full and equal role in life and that girls of all ages can go to school, holding the Taliban to the commitments that they have made. On 5 October, the Prime Minister's high representative for the Afghan transition, Sir Simon Gass, travelled to Afghanistan and held talks directly with the Taliban in which they discussed the humanitarian crisis and we pushed for improved rights for women and girls.

**Karl McCartney:** I thank my right hon. Friend for grouping my question. Many colleagues on the Government Benches and across the House have made representations to the Department regarding specific individuals in Afghanistan whose lives, or whose families' lives, are at risk and would benefit from UK support similar to that given in previous years to our country's agencies and armed forces while in Afghanistan. If former UK special forces members can vouch for certain individuals, why has the Minister's Department not acted quickly to repatriate these individuals to the safety of the UK? Would it help if they played football?

**James Cleverly:** The Afghan relocations and assistance policy is designed to allow Afghan nationals who served alongside Her Majesty's armed forces and wider Government in Afghanistan, and those whom we judge to be at serious risk because of that service, to settle in



the UK. We continue to assist those who were called forward under that scheme during Operation Pitting. Sadly, we were not able to evacuate all, but we continue to seek to evacuate those who can be evacuated.

My hon. Friend referred to football—I take it that he means the Afghan junior women's football team. As we have just discussed, the situation for women in Afghanistan is particularly acute and we are prioritising those people who are at serious risk of reprisals.

**Dan Jarvis:** Further to the question from the hon. Member for Lincoln (Karl McCartney), the Minister will know that hundreds of people, including men who I served alongside, remain stranded in Afghanistan. Many are being hunted by the Taliban, and some have already been murdered, all because of their association with us. Will the Minister say a bit more about what the Government are doing to ensure that those who risk their lives for us are afforded safe passage out of Afghanistan?

**James Cleverly:** I am grateful to the hon. and gallant Gentleman for the question. He is right that many people in the House—himself included—have served alongside incredibly brave members of the Afghan armed forces, translators and others who supported our work while we attempted to support the Afghans. The ARAP scheme is designed specifically to facilitate their evacuation from Afghanistan. He, perhaps more than most, will understand the practical difficulties in executing that on the ground.

My noble Friend Lord Ahmad of Wimbledon speaks regularly with the countries in the neighbourhood to facilitate the evacuation from Afghanistan. I assure the hon. and gallant Gentleman that the UK Government take incredibly seriously the debt of honour that we owe to those brave Afghans who are currently in danger because of their support for our work in the country.

**Dr Julian Lewis** (New Forest East) (Con): I realise that the Government can do much more for at-risk Afghan women who have managed to cross the border and are outside the country. One thing they can do for at-risk Afghans who are still in Afghanistan is link the provision of extra aid with their not being persecuted. How explicit are we making that link? How strongly are we exploiting that leverage?

**James Cleverly:** My right hon. Friend makes an incredibly important point. I assure him that we hold the Taliban to their word. They will be judged on their actions, rather than just on what they have said. Clearly, they now find themselves the de facto Government of Afghanistan. We have made it clear that the support from us and the wider international community will be contingent on their behaving in a way that they have said that they intend to behave. We will always base our decisions on Afghanistan on the facts on the ground, not just on the words of Taliban spokespeople.

**Stephen Kinnock** (Aberavon) (Lab): Like the shadow Foreign Secretary, my hon. Friend the Member for Wigan (Lisa Nandy), I welcome the Foreign Secretary and her team to their places.

It has emerged that our ambassador in Kabul sent a series of diplomatic cables to the former Foreign Secretary, the right hon. Member for Esher and Walton (Dominic

Raab), in July and August, warning him that Kabul would fall at pace and with little resistance. The former Foreign Secretary's response to those urgent telegrams was to go on holiday. Will the new Foreign Secretary assure the House that she is putting early-warning systems in place across her Department to ensure that such a catastrophic failure of decision making is never allowed to occur again? Will she commit to coming to the House within the shortest possible timescale to make a statement outlining our political, diplomatic, economic and security strategy for Afghanistan, as opposed to making policy on the hoof, as her predecessor did?

**James Cleverly:** The hon. Gentleman takes the opportunity to talk about things that have been widely discussed in this House, rather than about the future. That is of course up to him. The former Foreign Secretary explained his actions and there is nothing much more that I can add. I assure the hon. Gentleman that my right hon. Friend the Foreign Secretary and the ministerial team that she leads remain entirely focused on ensuring that where we can exert influence to bring about peace and stability in Afghanistan, we will continue to do so.

## G20 Rome Summit

5. **Chris Elmore** (Ogmore) (Lab): What the Government's priorities are for the G20 Rome Summit. [903833]

**The Minister for Asia (Amanda Milling):** The G20 Rome summit is an opportunity to rally the most powerful nations to tackle the ongoing covid-19 crisis and to secure a sustainable, inclusive recovery. The summit this weekend is immediately before the UK hosts COP26. We will work to build a consensus on climate objectives and to drive forward priorities on health, girls' education and the economic recovery to build back better.

**Chris Elmore:** The Minister mentioned in her answer tackling the covid-19 pandemic. Last week, WHO's ambassador for global health financing, Gordon Brown, shared that 240 million doses of covid-19 vaccine are lying unused. Will the Minister set out what will be prioritised at the G20 to ensure that the poorest nations around the world can gain access to those unused vaccines? As has been said many times, we are not all vaccinated until everyone is vaccinated.

**Amanda Milling:** This is a global pandemic and we need to get the global population vaccinated. That is why we led the way at the G7 summit earlier in the year, where the Prime Minister committed to sharing 100 million doses by June 2022, 80% of which will go to COVAX. We need to ensure that the global population gets vaccinated.

**Jake Berry** (Rossendale and Darwen) (Con): One of the best ways to ensure a global recovery from the covid pandemic is to enable northern businesses to trade freely across the world. One of the biggest challenges is the non-tariff barriers that they face in advance of any trade deal. Will my right hon. Friend the Minister confirm to the House what support is available through our embassy network and how do businesses access it?

**Amanda Milling:** My right hon. Friend is a real campaigner for the north of England. Having lived there for 15 years, I know that it is very important. I have just

come back from a visit to the Philippines, Singapore and Japan, and one of the things I saw was posts doing everything they can to promote British business on the ground to ensure trade links in exports and in foreign direct investment.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I welcome the Minister to her place. She mentioned her visit to the Pacific, but the G20 also includes one African representative, and it usually invites the African Union and the New Partnership for Africa's Development. I hope that the specific economic health climate and the humanitarian crises affecting some countries in Africa will be discussed, not least because we heard yesterday about the terrible events in Sudan. I also hope that the UK will raise the worsening situation in Ethiopia, which is a past G20 invitee, given the resumption of attacks on Mekelle, human rights atrocities, and the humanitarian crisis affecting people in Tigray and beyond. What will the Government be doing specifically on that issue at the G20, other than cutting our assistance to Africa?

**Amanda Milling:** As the hon. Gentleman will be aware, there was an urgent question yesterday about the situation in Sudan. The situation in northern Ethiopia is dire, and the UK condemns the ongoing violence and the spread of the conflict into Afar and Amhara, as well as the airstrikes impacting civilians and the ongoing human rights abuses and violations. We call on both sides urgently to implement a ceasefire and for the Eritrean forces to depart, and to seek a solution.

#### **Pakistan: Maira Shahbaz**

6. **Sir Edward Leigh** (Gainsborough) (Con): What discussions her Department has had with officials in the Government of Pakistan on the case of Maira Shahbaz. [903834]

**The Minister for the Middle East and North Africa (James Cleverly):** We strongly condemn forced marriage and the forced conversion of women and girls, including in Pakistan. We regularly raise our concerns, including individual cases, at a senior level with the Pakistani authorities. We fund projects in Pakistan to address child and forced marriages, gender-based violence, and discrimination and intolerance, especially against minorities.

**Sir Edward Leigh:** At the age of 14, Maira Shahbaz was abducted, forced into a marriage against her will, and raped. She managed to escape, and she is living in fear for her life in one room with her entire family. We have now been campaigning for over a year, 12,000 people have signed a petition, and we saw the Home Secretary. Can the Foreign Office not do more? Is it for fear of alienating the Pakistan Government, to whom we give £300 million a year? Can we have action this day to move the court case on, get her out, and get her to safety in the United Kingdom?

**James Cleverly:** My right hon. Friend will understand that it is difficult and sometimes counterproductive to discuss individual cases in detail, as to do so could put individuals and their families at risk. The House, and indeed hon. Members, will have heard his points, and I assure him that requests for asylum will be considered on their merits.

**Sarah Champion** (Rotherham) (Lab): Child marriage is an abhorrent practice wherever it is found, and I urge the House to support the hon. Member for Mid Derbyshire (Mrs Latham) in her Bill to ban it in this country. I welcome the Foreign Secretary to her place, and particularly the fact that she has kept the women and girls brief. Will she explain why, in her first week in the job, she signed off £183 million in cuts to education for women and girls, when such funding is one of the key drivers to prevent child marriage?

**James Cleverly:** I assure the Chair of the International Development Committee, and the whole House, that my right hon. Friend, the Department, and the wider Government take the rights of women around the world incredibly seriously. Education for girls remains a priority for the Prime Minister, and we will continue to advocate for that internationally, and fight for that as a priority within Government.

#### **Development: Promoting the Rule of Law**

7. **Andrew Selous** (South West Bedfordshire) (Con): What steps she is taking to help promote the rule of law through her Department's development work. [903835]

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford):** The UK is committed to being a force for good in the world, which includes upholding the rule of law. We promote the rule of law through our policy and programme engagement, which includes the UK's Rule of Law Expertise Programme. That engages with stakeholders across the legal, judicial and development sectors, and is currently working in Nepal, Nigeria, Uganda, Malawi, Kenya, Rwanda and Tanzania.

**Andrew Selous:** For many poor people around the world, lack of access to justice is their biggest issue. If someone is too frightened to go to school because they think they will be raped on the way, or too scared to develop their smallholding because they think someone will steal the land, it will be much more difficult to escape poverty. What proportion of our development spending goes on ensuring easy access to a robust criminal justice system for the global poor?

**Vicky Ford:** My hon. Friend is a true campaigner for freedom, human rights and, as we have heard, access to justice. Many of the UK's programmes contribute directly or indirectly towards access to justice, and we therefore do not quantify the exact proportion of our development spending in that area. The UK remains a world leader in international development, and we use our aid budget to strengthen democratic institutions, defend human rights, champion free media, and promote effective governance.

**Fabian Hamilton** (Leeds North East) (Lab): I am sure the Minister agrees that reports that the Turkish Government are to expel many of our allies' ambassadors from the country, after they rightly raised concerns about the ongoing slide in civil liberties and freedom of expression, are extremely worrying. We simply must not hang our allies out to dry. Given that Turkey is a key NATO ally, will the Minister join us in finally making clear, as she has not publicly in the past, that the UK

will not accept any further attempts to undermine civil liberties, and that we stand with the 10 countries whose representation in Turkey has been affected by such a provocative act?

**Vicky Ford:** We are very pleased that Turkey and the 10 countries concerned have found a way to resolve this diplomatic crisis. We will continue to work closely with Turkey, which is a very important NATO ally, and we will continue to work with other key partners to strengthen the productive ties with Turkey from which we all benefit.

#### Indo-Pacific Region: UK Relations

8. **Rob Butler** (Aylesbury) (Con): What steps she is taking to strengthen UK relations in the Indo-Pacific region. [903836]

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss):** We are strengthening our relationships to promote a free and secure Indo-Pacific. That includes working with like-minded allies to build strong economic partnerships, to undertake joint military exercises as part of the carrier strike group, which I was fortunate to visit this week, and to secure our accession to the comprehensive and progressive agreement for trans-Pacific partnership.

**Rob Butler:** In recent weeks, there has been an alarming increase in the number of Chinese military jets staging incursions into Taiwan's air defence identification zone. Given China's repeated statements that reunification with Taiwan must happen, which of course the Taiwanese do not want, and China's recent record in Hong Kong, will my right hon. Friend tell the House what diplomatic efforts are being made to strengthen UK relations in order to ensure the stability of that region?

**Elizabeth Truss:** The large number of Chinese military flights that took place near Taiwan at the beginning of October are not conducive to peace and stability in the region. We need peaceful resolution through constructive dialogue, and the work that the United Kingdom is doing through the carrier strike group and our security partnerships is contributing to peace across the region.

#### Harry Dunn

9. **Dame Andrea Leadsom** (South Northamptonshire) (Con): If she will hold discussions with her US counterpart on the death of Harry Dunn. [903838]

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss):** We have the deepest sympathy for Harry's family. I have spoken to them about the case. I raised the case with Secretary Blinken, and we also raised it with President Biden when we were over in the United States. I am very clear that justice needs to be delivered for Harry and his family.

**Dame Andrea Leadsom:** I pay tribute to Harry's mum, Charlotte, and Harry's dad, Tim, for their incredible courage in determining that they will achieve justice for Harry one way or another. They have already been striving for that for more than two years. Does my right

hon. Friend agree that we have to do everything possible with our great allies around the world to ensure mutual respect, and that abiding by the rule of law and achieving justice in a harrowing situation such as this is vital to those relationships?

**Elizabeth Truss:** I praise my right hon. Friend for the huge support that she has given to the family of Harry Dunn. I had the opportunity to speak with them; of course, the situation they find themselves in is absolutely terrible. I am determined that we should deliver justice for Harry and his family, and I am pushing the United States. Of course it is a key ally of the United Kingdom, but we must see justice delivered.

#### Safe Passage from Afghanistan

10. **Neale Hanvey** (Kirkcaldy and Cowdenbeath) (Alba): What diplomatic steps she is taking to support the safe passage of (a) UK citizens and (b) Afghan nationals from Afghanistan. [903839]

21. **Stephen Farry** (North Down) (Alliance): What steps her Department is taking to assist vulnerable Afghans leave Afghanistan to places of safety. [903850]

**The Minister for the Middle East and North Africa (James Cleverly):** The Government continue to do all they can to ensure safe passage of eligible individuals who wish to leave Afghanistan. The UK has had constructive engagement with near neighbours, led by my noble Friend Lord Ahmad of Wimbledon. British nationals continue to be facilitated and supported in their exit from Afghanistan, including through Qatar Airways flights. My right hon. Friend the Foreign Secretary met Afghan evacuees and the Qatari authorities on this very issue on her recent trip.

**Neale Hanvey:** I thank the Minister for that answer and the Secretary of State for her recent update on this issue. It is important to acknowledge the considerable efforts that are being made, but concerns persist for those who remain and are seeking refuge or safe passage from Afghanistan. Members will understand that I cannot name my constituents for fear of putting their relatives in a deeply perilous state, but what more can the Government do to assist hon. Members to alleviate the anguish and distress of constituents with loved ones in Afghanistan? Will the Government commit to working with Members to secure safe passage from Afghanistan, removing their constituents from immediate risk?

**James Cleverly:** The situation in Afghanistan is painful for us all. Three routes have been set up: for British nationals, through the Foreign Office; for Afghan nationals, through the Home Office; and for those who have supported us directly, through the Afghan relocations and assistance policy scheme. We continue to engage directly with the Taliban. The Prime Minister's High Representative for Afghanistan, Simon Gass, and the Chargé d'Affaires of the UK mission to Afghanistan based in Doha, Dr Martin Longden, travelled to Afghanistan on 5 October to have direct talks with the Taliban, and to hold them to the commitments they have made about respecting and protecting people within Afghanistan.



**Stephen Farry:** Outside the ARAP scheme and within Operation Pitting, a number of other people were called forward for evacuation. Can the Minister give the House full transparency in terms of how many people were actually called forward, how many people were evacuated, and how many of that cohort still remain in Afghanistan?

**James Cleverly:** Since 28 August, over 500 more individuals eligible to come to the UK have been able to leave Afghanistan, as well as more than 400 British nationals and their dependants. We have assisted over 135 British nationals and their dependants to leave Afghanistan on Qatar-chartered flights. The total number of people who may be eligible is almost impossible for us to assess with clarity.

### Bahrain: Political and Human Rights

11. **Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): What recent assessment she has made of the political and human rights situation in Bahrain. [903840]

**The Minister for the Middle East and North Africa (James Cleverly):** We continue to monitor the political and human rights developments in Bahrain. Bahrain is a Foreign, Commonwealth and Development Office human rights priority country. We publish our assessment of the situation, including on areas of concern and areas of improvement in Bahrain, in the annual FCDO human rights report, most recently published on 8 July 2021. The details the hon. Lady requires are available in that document.

**Margaret Ferrier:** Over a decade after pro-democracy protests were crushed and oversight mechanisms, which the UK helped to fund, were adopted, cosmetic reforms have failed to remedy Bahrain's deep-rooted problems. Will the Government show their commitment to Bahrain and publicly call for meaningful and inclusive political dialogue there, and for the unconditional release of all political prisoners, including Dr al-Singace, Hassan Mushaima, Abdulhadi al-Khawaja, and Sheikh Ali Salman?

**James Cleverly:** The United Kingdom enjoys a constructive relationship with Bahrain, which means that where there are areas of concern we are able to bring them up directly. I myself have done so in bilateral meetings I have had with Bahraini officials, both here in the UK and on my trips to Bahrain. We continue to monitor the cases the hon. Lady raises, and others as necessary.

### Iran: Middle East Terror Groups

14. **Greg Smith** (Buckingham) (Con): What assessment she has made of the implications for regional security of Iran's potential support for terror groups in the Middle East. [903843]

**The Minister for the Middle East and North Africa (James Cleverly):** The UK has long condemned Iran's regional destabilising activities. We regularly raise our concerns at the United Nations, most recently doing so on 9 August. We support the security of our allies in the middle east, including defence partnerships and capability building. My right hon. Friend the Foreign Secretary

discussed continued security collaboration with her Saudi counterparts on 20 October and her Israeli counterparts on 19 October.

**Greg Smith:** I thank my right hon. Friend for that answer. Iran remains the world's leading sponsor of terror groups, including those committed to the destruction of Israel, and continues to enjoy impunity for its actions. Does my right hon. Friend share my concern that having a nuclear weapon would give Iran the ultimate protection to spread its malign influence in the region? Will he confirm that the UK will keep all options on the table to stop Iran becoming a nuclear power?

**James Cleverly:** I can assure my hon. Friend that our priority remains to prevent Iran from acquiring nuclear weapons capability. Sadly, Iran's nuclear programme has never been more advanced, and it is more worrying today than perhaps it has ever been. We regularly call strongly on Iran to halt all activities in violation of the joint comprehensive plan of action without delay and take the opportunity in front of it at the Vienna talks to restore the JCPOA. The current offer cannot remain on the table indefinitely.

### AUKUS: Shared Security Priorities

15. **Ruth Edwards** (Rushcliffe) (Con): What steps she is taking to establish partnerships founded on shared security priorities following the trilateral security pact between Australia, the UK and the United States. [903844]

16. **Paul Holmes** (Eastleigh) (Con): What steps she is taking to establish partnerships founded on shared security priorities following the trilateral security pact between Australia, the UK and the United States. [903845]

24. **Henry Smith** (Crawley) (Con): What steps she is taking to establish partnerships founded on shared security priorities following the trilateral security pact between Australia, the UK and the United States. [903853]

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss):** To protect freedom and democracy around the world, it is vital that we deepen our security relationships with friends and allies. AUKUS represents a long-term commitment to deeper co-operation on future defence capabilities with Australia and the United States, and we want to build on it, including with other partners.

**Ruth Edwards:** I thank the Secretary of State for her answer. Could she set out how the Government intend to expand the scope of partnerships such as AUKUS to cover civilian and dual-use technologies such as semi-conductor chips and 5G?

**Elizabeth Truss:** My hon. Friend is right; we must ensure that technology standards and advances are shaped by the free world, whether that is the free flow of data, cyber, artificial intelligence, 5G or quantum computing. In India this week I agreed a partnership on future technology, especially on 5G. We are also working with the US and other partners to shape the future of technology.

**Paul Holmes:** I thank my right hon. Friend for her earlier answer. She recently spoke of building “a network of liberty across the globe.”

Beyond Australia and the United States, can she advise the House of any other nations with which she would like to deepen our security relationship, to improve our position and security across the globe?

**Elizabeth Truss:** Alongside AUKUS and of course NATO we are building partnerships with other allies. I recently hosted the Baltic three to talk about increased co-operation in the area, we have agreed enhanced co-operation with Greece and we are in talks with Japan about future security co-operation.

**Henry Smith:** My right hon. Friend correctly spoke about the network of liberty referred to earlier. What discussions has she had with the world’s largest democracy, India, on security co-operation?

**Elizabeth Truss:** India is a very strong ally of the United Kingdom and we want to work more closely together across a range of security and defence issues. While I was in Mumbai, the UK carrier strike group was stationed off the coast; we have just conducted the UK’s largest ever joint exercise with Indian armed forces, and we are now deepening that co-operation.

### Topical Questions

T1. [903854] **Gary Sambrook** (Birmingham, Northfield) (Con): If she will make a statement on her departmental responsibilities.

**The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss):** As Foreign Secretary, I will work to deepen our economic and security partnerships, to challenge malign actors from a position of strength. In our development budget, I will prioritise investing in honest, reliable infrastructure in developing countries, providing life-saving humanitarian aid and supporting women and girls across the world. We are pursuing a positive, proactive foreign policy that delivers for people across our great country.

**Gary Sambrook:** I am sure my right hon. Friend shares my grave concern at Iran’s escalation of uranium enrichment to 60% and production of uranium metal, which has no credible civilian purpose. Will the Government therefore seek a resolution of censure at the next International Atomic Energy Agency board of governors session, so we can ensure that we hold Iran to account?

**Elizabeth Truss:** Iran has no credible civilian justification for its nuclear escalation. As I made clear to my Iranian counterpart, Iran urgently needs to return to the negotiating table and, if it does not engage meaningfully in negotiations, we will reconsider our approach. All options are on the table.

**Preet Kaur Gill** (Birmingham, Edgbaston) (Lab/Co-op): I welcome the Secretary of State to her place. Yesterday, it emerged that the Prime Minister’s pleading at the G7 and the United Nations to deliver £100 billion of climate finance has failed. With that, we had another example of the waning global influence of this Government in retreat. I had hoped that the new Foreign and Development

Secretary would have put a stop to that, but her first act was to sign off on savage aid cuts to climate programmes and climate-vulnerable countries, disproportionately impacting women and girls, weeks before the most important climate summit of our lifetime. Does the Secretary of State agree that cuts to programmes such as the green economic growth initiative to preserve Papua’s 90% forest cover, and cuts to the aid budget, have actively undermined the UK’s ability to deliver not only at the conference of the parties, but on the world stage, exposing global Britain as little more than a slogan?

**Elizabeth Truss:** I do not agree with the hon. Lady’s analysis at all. We are making very positive progress on COP26; only this morning, we heard Australia’s announcement about its commitment to net zero. I am looking forward to attending COP in Glasgow next week and presenting a very ambitious finance package. Only a few weeks ago, when we were in the United States, we saw it commit to over £11 billion of climate finance. There are trillions available in the private sector that we will be unlocking to deal with the climate crisis.<sup>1</sup>

T2. [903855] **David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): The Nutrition for Growth Tokyo summit will now take place in December, having been postponed by a year. In the meantime, rates of malnutrition have spiralled as a result of the covid-19 pandemic. Can the Foreign Secretary confirm that she will use the summit to reaffirm UK global leadership on nutrition and commit to reaching 50 million people with nutrition services by 2025?

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Wendy Morton):** I know that my right hon. Friend takes a keen interest in the topic of nutrition. The prevention and treatment of malnutrition remain important for the UK as part of our work on global health humanitarian response and in support of our goals on girls’ education. I assure him that the Government are actively considering our approach to the Nutrition for Growth summit, including any commitments on nutrition, and we will update the House following the conclusion of the spending review.

T3. [903856] **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): As we encourage the take-up of the booster jab here, we know that we are not safe until everyone is protected. The same applies globally, yet the vast majority of Africans are yet to receive a single jab. Only 2% of Nigerians have been jabbed, for example, despite Nigeria having the potential to manufacture its own vaccines. Will the Secretary of State work to identify and equip the many manufacturing and fill-and-finish facilities required in Africa, as Labour is calling for, so that Africa can afford to vaccinate Africans?

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford):** The UK committed more than £500 million to the COVAX facility and helped it to deliver more than 81 million doses to 44 African countries. In addition, we are providing UK emergency medical teams to 10 African countries. We have put a public health rapid support team into Nigeria, Gambia, Tunisia and other countries in Africa. At the World Bank annual meetings the week

1. [Official Report, 27 October 2021, Vol. 702, c. 2MC.]

before last, I raised the importance of ensuring longer-term vaccine financing for Africa and that all programmes work together. We are strengthening the support that we give in African countries, to help them to have the health systems they need to continue providing essential health and getting those vaccines out.

T5. [903858] **Sara Britcliffe** (Hyndburn) (Con): Does my right hon. Friend the Secretary of State welcome the new agreement signed recently with Greece? Can she give examples of how the UK and Greece are working in greater

**Wendy Morton:** I was delighted that yesterday the Foreign Secretary met the Greek Foreign Minister, Minister Dendias, and signed a new strategic bilateral framework that will build on the co-operation between our countries. It will open up new opportunities for trade and investment in both countries, allowing us to build on the £4.5 billion-worth of annual trade that we already have. It will also enable better co-operation among our businesses, investors and industry, and will promote even stronger security and defence co-operation, both as NATO allies and in enhancing Europe's resilience in the face of security threats.

T4. [903857] **Matt Western** (Warwick and Leamington) (Lab): I welcome the Secretary of State to her position. Will she update the House on her Government's recent discussions with international allies on restarting a meaningful peace process between Palestine and the Israeli Government? Will she describe the personal importance that she attaches to achieving a two-state solution?

**The Minister for the Middle East and North Africa (James Cleverly):** My right hon. Friend the Foreign Secretary engages regularly with the leadership of both Israel and the Palestinian Authority. It remains a foundation stone of UK foreign policy in the region to pursue, support and, where possible, facilitate a two-state solution based on 1967 lines with agreed land swaps and Jerusalem as a shared capital of both states.

T7. [903860] **Mr Philip Hollobone** (Kettering) (Con): As well as funding anti-Israel terror groups in Lebanon, Gaza and Syria, Iran is systematically and aggressively advancing its nuclear weapons programme, and is now enriching uranium to 60% for the first time ever. While the west dithers, Iran enriches more uranium. Do we actually have a serious and credible plan to prevent Iran from getting a nuclear weapon?

**Elizabeth Truss:** My hon. Friend is right: we absolutely must stop Iran securing those nuclear capabilities, and we are working closely with our allies across the world. I have chaired a meeting of the five permanent members of the Security Council to discuss this very issue.

T6. [903859] **Dan Jarvis** (Barnsley Central) (Lab): It was reported recently that eight children from the same family in Kabul had died of starvation. With Afghanistan on the verge of its worst-ever food crisis, may I ask the Foreign Secretary to say what urgent action the Government are taking to support humanitarian access to Afghanistan?

**Elizabeth Truss:** I completely agree with the hon. Gentleman about the terrible situation in Afghanistan. I travelled to the region this week—I went to Qatar, where I met evacuees from Afghanistan—and we are working very closely with our international allies. We have increased our aid for Afghanistan to £286 million, and we are working to hold the Taliban to account to ensure that they live up to the promises they have made.

T8. [903861] **Robbie Moore** (Keighley) (Con): I have been informed of unfortunate cases of constituents who are unable to return home from Pakistan owing to disparities in international travel laws, including the fact that certain Pakistan-administered vaccines are not recognised by the UK Government. Can my right hon. Friend assure me that the Ministry of Defence will open discussions with Pakistani counterparts to find a solution, and will work with colleagues in the Department for Transport to ensure that my constituents who want to return home from Pakistan are able to do so safely?

**James Cleverly:** Pakistan is a significant, important and close partner to the UK. Travellers from Pakistan can come to the UK freely provided that they adhere to the relevant covid-19 restrictions, the details of which are on the gov.uk website. We will continue to work with our Pakistani colleagues to reopen international travel safely.

T9. [903862] **Mr Alistair Carmichael** (Orkney and Shetland) (LD): What evidence have the Government of Israel given the Foreign Secretary or her Department to justify the designation of six Palestinian human rights organisations as terrorist organisations? Does she agree with me—and, indeed, with the assessment of B'Tselem, the Israeli human rights organisation—that this is not worthy of a democracy, and is more what we expect from repressive regimes?

**James Cleverly:** The UK's relationship with Israel is strong and important, and the strength of that relationship allows us to raise sensitive issues such as this. I assure the right hon. Gentleman that we will be speaking to our friends and colleagues in the Israeli Government about the reasons why they felt that they needed to designate those organisations.

**Chris Grayling** (Epsom and Ewell) (Con): The Foreign Secretary referred in her opening remarks to the work that her Department was doing, but did not mention the support that she is providing for environmental projects, particularly the valuable projects in the Congo basin. May I ask her to ensure that the work she does on land, in forests, is matched by support for marine projects, where the loss of habitats is equally serious and the benefits for tackling climate change can be enormous?

**Vicky Ford:** I assure my right hon. Friend that this Government are determined to protect the ocean. We are leading international efforts to protect 30% of the world's ocean by 2030, and are substantially increasing our investment to support that. Our £500 million blue plant fund will protect mangroves and coral reefs, tackle ocean plastic pollution, and reduce coastal poverty.

T10. [903863] **Kate Osamor** (Edmonton) (Lab/Co-op): I welcome the Secretary of State to her new role. As the United Nations penholder on Myanmar, and given the



Burmese military build-up and increased attacks in north-western Myanmar, are the UK Government planning to convene the UN Security Council immediately to discuss how to respond to these deeply disturbing events?

**The Minister for Asia (Amanda Milling):** The UK is deeply concerned about what is happening in the north-western regions of Myanmar, particularly the significant troop movements by the Myanmar armed forces, and about reports of multiple civilian casualties and displacements. On 15 October, the UK released a statement urging the military to end their campaign of violence. We are monitoring developments closely, and are in discussion with our international partners in the UN Security Council.

**Jeremy Hunt (South West Surrey) (Con):** I warmly welcome my successor's successor to her place, although saying that makes me feel rather old. She will know that Richard Ratcliffe, Nazanin's husband, has restarted his hunger strike this week. She will also know that Nazanin is not going to come home until we pay the debt that we owe Iran for the Challenger tanks, which the Defence Secretary has accepted that we owe Iran. When are we going to repay that debt, and what will the Minister do to ensure that hostage taking never pays?

**Elizabeth Truss:** I have huge sympathy for Nazanin and Richard Ratcliffe. I have spoken to both of them about the terrible situation that Nazanin faces. It is imperative that she is not put back into jail in Iran, and I am working as hard as I can, both directly with the Iranian authorities—I have had a meeting with Iranian Ministers—and with our international allies to bring Nazanin and the other UK detainees home.

**John Cryer (Leyton and Wanstead) (Lab):** What discussions has the Foreign Secretary had with the Government of Nigeria about the attacks by Boko Haram and other groups on just about every minority in Nigeria, particularly Christians?

**Vicky Ford:** We absolutely condemn violence across Nigeria. These attacks have devastating effects on all communities. Religious identity is a factor in some

incidents of intercommunal violence, but the root causes are very complex. When I met African heads of mission in London on 21 September, I emphasised that democracy, human rights and the rule of law are all core UK values and that those values also include the freedom of religion or belief.

**Fiona Bruce (Congleton) (Con):** We know that 2,763 Yazidi women, girls and children are still missing, seven years after they were abducted by Daesh in Iraq. Many were taken as sexual slaves and child soldiers. Will the Minister meet me and members of the all-party parliamentary group for international freedom of religion or belief to review what action the UK can take to support the call to assist those people by members of the International Religious Freedom or Belief Alliance this week?

**Vicky Ford:** I thank my hon. Friend for her important question and for all the work she does in this area. This Government and I are committed to freedom of religion or belief and to the protection of women and girls, and I would be happy to discuss with her this issue and the wider issues of concern in this area.

**Dr Rupa Huq (Ealing Central and Acton) (Lab):** Can the Foreign Secretary and former Lord Chancellor impress upon her counterparts in Poland the importance of a judiciary that is free from political interference, as that seems to be under threat there? Can she also reiterate that, post Brexit, Her Majesty's sovereign Government control their own border policy, which totally entitles them to exclude hate speakers such as the polemicist Rafał Ziemkiewicz, as happened the other day at Heathrow airport?

**Wendy Morton:** In relation to Poland, we are aware of the recent European Court of Human Rights ruling, which found that recent Polish constitutional court rulings involving controversially appointed judges did not constitute a tribunal established by law. It is for each country to decide on its constitutional arrangements, but here in the UK we expect alignment with international law.



## Budget: Pre-announcement of Provisions

**Mr Speaker:** Before we come to the urgent question, I have a short statement to make. I have repeatedly stated in the clearest possible terms that important announcements should be made by the Government first in this House rather than outside it. I did so again yesterday in relation to the briefings issued to the media about the Budget. I was therefore disappointed to see more stories in the media today with apparently very well-briefed information about what will be in tomorrow's Budget. The Government do not just have to take my word for this; their own ministerial code says:

“When Parliament is in session, the most important announcements of Government policy should be made in the first instance, in Parliament.”—

in this House.

As I said yesterday, I do not have to give a reason for my decisions about urgent question applications, but in this case I want the House, and especially the Government, to be clear that if the Government continue to treat this House in this discourteous manner, I will do everything in my power to ensure that Ministers are called here at the earliest opportunity to explain themselves. I personally have nothing against the Minister and I feel sorry for the person who has to answer at the Dispatch Box but, once again, this House will not be taken for granted. It is not right for everybody else to be briefed. It is not more important to go on the news in the morning; it is more important to come here. Let us get the message across that these elected Members represent this United Kingdom. It is not done through Sky TV.

12.35 pm

**Bridget Phillipson** (Houghton and Sunderland South) (Lab) (*Urgent Question*): To ask the Chancellor of the Exchequer for a statement on the details of all the provisions in the upcoming Budget that have been made public in advance of the Chancellor's statement.

**The Chief Secretary to the Treasury (Mr Simon Clarke):** Mr Speaker, I have the deepest respect for you, this House and all its processes. It is a pleasure to be with you this afternoon. The ability of Parliament to scrutinise the Government, including the Budget, is clearly crucial, which is why we have five days of parliamentary debate ahead of us this week and next, and it is why my right hon. Friend the Chancellor will, in addition, be appearing before two Select Committees of this House next week.

Tomorrow my right hon. Friend will announce a Budget that delivers a stronger economy for the British people, invests in public services and levelling up, and delivers on growth and jobs with a pay rise for 7 million people—5 million in the public sector and 2 million through an increase in the national living wage.

I will briefly summarise the headline announcements we have already made on the Budget, with the caveat that the bulk of the detail of the Budget will be delivered by the Chancellor himself at this Dispatch Box tomorrow. Importantly, that includes all market-sensitive information. Part of the Government's objective in trailing specific aspects of the Budget in advance is to help communicate to the public what we are doing with their hard-earned money, because we believe there is merit in clear and accurate information.

I now turn briefly to just a few of the measures we have announced: an increase in the national living wage from £8.91 to £9.50 an hour, meaning an extra £1,000 a year for a full-time worker; £3 billion-worth of investment to build a high-wage, high-skill economy, with a doubling of investment in 16 to 19-year-olds and a quadrupling of the number of skills boot camps; and a multibillion-pound overhaul of local transport to help level up communities across England, with transport settlements for city regions increased to £5.7 billion and allocated directly to cities. As part of the spending review, there is a £5.9 billion deal for the NHS to tackle the backlog of non-emergency procedures and to modernise digital technology, with at least 100 community diagnostic centres to help clear most test backlogs by the end of this Parliament.

These are just a few of the measures that the Chancellor will outline to the House tomorrow as the Government continue their work to deliver a stronger economy for the British people.

**Bridget Phillipson:** Thank you for granting this urgent question, Mr Speaker.

We face an urgent cost of living crisis. Prices are up in our shops, at our petrol pumps and on our heating bills. Families and businesses are waiting and hoping for the Chancellor to take the action that they and our country desperately need. He has not even delivered his Budget yet and it is already falling apart. In recent days, we have read thousands of words about what he plans to do, but the silence is deafening on the soaring bills and rising prices facing families and businesses.

I have five questions for the Chief Secretary to the Treasury today, and I ask him to answer them clearly and simply, not through a press release but to this House. First, will he properly justify withholding from Parliament decisions that he and his colleagues have detailed in the press?

Secondly, the right hon. Gentleman just stood at the Dispatch Box and said that he believes in clear and accurate information. On that basis, will he confirm he understands that, for a full-time worker on the minimum wage in receipt of universal credit, a rise to £9.50 an hour will place far less than an extra £1,000 in their pocket?

Thirdly, will the right hon. Gentleman confirm that the public sector pay rises that Ministers told newspapers about yesterday will be real-terms pay rises, as the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Sutton and Cheam (Paul Scully), was unable to do so on the telly this morning?

Fourthly, will the Chief Secretary to the Treasury follow Labour's lead and confirm today, now he is with us, that he will be cutting VAT on domestic heating bills to 0% for six months? Finally, will he back Britain's high-street firms and freeze business rates now and replace them with a better system fast?

The right hon. Gentleman can tell the newspapers; it is time for him to tell this House.

**Mr Clarke:** It is important that we consider all the measures that have been trailed in the round. It is clear that the wider announcements that have been made are entirely accurate. The national living wage is to rise by £1,000 a year, which will take the benefit for a full-time worker on the national living wage to £5,000 since 2016. That is a substantial increase. It beggars belief that the

[Mr Simon Clarke]

Labour party can stand there and say that a 6.6% increase in the national living wage is somehow not enough. It needs to be considered in conjunction with all the other announcements that have been made, including the £500 million household support fund, the energy price cap and all the action that we have taken to freeze fuel duty and to keep bills low. We are acutely conscious of the pressures that face households and we take action to modify them.

On public sector pay, which the hon. Lady asked about, I am delighted that we will be returning to the normal processes that adjust public sector pay in the light of all the pressures that exist. It will be for the relevant pay review bodies to discuss that, in conjunction with the Government, in the normal way. I am not going to pre-empt that work, but we will work closely with them to make sure that what is announced is right. The Chancellor will have further details on that in his speech.

On the cost of energy, the energy price cap is protecting households, with up to £100 a year off their bills. That is the right thing to do. We all recognise that that is a priority for all our constituents.

On business rates, we will get the upshot of the fundamental review of how we can get the future of business rates right. The Labour party has committed to abolishing business rates, without any clear idea of how it would fund that. Indeed, the disconnect between what the Labour party has committed to and what it has actually identified the funding for is somewhere in the region of £400 billion of commitments with £5 billion of savings to pay for them. That is not a responsible way to run the economy.

What you will be hearing from the Government Benches tomorrow, Mr Speaker, is a clear plan to make sure that we can not only balance the books but take our economy forward in a way that works for the benefit of all our communities. That is obviously the priority for my right hon. Friend the Chancellor and for me.

**John Redwood** (Wokingham) (Con): This is not the first Government who have wanted more than one day's news out of a Budget, but the right way to do it is for all Ministers to observe complete Budget secrecy, for the Chancellor to announce the tax changes and the block totals on spending and then, in the days that follow, for Cabinet Ministers to come to the House to announce the detailed spending plans and subject them to our scrutiny. If that was right for all previous Governments, why is it not right for this one?

**Mr Clarke:** I thank my right hon. Friend for his question, and I completely share his assessment of the importance of this House, of which both the Chancellor and I are acutely aware. In 2013, the then Chancellor, George Osborne, asked the permanent secretary for Her Majesty's Treasury to conduct a review of the practice of the release of Budget information under embargo on Budget day, and he set out a series of recommendations. His central conclusion was that the Treasury should introduce

"a ban on the pre-release of the core of the Budget...that is: the economic and fiscal projections, the fiscal judgement and individual tax rates, reliefs and allowances."

We have observed that stricture in full and I am obviously totally committed to continuing to do that.

**Mr Speaker:** That is a matter of judgment.

**Alison Thewliss** (Glasgow Central) (SNP): I do not know whether to congratulate the Minister on his promotion, as he has come here to give us the Budget a day early. What he has not given this House is an apology. He should not be announcing things on Twitter; we should be waiting for the Budget to see the full detail. This has been going on since September—it is not new. There have been daily announcements drip-feeding the entire Budget ahead of time. Of course, the Government hold all the cards, along with the Office for Budget Responsibility, because we cannot tell what the detail actually means. For Scotland, we cannot tell what the Barnett consequential—*if, indeed, there are any*—will be.

We know what is going to be in the Budget speech and we know what is not going to be in it, because the Government have not done things such as carbon capture and storage in Scotland. Of course, none of it is what the Government and the Chancellor should be doing in the Budget speech. They should be reinstating the £20 universal credit cut; scrapping the national insurance tax on jobs; tackling the spiralling cost-of-living crisis; and supporting hospitality and tourism with a VAT cut to see them through the winter months and into next year.

If the Government cannot be responsible with the powers that they hold and if they cannot be trusted to give us the actual truth on Budget day tomorrow, all the financial powers—I call for this again—should be given to the Scottish Parliament so that we can make the decisions that are right for the people of Scotland.

**Mr Clarke:** I thank the hon. Lady for her remarks. I think that we are much stronger as one United Kingdom. The OECD has reaffirmed that we are expected to have the fastest growth in the G7 both this year and next and that is something that we are achieving as one country together. She asked about the Barnett consequential. Those will be set out very clearly in the Budget tomorrow. (*Interruption.*) I can assure her that, of course, we consider this very closely and we will be in a position to give good news for Scotland as part of a strong United Kingdom tomorrow. I had productive conversations about the future of the fiscal framework with the Scottish Finance Minister, Kate Forbes, just last week. I can commit that I will be speaking to her in accordance with the usual Budget conventions tomorrow morning, ahead of the statement.

**Jake Berry** (Rossendale and Darwen) (Con): I am sure that my right hon. Friend accepts that the rabbit may be out of the hat. So if the Chancellor is still looking for a fluffy bunny to present on Budget day, may I advise that we make a huge announcement about the Government's levelling-up fund? That would be welcomed by communities across the north of England and demonstrate our Government's commitment to make sure that we level up the peoples of the north.

**Mr Clarke:** I thank my right hon. Friend for his question. He is absolutely right that levelling up is a core theme of this Government. It is something of which I am very proud, as a north-eastern MP, to have the chance to help deliver, and it is going to be one of the golden threads of the Budget and spending review

tomorrow. I wish that I could start plucking rabbits out of the hat for him now, but he will have to wait just a few more hours to get some, hopefully, very welcome news.

**Mr Speaker:** Sky TV tomorrow.

**Dame Angela Eagle** (Wallasey) (Lab): Thank you, Mr Speaker, for granting this urgent question. It has taken me nearly 30 years, but I now find that I agree with the right hon. Member for Wokingham (John Redwood) in his question. This is serious. As an Opposition, we cannot look in detail at the slew—the blizzard—of Budget announcements that have been going on week after week, because we do not have the OBR report and we do not have the detail. This is treating parliamentary democracy with utter contempt and the Minister should be completely ashamed of himself. He should have come to this House and apologised. His boss should have come to this House and apologised.

**Mr Clarke:** I thank the hon. Lady for her points. Clearly, as a former Treasury Minister herself, she would never have engaged in any activity of this kind. The point is that there is absolutely no question of our commitment to observing all the proprieties, reflecting the Macpherson review, which was an internal review conducted by Sir Nicholas, the then permanent secretary, to work out what was sensible in advance of the Budget. We have not commented on any of the substantive tax measures and there will be a raft of full information in both the Budget documents and the documents provided by the OBR, which obviously provides a level of detail that the last Labour Government never provided in terms of their equivalent events.

**Sir Desmond Swayne** (New Forest West) (Con): There are two sides to this coin. The first is the Government broadcasting without first letting us know. The other is the information that they are trying to keep from us. Why was the leaked information on the substantial costs of winter plan B marked “Not for publication”? What are the Government trying to hide? Why are they frightened of our scrutiny?

**Mr Clarke:** I thank my right hon. Friend for his question. I will not comment on leaks—[*Laughter.*] The absolute bottom line is that we are, of course, committed to plan A, and there is no question but that he will find that plan A remains the resolute conviction of both this Government and, I believe, this House in terms of how we can most sensibly take the country through the winter ahead. We are not moving to plan B. We are committed to plan A. He should be reassured that we want to keep our economy and society open as we move through the challenges of the weeks and months ahead.

**Clive Efford** (Eltham) (Lab): I have been here for many years and have seen many Budgets. I have seen the Order Papers being waved on the day, and then the Budgets fall apart over the following hours and the following days, but this is the first Budget that I have seen fall apart before Budget day. We have heard the announcement about public sector pay, but we have not heard whether, if it is increased, that increase will be funded, or whether it will have to come from within existing budgets. When the Government were forced to increase the pay rise for nurses from 1% to 3%, they did

not fund it; they forced it to be funded from within NHS resources. Since we are into leaks, will the Minister tell us whether the Government intend to fund a public sector pay increase?

**Mr Clarke:** Ensuring that we can move out of the shadow of the public sector pay freeze is obviously something that we are all glad to be able to do. The Chancellor will set out the full details of how that will operate in his statement tomorrow.

**Dr Julian Lewis** (New Forest East) (Con): The Minister is one of the nice guys in Parliament and richly deserved his promotion. What he did not deserve was to be put in this position by an untenable policy. I have to ask him the question: why is it important, right or necessary to share Budget information with the media before it is shared with this House, where it can be subjected to proper scrutiny, and will he give an undertaking on behalf of the Treasury team to stop doing it?

**Mr Clarke:** I thank my right hon. Friend for his kind words. As a Treasury team—indeed, as a Government—we are all committed to ensuring that this House is fully respected. That remains at the core of our work. As a Member of this House, I take that very seriously, and so does the Chancellor. Clearly, when we set out certain announcements, we try to provide some specific information about what the Government are seeking to achieve with those measures. We have respected absolutely and in full the stricture that we should not be talking about tax measures or adjustments, and that is something that I can commit we will absolutely continue to do.

**Wendy Chamberlain** (North East Fife) (LD): Education has been very much missing from the pre-announcements. Given the amount of learning that our children have lost due to covid, I wonder whether the Minister would give us another leak or pre-announcement by letting us know whether the full £15 billion advocated by the Government’s education recovery adviser before he resigned will be allocated to education, and what support he will be giving to the devolved nations on the same topic.

**Mr Clarke:** It is obviously tremendously important that we help our schools to catch up, given the impact of the months of lost learning owing to the pandemic. I have seen that in my constituency, as the hon. Member will have in hers. The Government have committed £3 billion to date to help with education catch-up. The Chancellor will be speaking more about this matter in his statement tomorrow.

**Mr Philip Hollobone** (Kettering) (Con): Funded by taxpayers through Her Majesty’s Treasury, the NHS hospital building programme is a flagship policy and a key part of the Treasury’s medium-term forecasts. Kettering General Hospital is one of those hospitals. When NHS England approves the strategic outline case for the hospital and submits those proposals to the Chief Secretary for sign-off, will he look favourably upon it, because it is a key priority for constituents in Kettering?

**Mr Clarke:** My hon. Friend is absolutely right to speak up for the hospital in his constituency. The Government have committed to 40 new hospitals and 70 hospital upgrades. That is a core part of our programme



[Mr Simon Clarke]

to ensure that the NHS is fit for the future. I will, of course, be delighted to look at the case for Kettering General Hospital, as will ministerial colleagues across the piece, including at the Department of Health and Social Care. I would be delighted to have further meetings on the subject with my hon. Friend, if that would be useful to him.

**Seema Malhotra** (Feltham and Heston) (Lab/Co-op): Mr Speaker, the Minister said at the beginning that he respected you and this House, but does he not accept that the reason that we are here now, having this urgent question, is precisely because the opposite has happened? When he answers that question, perhaps he can also enlighten us: has he had discussions with the Welsh Government about the UK shared prosperity fund in the way that he has with the editors of the national newspapers?

**Mr Clarke:** There is absolutely no doubt that we have observed all the proprieties by not talking about tax measures in any of the discussions that have been had. I am in regular contact with the Welsh Government. Indeed, I met the Welsh Finance Minister last week and will be speaking to her again tomorrow morning ahead of the Budget, in the usual way.

**Jacob Young** (Redcar) (Con): I welcome the announcements that have been trailed ahead of the Budget, in particular the latest announcement on the national living wage. Will my right hon. Friend outline how this national living wage will help my constituents and his in Teesside?

**Mr Clarke:** Ensuring that work always pays is one of the foundational principles of this Government. It is what differentiates us, frankly, from the last Labour Government, who had a series of policies that, I am afraid, did not incentivise work. That led to what the then editor of *The Spectator* termed, “the most expensive poverty in the world.”

I am afraid that that was the unfortunate legacy of a series of failed policies. My hon. Friend is absolutely right in saying that the national living wage rise is the right thing to do. I am excited about that policy, and it continues our strong track record of ensuring that our plan for jobs is matched by rising living standards.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (Ind): Diolch, Mr Speaker. Many of the pre-Budget announcements relate to the so-called levelling-up agenda, of which the community renewal fund is a key element. Given the delay in announcing the initial successful bidders, will the Minister press the Chancellor at this late stage to make an announcement tomorrow to extend the delivery time for those that were successful in the first phase?

**Mr Clarke:** I would be happy to look at the hon. Gentleman’s recommendation, but there will be further announcements on the community ownership fund tomorrow.

**Andy McDonald** (Middlesbrough) (Lab): Mr Speaker, you may have read in the press that the Chancellor is preparing to tell us tomorrow that the national minimum wage will increase to £9.50 next April, but that remains

way below the income that a worker can live on. Worse still, the savage age discrimination will carry on, with young people in Middlesbrough, across Teesside and across the country having to suffer appallingly low pay. The current rate for under-18s is £4.62 an hour. That is an increase of just 98p since 2010, meaning that their wages have gone down in real terms. Will the Government stop treating young people with such disdain, commit to scrapping the age bands and uplift the national minimum wage to £15 an hour, so that all workers can live fully flourishing lives?

**Mr Clarke:** I thank the hon. Gentleman for his point. Clearly, he might want to take this matter up with the leader of his own party, as I understand that it has been the subject of some disagreement. The Government are of course committed to ensuring that younger workers get fair pay. We obviously have to balance that against the wider commitment that we have to ensuring that we do not perpetuate the serious situation of youth unemployment that we inherited from the last Labour Government. There will be good news for younger workers in the Budget tomorrow.

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): These decisions made by the Government deeply affect people’s lives: energy bills are rocketing; inflation is up; food and petrol prices are up; furlough has ended; and universal credit has been cut. It is no wonder that Citizens Advice Scotland is predicting that my constituents and others will face a really tough winter. They then face an increase in national insurance. With that in mind, is the Chancellor really going to give his old pals in the City a tax cut in the Budget tomorrow?

**Mr Clarke:** The hon. Gentleman will be aware that the £500 million household support fund is being put in place precisely to ensure that we protect families through the winter that lies ahead. That comes on top of all the measures that we have put in place to ensure that we adjust for the cost of living. This Government tax people very fairly. The richest 1% and 5% are paying more tax than they did under the last Labour Government. That includes the banks, which pay their fair share as part of a wider economic settlement.

**Catherine West** (Hornsey and Wood Green) (Lab): VAT receipts have been climbing, which is a good thing. Will the Treasury look at helping those with very high fuel bills—for example, those with many children, those who have to keep their heating on during the day, those who are ill and pensioners—over the coming winter? Will the Minister consider that as part of tomorrow’s package—which, of course, will be announced tomorrow?

**Mr Clarke:** The household support fund is specifically targeted in order to help with the cost of living. Indeed, much of it is ringfenced for families with children, reflecting the sense of what the hon. Lady is saying. The energy price cap works with that, as does the warm home discount. The warm home discount is becoming more generous next year, as the number of people who benefit from it rises from 2.2 million to 3 million, and its value rises from £140 to £150. Those are the kinds of measures that we will continue to look at. The Chancellor will speak about VAT as part of the wider Budget settlement tomorrow.



**Jack Dromey** (Birmingham, Erdington) (Lab): Eighteen years ago, I was deputy general secretary of the Transport and General Workers Union. I was a founder member of the drive for the living wage, when we organised 3,000 cleaners in Canary Wharf and the City of London. I agree with the Resolution Foundation that the proposed increase would “not remotely compensate” those who will lose £1,000 as a result of the cut to universal credit. With workers facing a cost of living crisis, rising energy costs, rising inflation, rising fuel costs and rising food prices, is it not the case that workers’ living standards will continue to be squeezed as the Government give with one hand and take away with another?

**Mr Clarke:** No, I do not accept the premise of the hon. Gentleman’s point. We remain committed to our ambitious target of the national living wage reaching two thirds of median earnings by the end of the Parliament and expanding it to include workers over the age of 21. We have done an awful lot to help with living standards—doubling the personal tax threshold, doubling free childcare, expanding free school meals for all five to seven-year-olds, and introducing the new household support fund and the energy price cap—and further measures will be announced by my right hon. Friend the Chancellor tomorrow.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): I suppose the attraction of delivering a Budget by press release is that it bypasses this House, so when the Government announce billions of pounds to level up transport in the north, I do not get to say that there is nothing in that for Newcastle, where extortionate bus fares are part of the cost of living crisis that my constituents are facing; and when the Minister says that the minimum wage is going up, I do not get to point out that universal credit recipients in Newcastle will still be £800 a year worse off. Why does he think that the Government should not be accountable to the people of Newcastle upon Tyne Central?

**Mr Clarke:** I absolutely do believe that we should be accountable to the people of Newcastle upon Tyne Central. That is why I am here. It is why there will be a five-day Budget debate over the course of the days ahead. It is why my right hon. Friend the Chancellor will appear in front of a Select Committee. On the hon. Lady’s point about transport settlements, we need to unlock devolution in north-east England. My No. 1 ask of the Labour authorities in that part of the world would be to make sure that they get their act together and unlock a devolution settlement.

**Stephen Flynn** (Aberdeen South) (SNP): As well as knowing what the Government will be doing, we also know what they intend not to do. We know that they will not be investing in carbon capture and underground storage in Scotland, and we know that they will not be match-funding the Scottish Government’s £500 million just transition fund. Yet the Treasury has raked in some £350 billion of oil revenues over the decades, so why is the Minister’s Department now turning its back on Scotland?

**Mr Clarke:** Leaving aside tired clichés about our attitude to Scotland, which I am afraid is all we ever get from SNP Members, we are of course a Government committed to the success of the whole of the United

Kingdom. The Budget will contain within it many things that reflect the major benefits of the Union for Scotland just as much as for England, Wales and Northern Ireland. As a proud British citizen, I would not accept the sense of what the hon. Gentleman says. On carbon capture, utilisation and storage, the Scottish project remains the first reserve, as he will know. We intend to take this project forward, alongside a flourishing North sea oil and gas sector, offshore wind and all the things that will go together to reflect the £30 billion-worth of commitments made as part of our net zero strategy.

**Matt Western** (Warwick and Leamington) (Lab): Thank you for agreeing to this urgent question, Mr Speaker, because this is getting out of hand, as I am sure you will agree. Only yesterday, I asked the Universities Minister if she would announce the decision on the Augar review and the Government’s response publicly in the Chamber, and she would not commit to that. Perhaps, Mr Speaker, you could follow that up with the Department for Education and make sure that the announcement actually is delivered here in the Chamber. In the past few days we have had more announcements than you get on the Clapham omnibus about the Budget, much of it commercially sensitive. When were the newspapers given details of the announcements the Government were making in the Budget, and when was the advisory board of the Conservative party made aware of some of these announcements?

**Mr Clarke:** I really do not know what the hon. Gentleman is implying with his question, but clearly no impropriety has occurred. All announcements are made as usual through the normal Treasury and cross-Government processes to make sure that those announcements are released to the media.

**Jim Shannon** (Strangford) (DUP): Does the Minister agree that being drip-fed Budget snippets from the press rather than in this House makes it more difficult for right hon. and hon. Members to fully consider the principles without the biased slant of the media? Is he prepared to consider allowing Members access to the Budget the night before, under strict embargo, to enable consideration of the documentation rather than media presentation?

**Mr Clarke:** I thank the hon. Gentleman, who is of course one of the most assiduous Members of this House. Clearly we all look to make sure that the Budget documentation is as full and as frank as possible—we have the work of the independent Office for Budget Responsibility as well—to make sure precisely that the Budget debate that follows can be as fully informed as possible as to the full implications of all the measures that are announced.

**Mr Speaker:** Can I just ask for a little clarification from the Minister? He has made an announcement to the House that I am not sure is correct: he said that it is a five-day debate, but I thought it was only four days.

**Mr Clarke:** My apologies, Mr Speaker: it is a four-day debate.

**Mr Speaker:** At least we have heard it in the House first.

## Point of Order

1.4 pm

**Alison Thewliss** (Glasgow Central) (SNP): On a point of order, Mr Speaker. You will remember that last Wednesday at COP26 questions I asked the Minister for COP if he would meet me to discuss the concerns of some businesses in my constituency that are having difficulty as a result of the COP restrictions that have been put in place, and he committed at the Dispatch Box to have that meeting with me. He now appears to be reneging on his promise to me in this House to have a meeting. Is there anything you can do, Mr Speaker, to advise what I should do in these circumstances, because the businesses in my constituency are extremely frustrated and disappointed to have this response from the Minister? I know and I accept that he is busy, but he made a promise in this House, and surely that should mean something.

**Mr Speaker:** I have great faith in the Minister, and I am sure that as President of COP his word is his bond. I am sure that he will be listening to this and arranging his diary forthwith. I am sure that those on the Treasury Bench will remind him of that commitment, and I would expect him to fulfil it.

## BILL PRESENTED

### NUCLEAR ENERGY (FINANCING) BILL

*Presentation and First Reading (Standing Order No. 57)*

Greg Hands, supported by the Prime Minister, Mr Chancellor of the Exchequer, Secretary Elizabeth Truss, Secretary Priti Patel, Secretary Michael Gove, Secretary Kwasi Kwarteng, Secretary Anne-Marie Trevelyan, Secretary Nadhim Zahawi and Secretary Grant Shapps, presented a Bill to make provision for the implementation of a regulated asset base model for nuclear energy generation projects; for revenue collection for the purposes of that model; for a special administration regime for licensees subject to that model; and about the circumstances in which bodies corporate are not associated with site operators for the purposes of programmes relating to funding the decommissioning of nuclear sites.

*Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 174) with explanatory notes (Bill 174-EN).*

## Electricity Grid (Review)

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

1.6 pm

**Alan Brown** (Kilmarnock and Loudoun) (SNP): I beg to move,

That leave be given to bring in a Bill to require the Government and Ofgem to conduct and act on a review of the electricity transmission grid and associated charges, to include consideration of abolishing charge differentials based on geographic location, incentivising renewable energy generation to maximise energy output, and minimising the passing on of charge fluctuation risk to consumers in the form of higher prices; and for connected purposes.

The driver behind this Bill is that Scotland currently has the highest grid charges in Europe. The Tory Government shrug their shoulders and say, "It's nothing to do with us—it's a matter for Ofgem." However, they are the ones who set the rules for Ofgem to implement. What is the point of the Government bragging about a net zero target for 2050 and a plan to decarbonise the electricity grid by 2035 when they do not seem capable of seeing the bigger picture? While they probably do not care about Scotland having the highest grid charges—it fits their perception that Scotland is remote, so additional cost makes sense, and that anyway it is just us Scots whingeing again—the reality is that continuing as is jeopardises their own net zero plans as well as Scotland's own targets. It makes a mockery of their levelling up agenda—which is, in reality, just about targeting the red wall seats of north England and the midlands. That agenda was confirmed last week by the disgraceful decision to class the Scottish carbon capture and storage cluster as a reserve.

The current grid charges system was introduced in 1992 following privatisation of the electricity market. Back then, it was based on the concept that electricity is generated from coal, gas, oil or large nuclear stations. With this embedded concept, the charging system is now still geared at incentivising power generation sites close to the centres of population—or, more accurately, the closer to London the better. It is utterly absurd that the UK Government have taken the welcome step to phase out coal-fired electricity generation but are retaining a grid charges system that is based on where to build coal-fired power stations. It is completely bonkers. The obvious strategy would be to consider what a future grid will look like, where are the best locations for the generation of clean renewable energy and what grid upgrades will be required to facilitate that, and then analyse the long-term costs of the grid upgrades and devise a fair system of charging to facilitate that. That is exactly what this Bill seeks to do.

Let us be clear: having the highest geographical charges in Europe creates an uneven playing field when looking for investment. The majority of the countries in Europe do not have locational charges. The ones that do charge way less than is imposed in Scotland. If a developer built a grid-connected turbine in each of these countries—Finland, Denmark, Sweden, Norway, Austria, France, Slovakia, Romania and Belgium—the combined locational charges for those nine turbines across nine countries would be less than the charge imposed on a single turbine in the north of Scotland. That illustrates the investor competition for Scotland, let alone the fact that

so many other countries, such as the Netherlands and Germany, do not impose geographical charges. Worse, the UK Government are building interconnectors that allow electricity imports that are exempt from these grid charges. I am supportive of an interconnected energy market, but the system incentivises international investors to invest in other countries.

Scotland has 25% of Europe's offshore wind potential, so future planning should be about how to maximise that, especially when the UK Government have a 40 GW target for offshore wind by 2030, which is reliant on 10 GW coming from Scotland. Scotland also has fantastic potential with floating offshore wind, especially with the Hywind project already operational. Forward thinking should be about maximising opportunities for these leading technologies.

It is not just us in the Scottish National party saying that change is required; the wider industry is saying it too. ScottishPower, SSE, Vattenfall, RWE, Red Rock Power, RenewableUK and Scottish Renewables have all called for changes to the grid charging regime. Indeed, a survey by SSE showed that 93% of industry stakeholders support reform of the current transmission charging regime. Some 84% of respondents stated that the network charging system acts as a barrier to the delivery of their renewable projects in Scotland. What does it take for the UK Government to sit up and listen?

What could be more iniquitous than suffering the highest grid charges in Europe? Well, if we look within the UK energy market, Scotland is further disadvantaged, especially in comparison to southern England. Connections to the south of England result in generators being paid to connect to the grid. It is a physical impossibility to have a negative cost of managing one area of the transmission system, so this therefore appears to be another method of levelling down, not up. The Beatrice array off the coast of Moray pays a unit electricity price of £4.50 to connect to the grid. A comparator in southern England is paid £1.50 per unit of energy. Why is the leader of the Scottish Tories not speaking up about that? Another example in numbers is that a 1 GW site off the north Scottish coast will pay £38 million a year to connect to the grid, yet the same sized offshore windfarm connecting to southern England will get paid £7 million a year. That is a £45 million a year differential between the Scottish and English sides. Over 20 years, that is nearly a £1 billion difference.

Scottish offshore windfarms are now 20% more expensive than those in English waters. When the lowest price is winner takes all in the contracts for difference auctions, that becomes a major issue and puts investment in offshore renewable energy in Scotland at risk. It means less direct jobs and less supply chain work, and it potentially hampers a just transition for the oil and gas industry.

The effects of the charging burden on Scottish projects can already be seen. In the 2015 auction round, Scottish projects accounted for almost 40% of the offshore wind contract awards. By the 2019 round, it was down to less than 10%. Surely that is not an intended consequence. Worse, if nothing is done, in the next few years, Scottish grid charges will be charged at a rate equivalent to 50% of the strike rate producers achieved for selling their energy, making it impossible to compete with those bidding in English waters. It is madness to have production prices falling and some of the best sites in Europe, but

a grid charging regime blocking the route to market. By default, it means Scottish projects need to have 20% greater efficiency or outputs compared with southern England sites to be able to compete. However, higher output equals higher charges, so the cycle continues.

Another point about the current charging system is price volatility. While the actual cost of maintaining and operating the grid remains stable, the charging prices vary by up to 700%, demonstrating that the system is not fit for purpose. As companies cannot predict these fluctuations, it is a risk factor they have to add to their project costs. By the end of this decade, that will be costing consumers an estimated £400 million a year in wasted costs.

In terms of the best use of billpayers' money when considering the future energy mix, we should not be spending billions of pounds on new nuclear. At £23 billion, Hinkley Point C is the most expensive power station in the world. Despite complete market failure in the nuclear sector, the UK Government still want to spend £20 billion-plus on Sizewell. Worse, these nuclear sites will get paid under the current regime to connect to the grid—more hidden subsidies for nuclear. Instead, investment should be committed to pumped storage hydro such as SSE's Coire Glas and the Cruachan dam extension being planned by Drax. That creates renewable energy ready to be dispatched when required and at a fraction of the cost of nuclear. An Imperial College report suggests the system could save £700 million a year.

Wave and tidal is also at the stage of being able to scale up. All that is needed for the next stage of scaling up is some ringfenced money in the forthcoming contracts for difference auction. Money has been ringfenced for floating wind, so why not wave and tidal? I urge the Minister to act urgently, before it is too late. We cannot have another Westminster decision that adversely impacts Scotland. The Orbital O2 tidal generator situated off the coast of Orkney is already connected to the grid and working. It has 80% UK content, and it was the first vessel launched from Dundee in 40 years. Surely the UK Government want to maximise this technology?

It is clear that change is required, with a rounded energy policy that maps out a route to net zero, a policy that incentivises renewable energy production where it is best suited, an end to Scotland having the highest locational grid charges in Europe and an end to the volatility of the system operational charges. This Bill seeks to do that. I hope that the UK Government see sense, but there is an alternative: Scotland having full control of its destiny.

**Mr Speaker:** There is nothing like using every second of the 10 minutes. Well done.

*Question put and agreed to.*

*Ordered,*

That Alan Brown, Alison Thewliss, Gavin Newlands, Patricia Gibson, Drew Hendry, Deirdre Brock, David Linden, Dr Philippa Whitford, Brendan O'Hara, Carol Monaghan and Stephen Flynn present the Bill.

Alan Brown accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 3 December, and to be printed (Bill 175).*



**NORTHERN IRELAND (MINISTERS,  
ELECTIONS AND PETITIONS OF CONCERN)  
BILL (PROGRAMME) (NO. 2)**

*Ordered,*

That the Order of 22 June 2021 (Northern Ireland (Ministers, Elections and Petitions of Concern Bill) (Programme)) be varied as follows:

(1) Paragraphs (4) and (5) of the Order shall be omitted.

(2) Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour after the commencement of proceedings on the Motion for this Order.

(3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings on the Motion for this Order.—(*Alan Mak.*)

**Northern Ireland (Ministers, Elections and  
Petitions of Concern) Bill**

*Consideration of Bill, as amended in the Public Bill  
Committee*

**New Clause 1**

**APPOINTMENT OF FIRST MINISTER AND DEPUTY  
FIRST MINISTER**

‘(1) The Northern Ireland Act 1998 is amended as follows.

(2) In section 16A (Appointment of First Minister, deputy First Minister and Northern Ireland Ministers following Assembly election), in subsection 4, omit the words “of the largest political designation”.

(3) For subsection (5) of that section, substitute—

“(5) The nominating officer of the second largest political party shall nominate a member of the Assembly to be the deputy First Minister.”

(4) In section 16(B) (Vacancies in the office of First Minister or deputy First Minister), in subsection (4), omit the words “of the largest political designation”.

(5) For subsection (5) of that section, substitute—

“(5) The nominating officer of the second largest political party shall nominate a member of the Assembly to be the deputy First Minister.”

(6) In section 16C (sections 16A and 16B: supplementary), omit subsection (6).’—(*Stephen Farry.*)

*This new clause provides that the deputy First Minister can come from the second largest political party without prescribing that the post be filled by a member from the second largest designation.*

*Brought up, and read the First time.*

1.18 pm

**Stephen Farry** (North Down) (Alliance): I beg to move, That the clause be read a Second time.

**Mr Speaker:** With this it will be convenient to discuss the following:

New clause 2—*Appointment of Joint First Ministers*—

‘(1) The Northern Ireland Act 1998 is amended as follows.

(2) In subsection 16A (appointment of Ministers following Assembly election), leave out subsections (4) to (7) and subsection (9), and insert after subsection (3)—

“(3ZA) Each candidate for the office of Joint First Ministers must stand for election jointly with a candidate for the other office.

(3ZB) Two candidates standing jointly shall not be elected to the two offices without support of two thirds of members present and voting.

(3ZC) The Joint First Ministers—

(a) shall not take up office until each of them has affirmed the terms of the pledge of office; and

(b) subject to the provisions of this Part, shall hold office until the conclusion of the next election for First Ministers.”

(3) In subsection (3)(a) the reference to “subsections (4) to (7)” is replaced by a reference to “subsections (3ZA) to (3ZC)”.

(4) Any reference in the Northern Ireland Act 1998 to the First Minister or deputy First Minister is to be taken as a reference to the Joint First Ministers.’

*This new clause provides for the joint election of First Ministers, and further prescribes a weighted majority vote in the Assembly, without the use of designations, for this purpose.*

New clause 3—*First Minister and deputy First Minister to be referred to as Joint First Ministers*—



‘The First Minister and deputy First Minister elected under the Northern Ireland Act 1998 are to be referred to as Joint First Ministers, and all references in that Act (other than to their election) to the First Minister and deputy First Minister are to be read as references to the Joint First Ministers.’

*This new clause provides that First Minister and deputy First Minister be referred to as Joint First Ministers reflecting their identical status, powers and responsibilities.*

**New clause 4—Appointment of First Ministers—**

‘(1) The Northern Ireland Act 1998 is amended as follows.

(2) In subsection 16A (appointment of Ministers following Assembly election), leave out subsections (4) to (7) and subsection (9), and insert after subsection (3)—

“(3ZA) Each candidate for the office of joint First Ministers, must stand for election jointly with a candidate for the other office.

(3ZB) Two candidates standing jointly shall not be elected to the two offices without one or more of the following measures of representational support—

(a) the support of a majority of members, a majority of designated Nationalists and a majority of Unionists; or

(b) the support of 60 per cent of members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists; or

(c) the support of two thirds of members.

(3ZC) The First Minister and the deputy First Minister—

(a) shall not take up office until each of them has affirmed the terms of the pledge of office; and

(b) subject to the provisions of this Part, shall hold office until the conclusion of the next election for First Ministers.

(3) In subsection (3)(a) the reference to “subsections (4) to (7)” shall be replaced by a reference to “subsections (3ZA) to (3ZC)”.

*This new clause would restore the Good Friday Agreement provision for joint election by the Assembly of the joint First Ministers.*

**Amendment 8, in clause 4, page 5, line 22, after “Assembly” insert “users of services,”**

*This amendment would ensure that Ministers and Departments are accountable and responsible to users of services, as well as to the Assembly and the public.*

**Amendment 6, page 5, line 25, at end insert—**

“(ba) actively support the adoption and implementation of a Bill of Rights for Northern Ireland that is faithful to the stated intention of the 1998 Agreement”

*This amendment requires Northern Ireland Ministers to support actively the adoption of a Bill of Rights for Northern Ireland as envisaged in the Belfast (Good Friday) Agreement 1998 and in paragraphs 5.26 to 5.29 of Annex E (Rights, language and identity) to The New Decade, New Approach Deal 2020.*

**Amendment 9, page 5, line 25, at end insert—**

“(ba) ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;”

*This amendment would ensure that the principles of transparency and openness, as well as a duty to comply with requests for information, as outlined in Strand One, Annex A of the Good Friday Agreement, are maintained within the Ministerial Code of Conduct.*

**Amendment 10, page 5, line 25, at end insert—**

“(ba) seek in utmost good faith and by using their best endeavours to implement in full the Programme for Government in “The New Decade, New Approach Deal” as regards the transparency, accountability and the functioning of the Executive;”

*This amendment requires Ministers to implement the Programme for Government agreed in January 2020, as it relates to transparency, accountability and functioning of the Executive.*

**Amendment 11, page 5, line 25, at end insert—**

“(bb) seek in utmost good faith and by using their best endeavours to implement in full any future deal between the parties to “The New Decade, New Approach Deal” which may be approved by the Assembly;”

*This amendment requires Ministers to implement the any future deal on the operation of devolved government in Northern Ireland.*

**Amendment 12, page 5, line 2, at end insert—**

“(ca) abide by and implement in every respect Annex A to Part 2 of “The New Decade, New Approach Deal” as regards the transparency, accountability and the functioning of the Executive;”

*This amendment requires Ministers to strengthen and enforce the Ministerial Code and other codes including the Special Adviser Code of Conduct.*

**Amendment 2, page 5, line 28, at end insert—**

“(da) comply with paragraph 2.11 of the Northern Ireland Executive Ministerial Code in relation to the inclusion of ministerial proposals on the agenda for the Northern Ireland Executive, with areas for resolution to be recorded in the list of “Executive papers in circulation” against those papers still outstanding after the third meeting, in accordance with paragraph 62(c) of section F of the Fresh Start Stormont Agreement and Implementation Plan;”

*This amendment moves from guidance to statute a commitment in the Fresh Start Agreement providing that an item may not be blocked for more than three meetings of the Executive through lack of agreement on the agenda.*

**Amendment 7, page 5, line 32, at end insert—**

“and by supporting the establishment of the consultative Civic Forum established in pursuance of paragraph 34 of Strand One of the Belfast Agreement and by obtaining its views on social, economic and cultural matters;”

*The intention of this amendment is to require Northern Ireland Ministers to support the reestablishment of a consultative Civic Forum for Northern Ireland to enable the Assembly to obtain views on social, economic and cultural matters as envisaged in the Belfast (Good Friday) Agreement 1998.*

**Amendment 13, in clause 5, page 7, line 12, at end insert—**

“(5A) When a petition of concern is lodged against a measure, proposal or a decision by a Minister, Department or the Executive (“the matter”), the Assembly shall appoint a special committee to examine and report on whether the matter is in conformity with equality and human rights requirements, including the European Convention on Human Rights and any Bill of Rights for Northern Ireland.

(5B) Consistent with paragraphs 11, 12 and 13 (Strand 1) of the Belfast Agreement, a committee as provided for under subsection (3) may also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.

(5C) A committee appointed under this section—

(a) shall have the powers to call people and papers to assist in its consideration; and

(b) shall take evidence from the Equality Commission and the Human Rights Commission.

(5D) A committee appointed under this section shall—

(a) report in terms that reflect evidence regarding human rights and equality assessments relating to the matter; and

(b) identify relevant clarification, adjustments and amendments (in the case of legislation) and/or other assurances which would address the stated concerns.

(5E) The Assembly shall consider the report of any committee appointed under this section and determine the matter in accordance with the requirements for cross-community support.

(5F) In relation to any specific petition of concern or request under subsection (5B), the Assembly may decide, with cross-community support, that the procedure in subsections (5A) and (5C) shall not apply.”

*This amendment provides for a petition of concern to lead to a special procedure, described in paragraphs 11-13 of Strand One of the Belfast Agreement, whereby a special committee shall consider the stated concern(s) relating to equality requirements and/or human rights. Such a special committee could also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.*

Amendment 3, page 7, line 19, at end insert—

“(aa) make provision for the minimum period under (a) to be reduced in prescribed circumstances to be determined by the Assembly;”

*This amendment gives the Assembly the discretion via its Standing Orders to reduce the timescales in relation to Petitions of Concerns in circumstances to be determined by the Assembly.*

Amendment 14, page 7, line 27, at end insert—

“(ca) specify the size, timescale and terms of reference for such a committee; and

(cb) specify procedure(s) to allow for subsection (5E).”

*This amendment is consequential on Amendment 13 and would further clarify how standing orders should make due provision for the working terms for the sort of special committee procedure in respect of stated human rights or equality concerns as outlined in paragraphs 11-13 of Strand One of the Good Friday Agreement.*

Amendment 4, page 7, line 31, at end insert—

“(e) make provision to allow petitioners to withdraw a petition of concern at any stage in the process.”

*This amendment would allow for a Petition of Concern to be withdrawn and to enable the affected matter of business to proceed without waiting for any statutory timetable to be concluded.*

Amendment 5, page 7, line 37, at end insert—

“unless prescribed circumstances to be determined by the Assembly to reduce this period, apply”

Amendment 1, in clause 8, page 8, line 8, a leave out—

“at the end of the period of two months beginning with” and insert “on”.”

*This amendment enables the Bill to be commenced with Royal Assent.*

**Stephen Farry:** At the outset, I take the opportunity to pay tribute to Sir David Amess and pass on my condolences to his family. I also reference his personal connection to the Bill, in that he was one of the Chairs in Committee. True to his character, he handled proceedings professionally, efficiently and with huge impartiality. May I also say, for those MPs who are still new to this place and are still swotting up on procedure, that he was very generous and understanding in that regard? I also thank the House of Commons staff, and the Bill Clerks in particular, for the rapid turnaround of amendments in the past week.

The amendments in my name fall into four broad categories: the election or nomination of First Minister and Deputy First Minister; reforms to petitions of concern; the operation of the Executive; and the commencement date. On the nomination and election of the First Ministers, frankly the current system does not work. The First Minister and Deputy First Minister are identical in terms of status, powers, responsibilities and duties. That one small distinction in wording takes on disproportionate importance—indeed it is only symbolic—and turns our elections into the politics of fear. That risks crowding out consideration of important

economic, social and environmental issues during election campaigns. They are often about keeping the other side out, and yet, in the past, the so-called victorious party has gone on to share power in the same joint office with the largest party from the other designation.

There is speculation that Sinn Féin could emerge as the largest party after the next Assembly election and we have two Unionist parties unwilling to make clear whether in such circumstances they would serve as Deputy First Minister. That is hugely destabilising and a selective application of the rules of democracy as they stand. That could lead us into a difficult situation after the next election. People should clearly adhere to the rules, but that does not preclude us from seeking support for reforms to make the system work more effectively.

**Gavin Robinson** (Belfast East) (DUP): It is important to note that there will be issues on which we can find agreement. There will also be issues and amendments before us today on which we cannot find agreement. However, importantly for these proceedings, does the hon. Member agree that, as we discussed in Committee, the Bill fairly reflects what was agreed in New Decade, New Approach and that, unless and until we get joint agreement on a range of issues through another forum, we should not be tinkering around with too many amendments?

**Stephen Farry:** I am grateful to the hon. Member for his comments. I agree partially. The Bill does accurately reflect the New Decade, New Approach agreement, but it is worth referencing that that was made back in January 2020. I pay tribute to the former Secretary of State, the right hon. Member for Skipton and Ripon (Julian Smith), for his endeavours in that regard. I also welcome formally the new Minister of State to his role in the Northern Ireland Office. I am sure we all look forward to working with him in the coming months. However, we have had many political developments since then. One of my great frustrations as a Member of this place and previously as a Member of the Northern Ireland Assembly is that we often respond to the last crisis and fix the rules to address what has already happened rather than trying to look ahead, anticipate where crises are likely to happen and put measures in place that will make the world operate more easily.

That brings me to new clause 1, in my name, which seeks to address anomalies in the current system. At present, the largest party regardless of designation is entitled to the position of First Minister. However, the Deputy First Minister must come from the largest party from the largest remaining designation. I do not want to get too far ahead of myself as a member of the Alliance party, but it is conceivable that, one day—perhaps after the next election or at some time in the future—a party that is not Unionist or nationalist may be the second-largest party in Northern Ireland and yet it would not be automatically entitled to that position. That would create a certain crisis of legitimacy in terms of the institutions and the First Minister and Deputy First Minister team. With that small measure, we could address that problem.

Secondly, I turn to new clause 4 in the names of the hon. Member for Foyle (Colum Eastwood) and the hon. Member for Belfast South (Claire Hanna) of the Social Democratic and Labour party, which would essentially return to the Good Friday agreement model and the first iteration in the Northern Ireland Act 1998

by providing for an election of a joint team of FM and DFM. That would have two advantages: Assembly endorsement of the team; and reinforcement of the point of collective responsibility from being part of a joint office, not two individuals pursuing separate agendas.

My one reservation is that that relies on the current cross-community voting system, which is fundamentally linked to the designation system. As hon. Members will know, MLAs are required to sign in as Unionist, nationalist or other. I used to be an “other”, which is a wonderful way to describe one’s identity. The system perpetuates the two communities model in Northern Ireland rather than reflecting the diversity that existed in 1998 and that which exists today. There are people with open, mixed and multiple identities, and there are people from different backgrounds who have come to live in Northern Ireland and are not properly reflected in how we frame the operation of the Assembly. That needs reform.

Thirdly, new clause 2, in my name, would return to the Good Friday agreement model but with the distinction that we end up with a purely weighted majority vote—set at two thirds—without reference to any designations whatsoever. That is the fairest and most ideal way to address the issue. It would avoid some anomalous outcomes and inflexibility. Both new clauses on the second and third options would take the opportunity to acknowledge in law and change terminology to confirm and reinforce that the First Minister and Deputy First Minister are identical in status, powers, responsibilities and duties.

New clause 3—my final amendment in the group—would reinforce that point about the equality of the First Minister and Deputy First Minister in all those respects but outside the context of the nomination or election process. We may not be able to find consensus on that during the Bill’s remaining stages. However, we should take the opportunity outwith that to reflect in law that the FM and DFM are entirely equal, to try to take the heat out of the fairly stupid, meaningless contrast that is made and creates huge tension in our election campaigns. Unfortunately, we would need to make one exception and say that that would not apply to the First Minister and Deputy First Minister election process, because, until we change the system, someone must be put in place first, and someone else second.

I turn to petitions of concern, which have been a source of huge controversy in the past 20 years in Northern Ireland. Petitions of concern have been used and abused well beyond their original intention. They have brought huge discredit, and indeed tension, to the Assembly. It is worth noting that virtually no human rights or equality legislation has been passed by the Assembly. Instead, it has been done either through various periods of direct rule or through the direct intervention of Westminster, notably through the Northern Ireland (Executive Formation etc) Act 2019 in recent times. I welcome the reforms in New Decade, New Approach, but the Alliance party is sceptical about whether they go far enough. People may say that there have not been any petitions of concern since the Assembly’s restoration. That is true, but we have also not had much legislation or any equality or human rights pieces before the Assembly. We must therefore remain vigilant.

I want to test two points with the Government. The first lies in the 14-day timeframe for a petition of concern to be considered, which may turn out to be a straitjacket. There may well be situations in which a

matter must be considered urgently, such as a legal responsibility or some other deadline that must be met in response to a legislative consent motion. I therefore think it is worth clarifying that the Assembly has the ability within its Standing Orders to vary that 14-day timeframe if the circumstances warrant it. In a similar light, a petitioner or set of petitioners could withdraw their support for a petition if they feel that the issues they were concerned about have been addressed otherwise, rather than having the clock continue. In Committee, the Minister of State’s predecessor did give such reassurances, and I hope that the incumbent will be happy to do the same today.

I turn briefly to the operation of the Executive. Amendment 2 would move the “three meetings rule” from guidance to statute. At present, we have much concern in relation to the petitions of concern issue in the Assembly, but it is not as commonly understood that there are mutual vetoes in the context of the Executive. They must also be addressed. One such veto relates to the formation of the agenda. At times, Ministers have sought to put papers on the agenda but been blocked persistently. The three meetings rule is therefore of particular importance.

I appreciate that others are waiting to speak so, finally, I want to talk about the commencement timeframe. Comments about such timeframes may be unusual on Report, but this is an important point in this particular context. It is unusual to have a Northern Ireland Bill moving through Parliament at the normal pace of a Bill—most tend to be matters of urgency.

The ethos of the New Decade, New Approach agreement was to ensure that the institutions worked better, that we have sustainability and that we try to avoid crises, whether that is collapse of the Assembly or difficulty in forming a new Executive after an Assembly election. It is two years since New Decade, New Approach was agreed, but we are only now putting this into legislation, and we meet in the midst of a potential crisis of non-delivery of other aspects of New Decade, New Approach, with tensions emerging around the protocol and the unrealistic demands made in that regard—the Democratic Unionist party of colleagues sitting in front of me has made threats that it may withdraw its Ministers from the Executive in the near future—as well as speculation about what might happen after the next Assembly election. It would therefore be seen as absurd if we had a crisis when the measures in the Bill could to some extent have been helpful in managing that crisis. However, the Bill might still be in the process of going through Parliament or, even worse, it might have received Royal Assent but, because of the two-month commencement period, we would not be in a position to deploy the measures that might have helped the situation.

1.30 pm

Nothing, of course, can overcome lack of trust or people’s determination not to work with the institutions, but if we have measures that can incentivise co-operation and provide space for people to reflect, granting some breathing space, we should take the opportunity, because that situation might well come into effect. The final amendment, therefore, is designed to avoid a situation in which the measures in the Bill, worthy as they may be, cannot be deployed in a real-time crisis. That would be a shame, so I urge the Government to reflect on that point in particular.



**Madam Deputy Speaker (Dame Rosie Winterton):** Before I call the next speaker, I should just say that this debate must finish at 2.18 pm. We then go on to Third Reading. Obviously, the Front Benchers and Ministers will want some time to wind up, so this part of the debate is limited, depending on how many people wish to speak. I ask Members to bear that in mind.

**Julian Smith (Skipton and Ripon) (Con):** Thank you, Madam Deputy Speaker.

I commend the debate and the discussion about the First Minister's titles and many of the other issues raised by the hon. Member for North Down (Stephen Farry). I am particularly sympathetic about the commencement date. However, I do not believe that this is the right place or the right Bill for many of the other amendments. Even more importantly, they risk the House losing focus on the important issue at hand: the need to implement the clauses in the Bill that assert the continuation of the Executive, with Ministers in caretaker roles, should a First or Deputy First Minister exit power sharing. A number of witnesses in Committee raised the importance of those clauses.

The sustainability clauses were a key part of last year's New Decade, New Approach agreement and they have not yet been implemented. On Second Reading, in July, my right hon. Friend the Member for Forest of Dean (Mr Harper) highlighted the fact that the Government were already looking tardy. The sustainability clauses were agreed in order to avoid what happened in 2017, which led to three years of no Government in Northern Ireland. Even when the Bill progresses to the other place, I fear that there will be timetabling delays. As we heard, the Bill also has a two-month commencement date, so it will not be implemented for several months.

That is important because, should a First or Deputy First Minister leave office, only two weeks are provided to fill the slots. There is then a duty on the Secretary of State to call an election, but history shows that the election is often not called immediately and Northern Ireland is left ungoverned. The Bill will stop the political parties from thinking that there is an emergency escape hatch when things become politically difficult and will provide for up to 24 weeks to resolve things.

Currently, a number of issues could tempt political parties to use that escape hatch: the protocol, the cultural package, the UK Government's putative changes to the Human Rights Act 1998, and the legacy proposals. A cocktail of issues are being injected, sometimes recklessly, into the fragile ecosystem of Northern Ireland. In that context, there is a clear and present danger of one Northern Ireland party or more diving for the emergency escape hatch. The Bill will slam shut that cop-out option.

The first clauses of the Bill are designed to put the ball back in the court of any party that seeks to exit the Executive and to shine the spotlight on each political party in Northern Ireland to restore government. Otherwise, the ball comes back into the UK Government's court. The vast majority of NI citizens want continued devolved government. Yes, there are arguments for change and reforms at the right time, such as new clause 3, but the big issue today is why the Bill has not yet been implemented. More importantly, this House must be clear that the Bill needs to be implemented now.

The practical measures that will allow continued government—now 18 months late—will ensure that Northern Ireland business and citizens get the stability they crave. I therefore urge the Government to get the Bill to the Lords quickly, to remove the two-month commencement date and to ensure that they get behind keeping the pressure on all parties to maintain devolved government and maintaining the Good Friday agreement in all its parts.

**Colum Eastwood (Foyle) (SDLP):** First, I welcome many of the provisions in the Bill. As the previous speaker, the right hon. Member for Skipton and Ripon (Julian Smith), knows well, we had many long hours in the three-year hiatus of the Northern Ireland Assembly discussing a lot of this stuff, but it is deeply depressing that 23 years after the Good Friday agreement we are meeting today to find ways to stop political parties pulling the whole show apart.

The political context is that, a few years ago, Sinn Féin pulled the Assembly down for three full years—waiting lists got longer, schools began to crumble, the economy was not dealt with. Even as we stand here today, the DUP is threatening to bring down the very edifice of government in Northern Ireland. If it does not get its way, it will pull down the Assembly. It has already withdrawn from a key tenet of the Good Friday agreement, which is north-south co-operation. What does that say to the people out there who are languishing on waiting lists? Is it that the DUP's little niche issues are more important than dealing with the day-to-day, bread-and-butter problems that people face? It is a terrible indictment of our politics that we are even here discussing this.

I will speak to some of the amendments, in particular those on how the First and Deputy First Ministers are elected and appointed, what those offices do and what they are called. My view is that they have always been joint offices: the Deputy First Minister cannot send a letter without the First Minister saying it is okay; the First Minister cannot answer a question without the Deputy First Minister saying it is okay; and many decisions cannot be made without agreement between the two. Decisions are very infrequently made, it seems, because they do not seem to agree on an awful lot.

What is really concerning, all these years after the Good Friday agreement, is that as of today, none of the Unionist parties has told us what they would do if a nationalist gets enough votes to occupy the First Minister's position. They are refusing to tell us whether they would even serve in that Government. Well, it is not 1968 anymore, and nationalists will no longer be treated as second-class citizens. People have marched in the streets and been beaten off the streets so that our votes could count just as much as anyone else's. If Unionist politicians want to come along and lecture anybody about the sustainability of institutions and working together, they must seriously consider their answer the next time they are asked whether they would serve as Deputy First Minister if a nationalist becomes First Minister.

In reality—we have seen this before with the Justice Minister—because of a cosy agreement between a big nationalist party and the DUP, a nationalist is still not allowed to serve in the Department of Justice. In fact it is a joint office, which is why new clause 3 has been tabled, and it is about time we looked at that reality.

From listening to some of the big radio shows in Northern Ireland and watching the television news, it is clear that over the next six months in the run-up to this election—if we are allowed to have an election—we will be faced with constant arguing: “Who will be First Minister and who will be Deputy First Minister? You have to come out to vote to stop these people becoming First Minister.” Even though we have had that for 20 years, the DUP still go into government with them. DUP Members used to say, “We can’t have Martin McGuinness as First Minister. He was a terrorist”, but then they went into government with him, occupied that very same office, and worked with him every day.

Let us, please, get rid of the constant division and debate about who is First Minister and who is Deputy First Minister. I sense we will not get there today, but there is an opportunity, which I ask the Government to consider, to look at new clause 3 and think seriously about how we resolve this issue. The job of the British and Irish Governments in our peace process is to see problems before they arise, and a blind man on a galloping horse can see what is coming round the corner if we do not resolve this issue now.

It suits the DUP and Sinn Féin to have constant debate about what they call each other, because then we are not dealing with the real issues. Our health service is on the point of collapse, 100 times more people are on out-patient waiting lists in Northern Ireland than they are in England, 29% of our children are living in poverty, but there is still no antipoverty strategy because they could not agree it. My constituency has the highest level of unemployment and economic inactivity anywhere across these islands, and we still do not have the 10,000 students on the Magee university campus who were promised and negotiated by me and the former Secretary of State for Northern Ireland during those NDNA discussions.

The legacy of the DUP and Sinn Féin’s 15 years in government has been failure, failure and more failure, and they want this argument. Everybody knows that. The Government know it, we know it, the Irish Government know it, and everybody in the House knows it: they want this argument so that they can get away in the smoke for not actually delivering for people. I implore the Government to think seriously about the best way to address this issue. There are a number of good ideas in the new clause, and the best way would be to get rid of the nonsense and pretence that the First Minister is more important than the Deputy First Minister. They are joint First Ministers, so let us begin properly to call them that.

In conclusion, it is a bit rich for the Government to be telling anybody about sustainability in Northern Ireland, when everything they do in Northern Ireland undermines sustainability and the stability of our institutions. That includes how they dealt with the European Union and the DUP, and what they told them about the protocol—apparently there was never going to be a border anywhere. Well, there is one now, and if we were more honest with people we would be in a much better situation.

The NDNA agreement also mentioned 90 days for implementing legacy legislation, but where has that gone? The five parties in Northern Ireland, and every victims’ group, opposes the Government’s proposals on legacy, yet they seem determined to push that forward.

We are still waiting—perhaps today is the opportunity—for the Government to tell us when Irish language and culture legislation will be brought to the House, as agreed at NDNA. There is an opportunity to stop the crisis that we are looking at down the barrel—it is clear it is coming—and for the Government to step in and do something, before we end up with another three years of collapse, when more people will be languishing on waiting lists.

**Simon Hoare** (North Dorset) (Con): Let me echo what my right hon. Friend the Member for Skipton and Ripon (Julian Smith) said about the need for speed to get this legislation through, which I urge on my right hon. Friends on the Front Bench, and hopefully on business managers in the other place. This Bill has dawdled for too long. I agree very much with the vast majority of what the hon. Member for Foyle (Colum Eastwood) had to say, and I shall come back to that point in a moment. [*Interruption.*] It is not “surprise, surprise”, and I say to the hon. Member for Upper Bann (Carla Lockhart) that when somebody speaks sense, one should usually notice and acknowledge it.

1.45 pm

Alex Kane, who is known to many in this House, tweeted this morning:

“23 years after the GFA the government is introducing legislation to give a six month ‘life raft’ for parties (on full pay I presume)—”

I urge my right hon. Friend the Minister to give further consideration to that point when the Bill arrives in the other place—

“if one or other of the big two walks away and collapse looks likely. All it will do is nurture crises over longer periods and bolster instability.”

I know that is the last thing the Government want to do, but we must ensure that we are not bedding in the psychology of instability, if you will. As the hon. Members for Foyle and for North Down (Stephen Farry), and doubtless others, made clear, devolution is not a plaything. It is not there to support or to kick around like a football between two, three or four parties; it is the localisation of decision making. Many right hon. and hon. Members representing Northern Ireland constituencies will have had inboxes and postbags about this issue that are far fuller than mine as Chair of the Northern Ireland Affairs Committee.

In the last interregnum, what has been happening on education, health, housing and infrastructure? This is about delivering prosperity and peace, lives and livelihoods. All of us who pick up the baton of public service should always remind ourselves of that. Particularly as we come out of covid, the communities of Northern Ireland need us all, whether those working in Stormont or those here, to be resolutely focused on meeting and delivering on their needs, as we will in every other part of the United Kingdom.

**Ian Paisley** (North Antrim) (DUP): The hon. Gentleman is making a sensible point about the extension of a crisis period. We currently have a situation where a crisis could last for days, and we are now potentially extending that by up to six months. Irrespective of what side of the debate they are on, I ask Members across the House to contemplate whether they would tolerate in their part of the United Kingdom a crisis in statute that is allowed to perpetuate itself for up to six months before

[*Ian Paisley*]

it ultimately comes to the buffer zone, or to the point at which it has to be delivered. That point needs to be considered by all hon. Members when they vote on this measure.

**Simon Hoare:** I agree entirely with the hon. Gentleman, who serves with me on the Northern Ireland Affairs Committee. Thank heavens this is not being dealt with as emergency legislation and rushed through in a 12-hour sitting, but once again it speaks of dealing with Northern Ireland as something other, or as something different, and with a set of circumstances and rules that none of us would find tolerable in England and my constituency of North Dorset, or in Wales or Scotland. The hon. Gentleman makes a valid point that we should all be conscious of.

**Colum Eastwood:** I remember going through these negotiations with some of the people who are now in the Chamber. In reality—perhaps the hon. Gentleman will agree with this—it was DUP Members who pushed hardest for long periods to try to resolve some of these issues. They were responding to the issue that Sinn Féin had collapsed the institutions last time around. Of course, this time they are the ones threatening to do that, but that was largely the DUP position, and it is strange to hear the hon. Member for North Antrim (Ian Paisley) now opposing it.

**Simon Hoare:** All I will say to the hon. Gentleman is that I was not privy to those discussions, but we are where we are. We must realise that things have clearly moved on. The operation and reform of the protocol is sitting here like an elephant in the Chamber, but it speaks to my point that the workable delivery of devolution should not be used as a plaything for other issues.

That takes me to the point that the hon. Member for North Down made about democracy. We cannot have a functioning democracy in these islands that is effectively based on the Henry Ford model of selling a car. Henry Ford used to say, “You can have any colour as long as it’s black.” We cannot say, “You can have as many elections as you like as long as I turn out as the winner. If I don’t—if the public have spoken and I haven’t been successful—I won’t accept the result. I will tear the edifice down,” in some sort of democratic political toddler’s temper tantrum. That is not how we do it. Democracy only works when all of us who win take up the weight of winning with responsibility and those who lose accept that they have lost and somebody else has won. If people do not abide by that simple equation, that is not democracy, and that should cause us all considerable concern.

My final point, echoing what the hon. Member for North Down said, is that in the system that we have for sorting these things out, the language that is used—“Unionist”, “nationalist” and “other”—may be past its sell-by date. It hard-bakes into the language and the systems a previous age. It does not reflect Northern Ireland as it is today. This is not the time for it, but I agree with the hon. Gentleman that at some point in the not-too-distant future, serious, considered, sober thought needs to be given to how these issues are addressed in order to present Northern Ireland to the rest of the world, and to the rest of the United Kingdom, as it is

today and not as it was 20 years ago, or 40 or 50 years ago. We need a contemporary review of that in order to ensure that it is fit for purpose.

My *cri de coeur* is for all parties to understand that devolution, and its delivery of public service and improvement of life for those who live in Northern Ireland, is not something to be taken lightly. It is not a plaything to be kicked around for cheap party political points.

**Jim Shannon (Strangford) (DUP):** It is always a pleasure to speak on any issue in this House, but particularly on issues to do with Northern Ireland. I welcome the Minister of State, the right hon. Member for Bournemouth West (Conor Burns), to his new role and wish him well. He rightly came to see the No. 1 constituency in Northern Ireland, Strangford, before he had seen anywhere else. We are very pleased to have had the opportunity to have him there, and we wish him well in his role.

As always, the debate has been clear, and my party’s reasoning has been clearer. I am not enamoured with the form of government in Northern Ireland, and I do not believe that it can or does work, as has been demonstrated very clearly over the last couple of years. I absolutely believe in the right of this place to govern and legislate. However, as my colleagues have said, this is a matter that should be debated in the appropriate forum and not tagged on to this Bill. The Assembly and Executive Review Committee at Stormont is the mechanism to do that.

It grieves me that decisions were made in this place when they should have been made through the Northern Ireland Assembly, and I want to put that on the record. That leads me to an issue that I feel must be highlighted again: this Bill aims to secure a working Assembly with the best mechanism possible, yet it seems that this House interferes at will when public opinion calls for it. That must come to an end. It is time that this place gave the Northern Ireland Assembly the authority to make decisions.

During covid, despite discussion of an abortion Bill, this Government determined that they would bring in abortion in Northern Ireland in the most open way not just in the UK but in all of Europe. Along with colleagues, I strongly resented that, and I still resent it. We now face this Government acting on the NDNA deal, but only when it comes to the Irish language. With great respect to the hon. Member for Foyle (Colum Eastwood), for me this issue is as clear as a bell. The rest of the important provisions, such as health and education, on which there were goals and aims, have been left to trickle through, yet the Irish language is to be given priority by this place.

As my party’s health spokesperson, it concerns me greatly that across Northern Ireland, in a post-covid world, the waiting time for an urgent hip replacement is upwards of five years, for cataract surgery it is upwards of four years, and breast reconstruction for breast cancer survivors is years down the line, with no date whatsoever. I have talked to some of my constituents back home who are fluent and interested Irish language speakers, and they tell me that they want to see priority given to issues such as health and education, to ensure that they are addressed first. I am not sure that the people of the Province believe that the Government should step in and fund these measures.



There are children out of education. There are many schools in my area that are awaiting refurbishment or rebuilding, and that cannot get the support they need in the form of classroom assistants. There is a big issue, too, with assessment for those with attention deficit hyperactivity disorder and autism. We get referrals every day of the week for those things. There is a generation of children who have had the option to learn music stripped from them, as budget slashing has meant a choice between culture or a teacher.

Those are real issues that impact every one of my constituents, whether they are Unionist or nationalist, whether they are in favour of the Irish language or against it. Those are the issues that people tell me clearly that they want to see addressed. I resent that priority has been given to one aspect of the NDNA over the life-changing aspects, and I urge the Minister to allow the Assembly to carry out its duties according to priority and not political machinations.

I understand the need to support the measures before us today, but I must put on the record my concerns about the prioritisation of some of the spending that the Government have looked towards. Clearly, we should be spending more on policing, because we need more police officers on the streets across Northern Ireland. We have a dearth of them at the moment. The training college is turning out as many as it can as quickly as it can, but the places of those who retire are still not being filled. Improvements need to be made in health, education and policing, and that is where I would like to see the focus.

At the same time, I urge the Government to do the right thing and allow the Assembly to prioritise need over wish and people over politics, and to make our own determination on Northern Ireland issues. I believe in devolution; I always have. I want the devolution that we have in Northern Ireland to achieve something. History has shown that direct rule is not beneficial for the people of the Province. I will therefore support the Bill, hoping against hope that Lord Frost will achieve what he sets out to achieve and ensure that Northern Ireland stops being a third country to the UK and is accepted as an integral part of it.

The next step will be asking the Government not to treat the Assembly as a local council with minor responsibilities, but to allow it to take tough decisions in a democratic manner. I believe that is the foundation of the Bill, and that is why I will support it, but I say to the Minister—I hope that he will respond—that there are priorities that need to be addressed first. I think we all realise that, and my constituents tell me that. Health, education, the economy and policing are where spending should be prioritised—not the Irish language.

**Alex Davies-Jones** (Pontypridd) (Lab): May I take this opportunity to welcome the Minister of State, the right hon. Member for Bournemouth West (Conor Burns), to his place? I thank his predecessor, the hon. Member for Worcester (Mr Walker). He and I enjoyed a very cordial relationship, and I hope that the right hon. Member and I can continue in that fashion for the people of Northern Ireland.

I rise to speak to amendments 6 and 7 in my name and that of my hon. Friend the Member for Sheffield, Heeley (Louise Haigh). The instability in recent months has been unsettling for all of us who cherish the Good

Friday agreement and believe that its institutions and the principles that underpin it represent the best way forward for Northern Ireland.

As ever, however, that instability has been felt most keenly by the people of Northern Ireland. It is clear that they need a stable, functioning Executive to meet the enormous health and economic challenges facing Northern Ireland. Indeed, as we have heard, a third of the entire population are languishing on health waiting lists, nearly 300 children are without a post-primary place for next year, and of course recovery from covid remains ongoing.

For all political leaders in Northern Ireland, a stable, functioning Executive must be the priority in the coming days and weeks. We welcome attempts to safeguard power sharing and improve the sustainability of the Executive and the Assembly. The lessons of the past should offer a clear warning to all of us. Institutions are much easier to collapse than they are to get back up and running. Recent events could scarcely have provided a clearer example of why the provisions contained in the Bill are necessary. It is partly for that reason that the Labour party supports the measures contained in the Bill, although we are deeply concerned that the Secretary of State has stalled on the legislation for so long that it will not now be in a position to be a useful tool in the difficult weeks and months ahead.

2 pm

In Committee, we raised our concerns with the Minister about the provisions on the caretaker institutions to prevent misuse and promote good governance. We urge the Minister to explain what the “within well-defined limits” for the caretaker Executive are. The only definitions of powers are those set out in the ministerial code, but the code is silent on that point. Which ministerial decisions will they be able to take that are significant, controversial or cross-cutting? Will they be able to take decisions with financial implications in a caretaker capacity? The point has been made that the limits will be those set out in the Programme for Government and the specific requirement to refer any measures that are significant, controversial or cross-cutting not within a Programme for Government. It will not have escaped the Minister’s attention, however, that there is no Programme for Government currently. Without clear limits, many of which may simply be carried over from the previous mandate, Ministers are left operating within a legal lacuna. I would welcome some clarity from the Minister on that point.

Turning to our amendments, as I said, Labour supports the Bill but believes there are several missed opportunities for the Government to refocus on delivering on the promise of peace, which has been allowed to stall. We have sought to table amendments to press for the full implementation of the Government’s commitments under the New Decade, New Approach agreement, which, like the Bill, have been delayed for far too long.

The same principle is true for the undelivered promises of the Good Friday agreement on a Bill of Rights, integrated education and housing, women’s rights, and giving communities a real say in decision making. They were the essence of the Good Friday agreement and the shared future it imagined, but progress on those issues has been virtually non-existent over the past decade. The agreements are integral to the trust communities have in the post-Good Friday agreement landscape, and

underpin the devolution of power contained within it. That means there is a responsibility on all of us in Westminster, Dublin and Stormont to faithfully implement the agreements that made it possible. We do not believe that the instability we see can be separated from the failure to deliver on such commitments. The way to guarantee stability is to demonstrate that commitments made will be honoured, and that Westminster is still prepared to step up and honour our side of the bargain.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): I am sure the hon. Lady appreciates, as I do, that Wales now has two language Acts and one language measure, and that they have been great sources of pleasure and a celebration of our culture, bringing people together. I am sure, like me, she would ask the Minister when the Irish language Act will be brought forward, because the end of the month is very fast approaching.

**Alex Davies-Jones:** I wholeheartedly agree with the right hon. Lady. She is right that the Welsh Language Act 1993 massively strengthened our culture in Wales and us as a country. I press the Minister on when we can expect that legislation to be forthcoming.

Our amendment would help to push forward progress on two key areas: a Bill of Rights and the re-establishment of a civic forum. On a Bill of Rights, we on the Labour Benches are well aware that it is a reserved responsibility for the Secretary of State. The tightly drafted nature of the Bill meant it was difficult to put responsibility on the Secretary of State himself. Nevertheless, a Bill of Rights for Northern Ireland was first promised in the 1998 Good Friday agreement, but progress towards its development has repeatedly stalled. The establishment of the Ad Hoc Committee on a Bill of Rights at Stormont earlier this year represents a fresh attempt to move things forward. A Bill was an essential and fundamental safeguard of the Good Friday agreement, and it is simply wrong that it has not been developed. Action is needed now.

We believe the Secretary of State should take action by responding to the forthcoming report of the Northern Ireland Assembly and the House of Commons Committee on a Bill of Rights. The Secretary of State should request that the Northern Ireland Human Rights Commission provides advice on a Bill of Rights, further to its functions as set out in section 69(7) of the Northern Ireland Act 1998. The Secretary of State would subsequently lay before Parliament legislation giving effect to that advice. It is time to act.

On a civic forum, we believe that that was an important feature of decision making envisaged under the Good Friday agreement. Done well, it would give communities a strong say in decision making. It would give a voice in a deliberative forum to groups not often considered, and could vastly improve decision making in the process. The Good Friday agreement was about a new participative politics. The argument the Women's Coalition put forward for a civic forum was as an advisory second chamber designed to give the trade union movement and businesses, as well as the community and the women's movement, a place in political policy making. The prize of that expertise and knowledge is a durable solution that keeps communities on board, one that I hope will be considered going forward.

Finally, I will turn to the amendments in the name of the hon. Member for North Down (Stephen Farry) and my hon. Friends the Members for Foyle (Colum Eastwood) and for Belfast South (Claire Hanna). On new clause 1, on the appointment of the First Minister and Deputy First Minister, it is clear that that was not envisaged by the Belfast-Good Friday agreement, but it is becoming an issue that must be dealt with through collective agreement. Polling shows, particularly among younger people, that identity is no longer binary. People identify as Irish, British and neither. It is far from inconceivable that the first and second-placed parties could come from neither Unionism nor nationalism. That raises important questions for the post-Belfast-Good Friday agreement and post-St Andrews power sharing mechanisms. I urge the Secretary of State not to put off serious consideration on this topic any longer. New clause 1, in the name of the hon. Member for North Down, raises questions that cannot be ignored and it is time for collective discussion.

On new clauses 2 and 4, we recognise the value and logic of a more consensual approach to electing the First Minister and Deputy First Minister, as envisaged by the Belfast-Good Friday agreement.

On new clause 3, in the name of the hon. Member for North Down and my hon. Friends the Members for Foyle and for Belfast South, the logic is again clear. The First Minister and Deputy First Minister have exactly the same powers: each have an equal say in the affairs of Northern Ireland and each have a fundamental right for their position to be respected. Equality was the essence and the spirit of the Good Friday agreement, and that is reflected in the joint powers held by the First Minister and Deputy First Minister. New clause 3 reflects that, and it is one the Secretary of State should take away and look at seriously. Whichever tradition is elected to the position of First Minister and Deputy First Minister should be respected. Failure to do so simply undermines the principles of the Good Friday agreement. We hope the Minister will seriously consider the proposals.

**The Minister of State, Northern Ireland Office (Conor Burns):** It is a pleasure to be back at the Dispatch Box. I hope, Madam Deputy Speaker, that I might briefly beg the indulgence of the House. I was in my office on Sunday afternoon, having had a very busy period in my first weeks in the Northern Ireland Office. There were some letters on my desk that were addressed as personal. I opened one to find it was a letter congratulating me on returning to Government from our late colleague Sir David Amess. I would just like to place on record my tribute to David. I knew him well. We served together on the all-party parliamentary group on the Holy See and had very many enjoyable trips to Rome. He had an irrepressible and irreverent sense of humour, and one was always cheered up by being in David's company.

This has been a fascinating debate. It has been a debate, if I may say so, of two parts: the debate that makes reference to what is actually on the Order Paper and the amendments that have been tabled; and then there was the majority of the debate, which bore very little relationship to what is on the Order Paper or the amendments before the House. I will, in endeavouring to respond to various points, try to stick to the amendments and the Order Paper.

The Bill is deliberately limited in its scope. It is designed to implement the agreements reached under New Decade, New Approach. I make this point to all hon. Members who sit for Northern Ireland constituencies. Critically, those agreements were entered into by the parties in Northern Ireland. That is why we deliberately limited what we seek to do here. We are seeking to implement those commitments. We do not think it is the role of Her Majesty's Government to innovate in this space when future changes, were they to be made, should be driven by the parties in Northern Ireland.

**Conor McGinn** (St Helens North) (Lab): I understand entirely the point the Minister makes, but there have been occasions when the Government—both Governments, in fact—have given commitments. One is on an Irish language Act, or legislating for Irish language provisions and the rest of the cultural package. The Government said that they would do that by the end of October if legislation or agreement was not reached in Stormont. A spokesman for the Government reiterated that commitment at the start of this month. Can the Minister tell us when he is going to bring that legislative package forward? If he cannot tell us that today, can he at least give an assurance that the Government will hold to their word, and are still committed to legislating for Irish language and other cultural provisions?

**Conor Burns**: What I can tell the hon. Gentleman is that the Government have no intention of introducing an Irish language Act. We will bring forward a cultural package in which Irish language will play a part, but he knows as well as I do that language in Northern Ireland is often analysed very carefully, so we are not proposing such an Act. My right hon. Friend the Secretary of State will have more to say on that in due course.

I read carefully the Committee stage and evidence sessions of the Bill to familiarise myself with the content before this debate. I place on record my appreciation for my predecessor, my hon. Friend the Member for Worcester (Mr Walker), who had a very clear grasp of matters.

In essence, the hon. Member for Belfast East (Gavin Robinson) summed up the Bill in his intervention on the hon. Member for North Down (Stephen Farry). This Bill implements the commitments in New Decade, New Approach; it does no more and no less. My right hon. Friend the Member for Skipton and Ripon (Julian Smith) of course oversaw the negotiations that gave rise to that document. This Bill delivers on our commitments and seeks to put the institutions into a more sustainable format, should we ever—as we hope we do not—reach a position where the institutions again become vulnerable.

The hon. Member for Foyle (Colum Eastwood) hit the nail on the head: what the people in Northern Ireland want us to focus on is the national health service and deprivation. That was certainly the message I got when I visited the Caw/Nelson Drive Community Action Group in his constituency and the Greater Shantallow Area Partnership. They were talking to me not about the intricacies of governance in Northern Ireland, but about their lives in their community, and how the Executive and the UK Government could make their lives better. That should absolutely be our focus.

There was an outbreak of consensus between the hon. Member for Foyle and the hon. Member for Strangford (Jim Shannon). I had a very enjoyable visit

to the latter's constituency. I met the Portavogie fishermen, who were powerful advocates for what needs to happen to support the fishing sector in Northern Ireland, and I enjoyed my visit to Castle Gardens primary school near the Bowtown estate. The hon. Gentleman, too, talked about health and education. Those are the priorities, and hopefully the stabilising measures we are bringing forward today will ensure that the Executive remains functioning and operational and can get on with those important matters within the devolved space—in particular, the national health service in Northern Ireland, which is under great stress indeed.

Another axis developed during the debate between my hon. Friend the Member for North Dorset (Simon Hoare) and the hon. Member for North Antrim (Ian Paisley). It is a rare thing that they find common ground and consensus. My hon. Friend the Member for North Dorset talked about the six months, and I would say to him that six months is a limit, not a target. We are trying to create maximum space, but we would hope that the Northern Irish parties would want to move quickly.

My hon. Friend suggested that perhaps the agreements were past their sell-by date. It is for the parties in Northern Ireland, if they want to innovate in that space, to get together and talk, but we are very clear that our job is to implement, to arbitrate and to oversee the agreements as they stand. Some of the amendments concerning the titles of First Minister and Deputy First Minister and some of the points made about the changing demographics within Northern Ireland may be things that the parties in Northern Ireland will want to come together to address, but we do not believe it is our role to be forcing that change on the parties in Northern Ireland within the devolved space without their consent.

Other parts of the Bill come, of course, from the requests of the First Minister and Deputy First Minister, particularly the revisions around the ministerial code. We have taken what they have said and sought to put it into the Bill. We have also sought to return the petition of concern to the purpose for which it was originally intended and to make it more functional.

This is a straightforward and sensible set of proposals, aimed, as I said, at putting the governance system in Northern Ireland on to a more stable footing, to recognise some of the concerns that have been put to us, to honour the commitments that Her Majesty's Government entered into in New Decade, New Approach. I commend the Bill to the House.

**Stephen Farry**: I will make some brief comments in closing the debate. First, I thank everyone who took part and presented their views. It was a largely good-natured debate. I thank in particular those on both Front Benches, including on the Government Front Bench, for their comments in that regard.

There is, shall we say, a certain tension between those who want to faithfully implement New Decade, New Approach—I include myself in that category—and those who acknowledge that we are almost two years on from that point, a lot of politics has happened and a lot of water has flowed under the bridge. We must be mindful of the next set of crises that are coming; sadly, this is Northern Ireland, and there is always a crisis around the corner, so we must be mindful to anticipate that in a reasonable way and act ahead of time, for once, rather than having to do so after the crisis emerges.



2.15 pm

I am not minded to push any of the amendments to a vote today, and I am sure the House will be pleased with that, but a number of points that have been raised today merit further reflection from all parties. I appreciate that the other place will also want to express its views on this legislation. I hope therefore that there will be further opportunity for both that place and in due course this House to reflect further on some of the points made today.

Perhaps, with some degree of reflection and further consultation with Northern Ireland parties, there may well be the basis for taking forward some further model steps that may provide a slightly more robust system to handle what may be coming around the corner. I beg to ask leave to withdraw the clause.

*Clause, by leave, withdrawn.*

*Third Reading*

2.16 pm

**The Secretary of State for Northern Ireland (Brandon Lewis):** I beg to move, That the Bill be now read the Third time.

In doing so, I acknowledge the hard work that has got us to this point. I pay tribute to former Secretaries of State for their role in supporting institutions in Northern Ireland during the most recent collapse. As this is the first time I have been at the Dispatch Box since the sad news, I pay particular tribute to James Brokenshire. [HON. MEMBERS: "Hear, hear."] Absolutely; I appreciate the comments from across the House. Both as a friend I have known for just over two decades, and in his role as Secretary of State for Northern Ireland, he showed truly admirable dedication to the people he represented, to colleagues and to friends, and dedication and commitment to the people of Northern Ireland.

I also want to thank hon. Members from all political parties who participated in debating the merits of the Bill. In particular, I thank the shadow Secretary of State for Northern Ireland, the hon. Member for Sheffield, Heeley (Louise Haigh), and the shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), for their diligent scrutiny efforts and broad support for the measures set out in this Bill, and for their comments today.

I also express my thanks to colleagues in the Northern Ireland Assembly, the Northern Ireland Executive and the Office of the Speaker of the Assembly, and to those who represent Northern Ireland constituencies in this House, all of whom have contributed to and been part of the work that has led to today, and the negotiations on New Decade, New Approach.

I acknowledge the hard-working civil servants, here in Whitehall and in Belfast. Not only did they support the successful negotiation of the New Decade, New Approach agreement, but they have since helped the progress of the Bill and continually help to deliver on the fundamental commitments made by this Government within that deal—including, I have no doubt, some very late nights supporting my colleague and right hon. Friend the Member for Skipton and Ripon (Julian Smith), who would have put in those hours of effort in the lead-up to the final agreement of this Bill. I say a huge thank you to everyone who has been involved.

I reaffirm our view that our Union is strongest when its institutions work well, work together and deliver real change on the issues that matter, as colleagues have mentioned today. For Northern Ireland, that means properly functioning institutions, both in Stormont and Westminster, that allow Stormont to focus on the core issues that, as colleagues across parties have said today, must be focused on. To have one third of the population on a waiting list is not good enough for the Northern Ireland health service. Some 23 years since the Good Friday agreement, only to have approximately 7% of the population benefiting from integrated education is not good enough for the people of Northern Ireland, and we must move further on that together.

The Bill is a focused Bill. It will deliver necessary and well overdue reforms to strengthen the sustainability of institutions in Northern Ireland, update the ministerial code of conduct and reform the petition-of-concern mechanism. These measures, as my right hon. Friend the Minister of State has outlined, were all agreed by the main political parties in Northern Ireland when the Executive were restored, and it would be remiss of us to begin to tweak and change the details here in Westminster without further agreement from the parties. I am confident that those in the Executive and the Assembly will continue to work in the same good faith in which the measures were negotiated, as we in Parliament will; I will come back in a few moments to comments made on that point.

For those reasons, the House should support the Bill's Third Reading. UK Governments of all colours and types have worked to maintain peace and encourage political stability in Northern Ireland over the decades. I am grateful to the Opposition for welcoming the Bill and the New Decade, New Approach agreement.

The Government accept, however, that this is just one piece of the jigsaw. The positive difference that a restored Executive have made to the people of Northern Ireland is clear to see, despite the great challenges that we have all had as a result of covid-19—particularly as the Executive were restored just days before the covid pressure came upon us all. The past 18 months have demonstrated that a power-sharing Executive can work together under the hardest of circumstances to find compromise and act in the shared interests of all communities in Northern Ireland. The Bill can only empower their capability in that respect.

The Government have listened to and are grateful for all contributions made by Members of this House. I appreciate that it is frustrating for some Members that we have been unable to accept non-Government amendments, despite the great intentions behind them, some of which have been outlined today. That is because many go beyond what was agreed in New Decade, New Approach, although I note the comment from the hon. Member for North Down (Stephen Farry) that we are now two years on and that there are some things in New Decade, New Approach that, as time moves on and we learn more, we need to look at.

But my right hon. Friend the Member for Skipton and Ripon is right: we need to focus on delivering what was agreed. As co-guarantors of New Decade, New Approach, we have a duty to ensure that, for all people in Northern Ireland, the measures are delivered as they were agreed upon by the main parties.

Members of this Chamber have expressed eagerness for the delivery of further commitments made under the New Decade, New Approach agreement and will be

glad to hear that we have made good progress. For example, we have appointed the Northern Ireland Veterans Commissioner; introduced legislation to further enshrine the armed forces covenant in law; published reports on the use of the petition-of-concern mechanism in the Assembly; contributed to the creation of a new Northern Ireland graduate entry medical school in Derry/Londonderry, which I agree we want to see developed further; and supplemented the new deal for Northern Ireland's £400 million fund to promote Northern Ireland as a cyber security hub, to name just a few things.

There is more to come. We have made commitments to ensure that areas that were committed to be delivered within the mandate for Stormont will be delivered; a cultural package is part of that, and we will do that. We are proud of the progress made thus far. The UK Government are committed to ensuring that New Decade, New Approach is delivered in full. I reassure hon. Members that further progress will be made in due course.

Both for the Executive and for us, covid has meant decisions being made, and pressure being put on legislative time, on decisions and on work done—we all understand that. As we move out of covid, we want to move quickly and get things done, and I hope that the Executive will be doing the same.

**Simon Hoare:** May I go back to the cultural package? I think the House's understanding is very clear as to how my right hon. Friend envisages dealing with the matter. However, is he able to say a little more, not so much about what it might be called as about when we might actually see it, if indeed this place needs to see it—or is it his expectation that Stormont will deliver it?

**Brandon Lewis:** My hon. Friend the Chair of the Northern Ireland Affairs Committee highlights an important point. It is still technically possible for the Executive to start a procedure that would allow the package to be delivered within the mandate, which has always been the intent, the focus and the desire for those involved in New Decade, New Approach. As I have said, we are very clear that, if it becomes clear that the Executive are unable to do that, or are not moving it forward, we will bring forward legislation to deliver the cultural package as set out in NDNA—no more, but no less. We will do that; I will not go further than that at the moment.

The purpose of the Bill is to implement what was agreed by all parties in the New Decade, New Approach deal. During the passage of the Bill, including this afternoon, there has been sensible, interesting and well-argued debate on the wider institutions and options in Northern Ireland. I look forward to seeing discussions continue among the Northern Ireland parties and to engaging on these matters with them and with colleagues here, as well as to following discussions in the other place, as the hon. Member for North Down rightly outlined.

**Stephen Farry:** Could the Secretary of State go slightly further and give an assurance that, if the House of Lords considers potential further reforms, and if soundings from the Northern Ireland political parties show consensus in relation to them, the Government will be open-minded about legislating—either in the Bill, which may be the most obvious opportunity, or in other legislation—to put them into effect, particularly ahead of the next Assembly election?

**Brandon Lewis:** I am always open-minded about listening to ideas and options, particularly for things that come together on which there is agreement between the parties. As others, including my right hon. Friend the Minister of State, have said, the important point is about New Decade, New Approach: the issues that we have dealt with in the Bill were agreed, negotiated and discussed among all the parties in Northern Ireland. We need to see those discussions continuing. If there are things on which all parties agree and on which Westminster is required to legislate, I am very open-minded about looking at them, but there needs to be a discussion that has support in Northern Ireland widely and across the Executive.

We will continue to work closely with the Opposition, the Executive and the parties in Northern Ireland to deliver on the wider promises of our New Decade, New Approach agreement and its commitments for the people of Northern Ireland, including ensuring that we are levelling up as we build back better across the whole United Kingdom. We are resolute—I will continue to be personally resolute and determined—in promoting Northern Ireland's place in the world, its opportunity and its integral place in and importance to the United Kingdom. In doing so, we will ensure that, with New Decade, New Approach and its commitments, we deliver for all people in Northern Ireland, through New Decade, New Approach and beyond. I commend the Bill to the House.

**Several hon. Members rose—**

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. I remind hon. Members to stand if they want to catch my eye. I call the shadow Minister.

2.26 pm

**Alex Davies-Jones:** Labour helped to secure the precious Belfast/Good Friday agreement, and it remains one of our proudest political legacies. We therefore welcome attempts to safeguard power sharing and improve the sustainability of the Executive, the Assembly and the institutions, which collapsed following a political crisis and took three years to restart.

In Committee and on Report, we outlined at length our concerns about some of the flaws that we saw in the Bill and sought to correct. It is disappointing that those concerns have not been taken on board, particularly as they are likely to be tested sooner or later.

The instability in recent months has been unsettling for all of us who cherish the Good Friday agreement and who believe that its institutions and the principles that underpin it represent the best way forward for Northern Ireland. As ever, that instability has been most keenly felt by the people of Northern Ireland.

Power sharing is the scaffolding of peace. Without it, the Good Friday agreement is fundamentally undermined. It is integral to the trust that communities have in the post-Good Friday agreement landscape, and it underpins the devolution of the powers contained in it. We should not forget the evidence given by Jon Tonge, who reminded us that devolution of power remains overwhelmingly popular: he said that when voters have been asked “What is your preferred mode of governance?”,

“direct rule has never come above 15% as a preferred option. Devolved power sharing is overwhelmingly a preferred option that comes back from...surveys”.—[*Official Report, Northern Ireland (Ministers, Elections and Petitions of Concern) Public Bill Committee, 29 June 2021; c. 7, Q5.*]

[Alex Davies-Jones]

People in Northern Ireland are emerging from one of the most profound health crises that it has ever faced. A third of the entire population are languishing on health waiting lists, nearly 300 children are without a post-primary place for next year's term and people are recovering from the deepest recession on record. In that scenario, it is unthinkable not to have a functioning Executive. For all political leaders in Northern Ireland, that must be the priority in the coming days and weeks.

It is partly for that reason that the Labour party supports the Bill, but our broader concern relates to the time it has taken to bring the Bill to this stage. We strongly urge the Government to look at how they can fast-track the remainder of its passage. It has now been 22 months since they agreed to implement this legislation to preserve power sharing, and we fear that they are sleepwalking towards a political crisis.

It is also disgraceful that the Secretary of State previously said that we would expect a cultural package and an Irish language Act by the end of October 2021—

**Brandon Lewis:** Just to be very clear—the hon. Lady should look back at the record—we have always said that we will deliver a cultural package. There has never been discussion of an Irish language Act; that is not what is in NDNA. It is a cultural package. It is important that the Opposition get their facts right.

**Alex Davies-Jones:** The House was promised the commissioning of an Irish language Act by the end of October 2021. That is where we are now, and it is nowhere to be seen. The Secretary of State's refusal to give a date is a disgrace, and a betrayal of the people of Northern Ireland.

This legislation has simply come too late to address the current political instability in Northern Ireland. Given the political crisis there, and the ongoing warnings about the collapse of the Executive, Labour pushed for amendments to ensure that it was implemented without delay. As it stands, even if it were passed before Christmas there would still be a months-long commencement clause, leaving it highly unlikely to be in force to prevent instability in the coming months. We would like to hear a firm commitment from the Secretary of State to fast-tracking it through the House of Lords, and a clear timetable for it being enacted. We cannot wait months when we may have weeks. Will the Secretary of State address that? If so, we will work with him to ensure that the Bill is on the statute book within weeks.

The instability that the Bill in part attempts to address has not emerged out of thin air, and I fear that the delay in bringing it forward is symptomatic of the Government's approach to Northern Ireland. Too often over the past decade, Northern Ireland has been an afterthought here. As the consequences of decisions taken by Ministers have played out in Northern Ireland, the Government have frequently behaved as though they had found themselves at the scene of an accident entirely beyond their control. Too often, Northern Ireland has been overlooked and the work to deliver on the promise of peace has been allowed to stall.

It would be foolish to assume that the provisions of the Bill alone can guarantee stability; they cannot. To do that, Ministers must address the effects of their own

actions, which have shaken faith in Northern Ireland. Progress has stalled and instability has grown. The Belfast/Good Friday agreement has been treated as a crisis management tool, rather than as the vehicle through which lives and communities can be transformed.

Although Labour supports the Bill, we believe that there are several missed opportunities for the Government to refocus on delivering on the promise of peace, which they have allowed to stall. A Bill of Rights, integrated education and housing, women's rights and giving communities a real say in decision making were the essence of the Good Friday agreement and the shared future that it imagined, but progress on them has been virtually non-existent over the past decade. We do not believe that the instability we see can be separated from the failure to deliver on such commitments. Above all, the way to guarantee stability is to demonstrate that commitments made will be honoured, and that Westminster is still prepared to step up and honour our side of the bargain.

I reiterate our support for the limited measures in the Bill and ask the Secretary of State to speed up the timetable as a matter of urgency, but I wish to make it clear that this is only a start: there is much, much more work to be done.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the Scottish National party spokesperson, Richard Thomson.

2.32 pm

**Richard Thomson (Gordon) (SNP):** I welcome the Minister to his position, and look forward to working with him. Let me also add my thanks to all who have contributed to the Bill's passage. Securing a prosperous, peaceful and well-governed Northern Ireland is obviously in the interests of everyone there, but it is also hugely in the interests of everyone throughout these islands, and I believe that the Bill contributes to that in its own small way.

I will try to keep my remarks comparatively brief. Let me say first that democratic politics, wherever it takes place, needs its participants and practitioners to have space in which to talk, discuss, reflect and consult, and, above all, freedom to take the risks involved in finding consensus, acknowledging common ground, and doing the heavy lifting of finding agreement. While deadlines and ultimatums obviously have their place in politics, I think the wider community is much better served when we see that heavy lifting going on, and the better, more secure and sustainable outcomes to which it leads. However, it is not just politics in the abstract that needs space; it is also the business of government.

Any decision taken through the institutions of Northern Ireland is almost certain to be better than any decision that can ever be taken on behalf of Northern Ireland in this place, simply because it will be rooted in those democratic institutions and moulded to the contours of public opinion through the politicians whom we elect, and because it makes local decision makers in Northern Ireland more accountable for the choices they have been elected to make; and the politics is all the more transparent and healthy for it. That is what happens when we give the politics the space in which to work.

To the extent that today's proceedings help to remove some of the time pressures caused by the need to fill ministerial positions or to form an Administration, we



support the Bill. Obviously having Ministers in office without their positions being confirmed by a current electoral mandate is not ideal, but it does provide continuity in caretaker form, and efficient governance in the absence of an Executive when it comes to dealing with everyday matters. I believe that the Bill has the potential to enhance transparency, accountability and at least the opportunities for good governance, and on that basis it has our support.

2.34 pm

**Carla Lockhart** (Upper Bann) (DUP): Like other Members on both sides of the House, I desire a stable Stormont and a Stormont that offers good government to the people of Northern Ireland. Indeed, I am sure everyone who is present today shares that desire.

When the institutions were torn down by Sinn Féin in early 2017, I was a Member of the Northern Ireland Assembly. The new Assembly had embarked on a fresh mandate with many promises to tackle the huge waiting lists, but unfortunately Sinn Féin, for the sake of its own selfish, narrow political agenda, shattered the hopes of that Assembly, and they were extinguished. Three years followed that have seen our public services degenerate. The legacy of Martin McGuinness's resignation is seen to this day: longer waiting lists, a health service that is stretched beyond its limits, a social housing crisis, a roads infrastructure that is crumbling, missed investment opportunities for job creation, and other public services held back.

Of course, for those three years the Government did nothing to face down the petulant, self-serving actions of Sinn Féin, which is deeply regrettable. A kid-glove approach was adopted when it came to confronting Sinn Féin and its reckless actions, and sadly we remain under this threat, for we know that the Government have stated that if the cultural package contained in "New Decade, New Approach" is not delivered to Sinn Féin's timetable, it will be brought through in this place.

Let me urge the Government to exercise extreme caution in this regard. If they are serious about letting elected representatives govern Northern Ireland, it simply cannot continue to be the case that when agreement cannot be reached or takes longer than one party may wish—and the established trend is that the party jumped to is Sinn Féin—the Government take the powers back to this place. That is the recipe for instability, and it is also the fuel that fires the growing disenchantment and disillusionment in the Unionist community with the whole Stormont edifice.

The Secretary of State knows of the deep hurt many people felt in Northern Ireland when the Government chose to intervene in the provision of abortion. A matter that was so profound to so many people, and on which agreement could well have been reached given time and space, was brought back to this place to placate the pro-abortion lobby and the pro-abortion parties for whom these services could not be delivered quickly enough.

This pick-and-choose devolution settlement only leads to discontent and disillusionment. It makes people ask what is the point of devolution if the Government intervene when the agenda of some must be satisfied. We can strengthen the legislative framework to make the institutions more stable through this Bill, but the greatest threat of instability to the institutions comes from a people that sees no point in them.

In this context, the necessity is for the Government to act to resolve the widespread community concern about the Northern Ireland protocol. Time is moving on, and the patience of this party and the people is not without limit; indeed, it is stretched to breaking point right now. Promises of progress, of conclusions in weeks, are just talk. Let us see the action that is needed to ensure that political stability is restored to Northern Ireland and the damaging impact of this disastrous protocol for all the people of Northern Ireland is consigned to the past.

**Colum Eastwood:** I entirely agree with what the hon. Lady said about the fact that Sinn Féin should never have pulled the Assembly down, and about the implications of that for our health service and our public sector in general. Now she has moved on to the threat from the Democratic Unionist party over the protocol. If she does not believe that any political party should threaten the institutions of the Good Friday agreement and the outworking of that, which is good government and good public services, will she speak to her party leader and ask him to withdraw his threat to those institutions?

**Carla Lockhart:** The hon. Gentleman will know that the protocol is damaging everyone within Northern Ireland, both economically and constitutionally, and I would ask him to go and speak to the businesses that are being impacted on a daily basis by the protocol. It certainly undermines the delicate balances of the agreement.

I have listened to the remarks from the hon. Members for North Down (Stephen Farry) and for Foyle (Colum Eastwood), and I am sure that I am not alone in finding it somewhat ironic that those parties that hold the Belfast agreement as some form of religious text have sought so hard to change some of its underpinning elements. We see this in the attempts to change the appointment of the First Minister and Deputy First Minister and to change community designation, and in the quest to reform the petition of concern mechanisms, all of which were created and championed by those who now wish to do away with the old and bring in the new for their own political advantage. We in Northern Ireland are well used to the hypocrisy and double standards of the Alliance party and the SDLP, which are there for all to see in their amendments today.

**Simon Hoare:** The hon. Lady makes a valid point about the views of business being heard during this further stage of negotiation and consultation with regard to the protocol. She is right on that, but I am failing to understand why tearing down Stormont and removing the voices of elected local representatives to make their case would help those businesses.

**Carla Lockhart:** The hon. Member will know that we have not done that. We want this Government to act on behalf of the people of Northern Ireland. Lord Frost and his colleagues have heard clearly about the need to act and the damage that this is doing economically and constitutionally, and the hon. Member would do well to listen to the people of Northern Ireland and not just take it for granted that he is aware of their views.

I reiterate that if this Government continue to placate Sinn Féin's ransom demands by legislating in this place to satisfy them, devolution will fail. Furthermore, if the provisions of the Belfast agreement around cross-community consent and our constitutional position continue to be set aside in the context of the future

[Carla Lockhart]

relationship between the UK and the EU pertaining to Northern Ireland, devolution will fail. Regardless of this Bill, the next few weeks will test the Government on their commitment to stable devolution in Northern Ireland.

2.42 pm

**Claire Hanna** (Belfast South) (SDLP): When we last debated this Bill in June, the context was that Sinn Féin had just threatened the collapse of the institutions. Fast forward back to groundhog day, and we are here again with the DUP dangling the future of those same institutions before us. The context of both those threats is the same: the pandemic is still rampant, there are issues in the education service, we have the worst health waiting lists in these islands by a mile, and, without a climate change plan, Northern Ireland is a laggard with no binding targets at all. That seesaw of instability and stop-start governance is the last decade and a half in microcosm, with each of the two lead parties replicating the same tactics and threats, and criticising each other for doing the same, with each particular episode draining away the confidence and belief of the people of Northern Ireland in power sharing.

I fear that, with this Bill, we have missed some of the opportunities to improve governance, cohesion and the sense of possibility that the institutions were based on. For all that the letter and spirit of the Good Friday agreement have been invoked in recent years, either for or against Brexit and the protocol, that spirit of power sharing and genuinely working the common ground in the interests of people in Northern Ireland through mutual endeavour are quite absent from today's Assembly. In our amendments in Committee and today, the SDLP brought forward practical suggestions to try to improve the atmosphere and improve governance. We have been very clear—this was echoed by a number of witnesses in Committee—that no amount of rules and regulations will force the parties to share power properly unless they truly believe that it is the right thing to do, but it is appropriate that we should try to improve the mechanisms involved. The Good Friday agreement always allowed for that level of evolution, and that is something the SDLP has supported before—for example, in the introduction of opposition provisions.

It is a fact that the Good Friday agreement was negotiated by the widest possible range of political voices, that it was put to the people and that the people in the north and south of Ireland endorsed it. The St Andrews changes, which include a lot of the flaws, were not endorsed in that way. They were negotiated by, and for, the two large parties and imposed without recourse to the people of the island, and that shows. The flaws in the election of the First Ministers are illustrative of the rot and the culture of mistrust in the Assembly. There has been much discussion in recent months about the concept of parallel consent, when in fact the election of joint First Ministers, as was, is the centrepiece of parallel consent and the most real example of it in strand 1.

In the early years of the Assembly, the First Ministers were elected from the Floor of the Assembly by a majority of all present and both designations. That allowed for cross-party consensus building and coalition building, which have disappeared in the last decade and

a half. That was done to spare the blushes of the larger parties because they did not want to be seen to be endorsing each other in the voting Lobby, but that has had, and continues to have, a knock-on effect on the wider political discourse. We know that leadership in any organisation comes from the top, and it is the same in Northern Ireland. These changes, which we have tried to address through amendments, will allow each Assembly election to be reduced to a first-past-the-post race to become top dog, even though, as others have pointed out, one cannot even order paperclips without the say-so of the other. This will serve to suck all the oxygen out of the political discussion and allow every other issue to drain away.

**Mr Tanmanjeet Singh Dhesi** (Slough) (Lab): I completely agree with my hon. Friend that it is beneficial for the good people of Northern Ireland to have a functioning Northern Ireland Assembly rather than getting edicts from here in Westminster. Does she agree that it was even more destabilising for Northern Ireland when the UK Government, as part of the Brexit deal, signed a Northern Ireland protocol that they had no intention of honouring? Is that not even worse for the people of Northern Ireland?

**Claire Hanna:** I agree entirely. Among the many things that we discussed under the Good Friday agreement, the primacy of the rule of law and of trust are contained in that as well. They have gone out of the window in recent months, which is having a knock-on effect in Northern Ireland.

I regret that our amendments were not adopted, but the mechanisms that we tried to insert into the Bill were around that sense of joint purpose and common endeavour, as well as accountability. When the First Ministers were elected by the MLAs, they were accountable to the MLAs. The failures of the current process became very clear when Members of the Assembly tried to hold to account Ministers who had been responsible for terrible governance failures in the renewable heat incentive scheme. It became very clear that the First Minister did not feel that she was accountable to the Assembly, and indeed, due to those changes, she was not.

It is also worth saying that the mechanisms that we proposed would have been compatible with an overdue review of designation. I very much agree with the point raised by, among others, the Chair of the Northern Ireland Committee that, as currently operated, the designation structures for people opting to be nationalist, Unionist or other are locking in sectarianism. They were very well-intentioned; they were designed to manage a traditional conflict between two traditional communities, but Northern Ireland has evolved and it is appropriate that we should look to evolve those structures as well.

The Minister referred to the Bill being New Decade, New Approach, no more and no less. It is a missed opportunity, but it is worth saying that it includes some things that I do not remember from New Decade, New Approach, including the removal of key phrases and mechanisms from the ministerial code of conduct. It is still not clear who had problems with the language on transparency and accountability as it stood in the original agreement and in the 1998 Act, but I use that as an illustrative example that it is not a faithful transcription of the New Decade, New Approach all-party agreement and therefore other mechanisms could have been advanced.

Although we agree with the thrust of the Bill, we are beset and bedevilled by a culture of veto and stand-off, and this would have been an appropriate opportunity to try to fix some of those things. For example, to the best of my knowledge, the Assembly has not delivered a single piece of equality legislation. I listened to hon. Members speaking about why we could not pass equality legislation, in this case in the form of language legislation, because there is so much to do on health and education. There is no doubt about that, but those same parties have been running the show for a decade and a half, and in many cases they hold the specific ministerial briefs about which they speak. Every other region of these islands is able to walk and chew gum at the same time. Equality provisions can be advanced while meaningfully delivering for the people of Northern Ireland.

**Stephen Farry:** Does the hon. Lady agree that if a certain party has a huge issue with the UK Parliament legislating in relation to the language and culture package of New Decade, New Approach, it has the opportunity to expedite the package through the Northern Ireland Assembly?

**Claire Hanna:** I agree entirely, as the Assembly is supposed to be local power in local hands. The culture of telling people that sharing is losing is a big part of the problem that we have today. That opportunity is still on the table, and my hon. Friend the Member for Foyle (Colum Eastwood) tried in Committee to introduce such legislation through an amendment that faithfully transcribes what was agreed by all parties, including the Democratic Unionist party.

Sustainability and stability will not come from rules and regulations; they will come from people understanding and believing that power sharing is the right thing to do, and not just doing it because the law makes them do it. It will come from London and Dublin operating together again as friends and equals on the basis of transparency and trust, and it will come when the powers of devolution are used meaningfully to change people's lives and not just as a way of moving from actual conflict to a culture war, as we have had. There are opportunities to improve that governance, and we have not taken them today, but my hon. Friend and I will be ready to have that conversation.

2.52 pm

**Mr Gregory Campbell** (East Londonderry) (DUP): This Bill had its genesis in New Decade, New Approach, and we are here today to try to make progress. As its name implies, we are trying to build for the remainder of this decade.

We are less likely to repeat the mistakes of the past if we can learn from that past, and the problem is twofold. First, it is repeated ad nauseam in this House and elsewhere that peace broke out in Northern Ireland in 1998, but the reality and the lesson we should learn is that for the preceding four years the terrorists slowly and gradually learned that terrorism was not the way to proceed. In 1994, four years before the agreement was signed, the terrorists decided that the game was up and that terror was no longer how they would proceed. That was good and long overdue, but people should not misinterpret 1998 as the beginning of peace. The terrorists decided to depart from terrorism gradually and slowly in the preceding years.

Unfortunately, more mistakes were made in 1998. Agreement was necessary and required, and we had all strived for many years to achieve agreement, but in 1998 the terrorists were allowed to be at the table without giving up their guns—some of us said that should not be the case. I can well understand the reasons for their entering the process, but I disagree with them none the less.

We entered into a system that has plagued politics in Northern Ireland from then until now, in which there can be no move forward unless everyone buys into the process. We had the years up to St Andrews and beyond to try to inch people beyond only moving at the pace of the slowest learner in the room. That was the problem, and thankfully we made some progress at St Andrews. Hopefully we will now make further progress as a result of New Decade, New Approach, but how do we embed that in Northern Ireland's society? How do we depart from the issues that have plagued us for so long when a single party can up sticks and leave, as Sinn Féin did, and bring down the whole system for three years?

We now have a prolonged period. There may be a difference of opinion on how long that period should be, but at least it should help to concentrate minds for longer than seven days whenever Sinn Féin engineers a crisis. The then Deputy First Minister was clearly unwell, and everyone could see the degree of his illness, and the ensuing crisis that had been engineered lasted for three years. Hopefully we have a bit more time and good will now. We have bought a bit of extra time with New Decade, New Approach, but unless there is good will we will still face the same problem.

Single parties must realise that, for the greater good, we have to try to move together with some form of consensus. No one is going to get everything they want, which is why many of us said about NDNA, "There are things in this that we don't particularly like, but for the greater good we will buy into the process." The Government should not take that and say, "We will implement part of NDNA and leave other parts of it on the shelf." That cannot and will not work. We have to bring matters to a head, as we said we would. It is not a matter of bringing down the system, as has been inaccurately reported in the Chamber today. We are bringing matters to a head, not bringing them down, to try to force an election rather than to destroy the institutions.

My party will support the Bill with whatever reservations we have, and I hope that we can build a future in Northern Ireland that is better than our past.

2.57 pm

**Ian Paisley:** Like the dreary steeples of Fermanagh and Tyrone, we keep coming back to the phrases and mantras mentioned by my hon. Friend the Member for Upper Bann (Carla Lockhart): "We must support the Belfast agreement, provided it is our interpretation of the Belfast agreement." The two-faced approach from some hon. Members, who say we must support the Belfast agreement and never change it while tabling amendments to change it, is not lost on anyone back home.

I do not often quote the hon. Member for Belfast South (Claire Hanna), but I agreed with her wholeheartedly when she said that she wishes to support the locked-in sectarianism of the Belfast agreement. Think of it, we are discussing measures that a Member of this Parliament—

**Claire Hanna:** Will the hon. Gentleman give way?



**Ian Paisley:** No, I will not. The hon. Lady had a good opportunity to make a speech. It may not have been her finest moment, but she has made a speech and I think I am entitled to take that speech apart, which she has made very easy for me. She wishes to support the locked-in sectarianism of the Belfast agreement, and it is incredible that she is asking this House to do that. That follows closely on the heels of the previous Member for Foyle—

**Claire Hanna:** On a point of order, Madam Deputy Speaker. If Members are referring to content, they should quote me accurately. I said that the current designation structures, as operated, were locking in sectarianism. Is it appropriate for Members to misquote other Members?

**Madam Deputy Speaker (Dame Rosie Winterton):** Could the hon. Lady repeat that point of order? I could not hear it properly.

**Claire Hanna:** Is it in order, Madam Deputy Speaker, for Members to misquote other Members? I said in my speech that the current designation mechanisms, as operated, were locking in sectarianism. The hon. Member for North Antrim (Ian Paisley) has accused me of attempting to lock in sectarianism.

**Madam Deputy Speaker:** I thank the hon. Lady for that point of order. It is important that Members do not misquote other Members; that is very important indeed. The hon. Lady has made her point. I am sure that if the hon. Gentleman feels that he has misinterpreted her words, he will respond, or he may feel that the clarification that she has just given has put what she said on the record.

**Ian Paisley:** Of course, this is not the first time that Social Democratic and Labour party Members have opposed the Belfast agreement and called for changes when it suits them. The previous Member for Foyle talked about the “ugly scaffolding” that surrounded the Belfast agreement—

**Colum Eastwood:** Maybe the hon. Member will give way to me, will he?

**Ian Paisley:** Of course, the “ugly scaffolding”—

**Colum Eastwood:** No? Do you want to give way?

**Ian Paisley:** I will in a moment.

**Colum Eastwood:** Good man.

**Ian Paisley:** I am never frightened to give way, while others are, and the Member knows that, so he should not worry about that. I will give way in a moment. The SDLP Members are getting particularly ratty now, because some of the points that have been made are being put back to them—that they are supporting an inherently flawed agreement. Many in Northern Ireland want to get to normal, democratic politics. One reason why we have the problems that have been highlighted today and why we have the problems that necessitate the Bill is that we do not have fundamentally democratic institutions in operation in Northern Ireland. I would love to see those institutions come into place.

Some of the amendments that have been tabled are about keeping in place and reinforcing the sectarian nature of the agreements. For example, we are told that

the petition of concern is there to protect minorities, and that provided that that minority is a nationalist minority, that petition of concern should be retained, but whenever some people believe that at some point in future it may be a Unionist minority, the petition of concern better be done away with pretty quickly, because we would not want that Unionist minority on the island of Ireland having protections and rights. That is not lost on many people outside this House.

Does the hon. Member for Foyle (Colum Eastwood) still want to intervene?

**Colum Eastwood:** I would love to—if I can remember the hon. Member’s point. I thank him for giving way. On his point about the former Member for Foyle, of course, he negotiated the Good Friday agreement when the hon. Gentleman and his party were standing outside with placards, shouting and cheering. By the way, they were shouted down by the people of Ireland and the people of Northern Ireland, who voted massively in favour of the Good Friday agreement. Of course, the hon. Gentleman’s party has been implementing the Good Friday agreement ever since it did the thing at St Andrews. You talked about the petition of concern—

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. I did not talk about anything. Has the hon. Gentleman finished?

**Colum Eastwood** *indicated assent.*

**Ian Paisley:** I think the point is not lost on anyone watching that the Member has lost.

Let me turn to some of the issues that have been raised. People have talked today about threats to the institutions—threats that they might be brought down by the Democratic Unionist party. Of course, when the Justice Minister made it clear on Radio Ulster that she did not find it comfortable being in the Northern Ireland Executive and might leave it, that was not characterised as a threat to the institution. It is amazing that when one does one thing, it is characterised in one way, but if anyone else from a different tradition indicates their concerns about the institutions, it is suddenly characterised as a threat to democracy and to the process, when it is no such thing. The fact of the matter is that the Unionist people of Northern Ireland have rights and expect their Unionist politicians to defend those rights, and we will defend their rights. No matter what the cost and no matter what the price, those rights will be defended, come what may.

The current hon. Member for Foyle made the point that the Justice Minister could not be someone from the nationalist tradition. I would make the point, which is not lost on anyone, that the last time there was a Unionist Justice Minister was in 1971—

**Stephen Farry:** What about Claire Sugden?

**Ian Paisley:** Unionists are not allowed—*[Interruption.]* Well, David Ford, I do not think he was—

**Colum Eastwood:** Claire Sugden is a Unionist.

**Ian Paisley:** She is an independent. There was no one brought from the main Unionist party into the Justice Department, because the nationalist parties would object to that and not allow it to take place. It is very clear to

all those who see that what suits one party at one time will only be used provided that it does not encourage or support the Unionist tradition. That is why there are many objections.

People from Northern Ireland will look on at this—I will use the phrase fiddling while Rome burns. Some people may think that more attractive than others do, but I certainly do not. Many people know that a torpedo has been fired at the Northern Ireland institutions and it is outside the control of the Unionist parties and nationalist parties operating in the Assembly, and that torpedo is, of course, the Northern Ireland protocol. Until and unless the Government in this place resolve themselves to do what they said in their Command Paper in July this year, that torpedo will eventually hole those institutions below the line. When that happens, no amount of hand-wringing in this place and no amount of declaring one's dying loyalty to whatever interpretation of the Belfast agreement people feel they wish to support will salvage those institutions.

I urge the Government to move immediately—now—and to do what they should have done by invoking article 16 of the protocol and resolving that issue once and for all. Otherwise, we will continue to have the cherry-picking that we have seen in this place, with one party wanting the language provisions, another party wanting to address the issues to do with abortions and another party then wanting something else. That will go on in an infernal circle for all to see. I encourage the Government to move on that protocol, and to move immediately.

3.6 pm

**Brandon Lewis:** With the leave of the House, I shall briefly sum up. I again thank all colleagues in the House. We have seen throughout today's discussions, both on Report and on Third Reading, a good, wide range of subjects covered. To build on the point made by the Minister of State, some of those points were about the Bill, which relates to the New Decade, New Approach deal, and I want to touch on them.

As was welcomed when we started deliberations on the Bill, it is the first Bill relating to Northern Ireland that the House has had a chance to consider without operating under emergency processes for some time. As we have seen, we have had a chance to have a good, wide discussion about the issues in the Bill. That is a good thing and has allowed people the opportunity to air and talk about issues that go beyond what was agreed in New Decade, New Approach. As I said earlier, I look

forward to continuing those discussions and seeing whether we can find some agreement across all the parties in the Executive to move things forward together.

I say gently to those colleagues who have raised issues as things to be amended today—I make this point to the Opposition Front-Bench spokesperson, the hon. Member for Pontypridd (Alex Davies-Jones)—that when we talk about making sure that we work through consensus and move things forward together in Northern Ireland, that means having all the parties come to an agreement, not just rushing into doing things today. It is right that we have these discussions.

On the package and questions raised by the Chair of the Select Committee, my hon. Friend the Member for North Dorset (Simon Hoare), and others, it is disappointing to see the Opposition, in a well-informed debate that has been good and well-mannered in large part, looking to play politics around these issues. Let us be clear that the cultural package will include a new office for identity and cultural expression, to promote cultural pluralism and inclusion across all identities and cultures, alongside commissioners to protect and enhance the Irish language and develop the language, arts and literature with the Ulster Scots and Ulster British tradition in Northern Ireland. We have already been making progress on those things. When the hon. Member for Pontypridd speaks at the Dispatch Box, she may want to make sure that she has done some research. To help her out, I suggest that she looks back to the written ministerial statement from 21 June, because our position is still as per that statement and we will still be seeking to deliver that, as we promised we would, if the Executive themselves cannot take it forward.

**Alex Davies-Jones:** Will the Secretary of State give way?

**Brandon Lewis:** No—the hon. Lady spoke earlier.

We have already delivered £2 million-worth of a funding package announced earlier this year, including for Northern Ireland Screen's Irish language broadcast fund and the Ulster-Scots broadcast fund. We will continue to deliver on that, stand by our word and make sure that the cultural package is delivered within the mandate, but this Bill relates to the New Decade, New Approach deal and I look forward to seeing its progress continue in the weeks and months ahead.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## Judicial Review and Courts Bill

### Second Reading

3.9 pm

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

This Bill makes good on our Government's manifesto pledge to ensure that judicial review is not subject to abuse and to deliver more effective, more efficient justice for the citizens of our country. I pay tribute to my right hon. and learned Friend the Member for South Swindon (Robert Buckland) for all of his work in preparing the Bill and for his outstanding tenure as Lord Chancellor and Justice Secretary.

I first want to address the so-called Cart reviews. That is the means by which the High Court reviews decisions of the upper tribunal to refuse permission to appeal a first-tier tribunal decision.

**Joanna Cherry** (Edinburgh South West) (SNP): Will the right hon. Gentleman give way?

**Dominic Raab:** May I make a bit of progress?

Let me take one immigration case by way of illustration. A claimant whose leave to remain was revoked because of his dishonesty challenged that decision in the High Court. He was granted permission to bring his judicial review despite exhausting the appeal process at the immigration tribunal. The challenge was eventually dismissed, but not before it was sent back to the upper tribunal. At that point, the judges, Messrs Lane and Ockleton, noted that

“it appears that permission was granted on grounds which had no merit, ought to have been withdrawn by their proponent, and do not seem to have been regarded as giving a reasonable prospect of success even in the granting of permission.”

That is just one illustration. To give a sense of scale, on average, there are 750 judicial reviews against the upper tribunal alone each year, the vast majority of which are immigration cases. The success rate is just 3.4%. For completeness as well as appeals on immigration, the upper tribunal also hears cases on administrative and regulatory matters—things such as social security tax and property cases.

**Joanna Cherry:** I am grateful to the Lord Chancellor for giving way. I would like to intervene later on the specifics of this matter, but may I start by asking him this: the right to judicial review in Scotland is protected by article 19 of the Treaty of Union and it is a devolved matter under the Scotland Act 2016. His predecessor gave me a written assurance that the focus of this Bill would be on UK powers and procedures relevant only to the jurisdiction of England and Wales. Will he tell me why that promise has been broken?

**Dominic Raab:** It has not been broken, but I shall come on to address that when I deal with the devolution dimension in a little while.

Of course there must be accountability, but allowing such a large volume of flawed challenges just skews the system. Allowing a legal war of attrition—not just against the Government, but, as in this case, against the judiciary themselves—undermines the integrity of the two-tier

tribunal process, which was set up precisely to deal both fairly and efficiently with immigration cases. That wastes court time and taxpayers' money, which should be focused on reviewing more serious and credible cases. The Supreme Court Justice Lord Brown foresaw that this very problem would arise in his judgment in the original Cart case back in 2011 and he said then that “the rule of law is weakened, not strengthened, if a disproportionate part of the courts' resources is devoted to finding a very occasional grain of wheat on a threshing floor full of chaff.”

Regrettably, he was proved right. It is also worth noting the more recent commentary by Lord Hope of Craighead, another of the presiding judges in the Cart case, who said in the other place earlier this year that these types of reviews have not worked and that it is time “to end them.”

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): I am very grateful to the Justice Secretary for giving way.

Over the past few years, the law has been the only way that any justice has been allowed for social security claimants. Three different judicial reviews were upheld and they said that what the social security Secretary had undertaken was unlawful—both on universal credit for disabled people and for single mothers. Which of these judicial reviews would have been allowed under this Bill?

**Dominic Raab:** Of course I cannot second guess the judicial decisions made in individual cases, but what I can say is that of course we want to protect the integrity not just of judicial accountability, but of the tribunal process, which we have established precisely to deal with those cases as well as others that I have discussed. The Bill will address the problem in a sensible and proportionate way, preventing Cart appeals except in the most exceptional circumstances, such as the upper tribunal deciding a type of case outside its jurisdiction, in bad faith or with some fundamental procedural error, such as not hearing one side of the case, which would clearly be wrong. Our approach will ensure that the 180 judge-days spent on Cart reviews, every year, are no longer wasted. In that way, taxpayers' money is saved and the immigration system can function more effectively.

I would be interested to know whether Labour will support us in this matter. I have done my homework—*[Interruption.]* The right hon. Member for Tottenham (Mr Lammy) is laughing, but if Labour plans to vote against this Bill on the basis of Cart, I would point out that the shadow Justice Secretary personally proposed a much broader so-called ouster clause back in 2003 in Labour's Asylum and Immigration Bill—*[Interruption.]* The right hon. Gentleman said that he was young and naive. I am not sure what that makes him now. Forgive me if I am reminding him of a stressful moment in his career, but it was the Asylum and Immigration Bill back in 2003. It did not have any of the exceptions and it was not as constrained as the Bill before the House today. He did not just support the measure; he proposed the measure. He was a Minister in the Department for Constitutional Affairs. I am not sure whether he has forgotten about that, but I am afraid that the Opposition have zero credibility in opposing a more targeted measure that they proposed before.

The Bill will remove Cart for the whole of the UK, but only in respect of reserved matters. I hope that all hon. Members will agree that we must have consistency



in routes of appeal to preserve a coherent and efficient immigration policy and indeed the integrity of the UK's borders.

**Joanna Cherry:** The Lord Chancellor will be aware—I am sure that this will be covered in other speeches—that the evidential basis for this law change in England has been questioned, but the Law Society of Scotland has said that there is no evidence of any such problem in Scotland. On the contrary, there is good recent evidence of a Cart—or Eba judicial review as we call them in Scotland—in which the first tier tribunal and the upper tier judge misunderstood the petitioners' evidence, and the Appeal Court intervened to reduce the upper tribunal's decision, refusing it permission to appeal. Does he accept that there is absolutely no evidential basis, north or south of the border, for the need for these kind of procedures to be withdrawn, and can he tell me why he is forcing a restriction on the Scottish legal system for which there is no evidential basis?

**Dominic Raab:** In fairness, I think have presented the evidential basis: 750 cases each year and barely a 3% success rate. Of course, the integrity of the tribunal needs to be protected. There are safeguards and exceptions. The Bill is not nearly as broad as the Bill tabled by the right hon. Member for Tottenham back in 2003. This is the right way for the House to proceed.

**Joanna Cherry:** Will the Secretary of State give way?

**Dominic Raab:** I will make some progress; I have given way to the hon. and learned Lady twice.

The Bill will reform quashing orders so that we can strike a better balance between the essential judicial accountability over the Executive and the ability of an elected Government to deliver their mandate in a lawful but orderly way. Let me give one example: the case of *Her Majesty's Treasury v. Ahmed* back in 2010. In that case, the then Government acted on best information, including intelligence, and froze the funds of three brothers suspected of being al-Qaeda terrorists. They did so under the auspices of two Orders in Council, which were made in 2006 under the powers of the United Nations Act 1946. The Supreme Court considered whether the orders were ultra vires of that Act and therefore invalid.

The 1946 Act gave the Government the power to give effect to UN Security Council resolutions on threats posed by international terrorism. However, the Supreme Court decided that the orders went beyond what was necessary and expedient for implementing the relevant resolution, because the orders provided that a person's assets could be frozen on the basis of a "reasonable suspicion" of involvement in terrorism, rather than a higher standard of evidential proof that the court deemed that the law required. The court quashed the orders immediately, irrespective of the ability of the Government to reassess or revise the order, because it concluded that it did not have the power to suspend the effect of the quashing order. That required Parliament to rush through new legislation to protect the public by preventing suspected terrorists from accessing those funds, because Ministers no longer had the powers that they believed they could exercise under the relevant legislation.

This Bill simply remedies that measure of inflexibility by giving the judiciary the power to issue a suspended—or, indeed, a prospective—quashing order, allowing the Government a reasonable period of time to review the

orders and/or the legislation itself. If that had been available in the *Ahmed* case, it could have prevented considerable disruption and potential risk, while safeguarding the judiciary's vital scrutiny of the Executive in such an important area of national security.

**Sir William Cash (Stone) (Con):** The European Union (Withdrawal Agreement) Act 2020, as originally passed, included provision for the courts to be able to quash Acts of Parliament. That is rather a serious matter, to say the very least. Does my right hon. Friend agree that that is very unwise—particularly having regard to the *Factortame* case, when we voluntarily agreed that we would allow the courts to do that—and that now that we are out, we certainly would not want that to happen again?

**Dominic Raab:** My hon. Friend makes a powerful argument. I have not heard the *Factortame* case cited in this House for some time—to the relief of some.

Of course, there are many other contexts beyond counter-terrorism—from infrastructure projects to health and safety regulation—where the use of a suspended or prospective quashing order would lead to a better outcome, allowing both essential judicial accountability and good governance at the same time; those two aspects can and should go hand in hand. Dare I say it, these reforms may have the welcome effect of making our system just a little less adversarial by giving the Government and this House the opportunity to respond swiftly but in a considered manner, rather than effectively being tripped up—sometimes at great cost to the taxpayer and at other times at potential risk to the public.

**Sir Robert Neill (Bromley and Chislehurst) (Con):** Perhaps the Secretary of State and Lord Chancellor could help me on two matters. When these matters of suspended quashing orders are being worked out, will he ensure that no litigant who has succeeded and has suffered tangible loss is left without an effective remedy? That will be important, outwith any other considerations that might very properly be taken into account. I also gently say to him that he has clearly been absent from justice debates for a little while—and we welcome him back—or he would surely have known that my hon. Friend the Member for Stone (Sir William Cash) never misses an opportunity to raise *Factortame* when we talk about topics of this kind; he has managed to do so in this debate as well.

**Dominic Raab:** I can give my hon. Friend, who chairs the Justice Committee, the reassurance that he is looking for. If he looks at clause 1(8)(c) and (d), he will see that "the interests or expectations of persons who would benefit from the quashing of the impugned act" and those "who have relied on the impugned act" are material considerations for the court to consider.

**Mr Tanmanjeet Singh Dhesi (Slough) (Lab):** What would the Secretary of State say to victims of rape, some of whom have been waiting up to four years to get justice, when they rightly ask why the Government are prioritising judicial review reforms in the midst of a pandemic, rather than dealing with those abhorrent crimes?

**Dominic Raab:** The hon. Gentleman makes a fair challenge. However, he should ignore the pleadings from those on his Front Bench and support this Bill,

[*Dominic Raab*]

because, overall, as well as dealing with judicial review, with the reform agenda that we are putting through the criminal courts we will free up a substantial number of Crown court days a year—I think it is 400. That will mean, on top of the other efforts such as the Nightingale courts, the super-court in Manchester and the virtual courtrooms, that we will be able to free up further court time and space. He raised a very good point but it is a reason—an argument—for supporting the Bill.

I turn next to courts and tribunals, which, as the hon. Member for Slough (Mr Dhesi) fairly says, have been severely impacted by the covid-19 pandemic. Let me take this opportunity to pay tribute to the judges, coroners, clerks, barristers and solicitors who have worked so hard to keep the wheels of justice turning. We should take pride in the fact that, looking right around the world, our jurisdiction was the first to restart jury trials after the pandemic began.

On the point that the hon. Gentleman made, we also recognise the backlog created by the pandemic. Let me reassure him, and the House, that we are taking every measure and straining every sinew to bear down on it as swiftly as possible. As well as the super-court and the Nightingale courts, we have the new technology that will help us to reduce the backlog and pioneer other innovative procedural reforms. We are using technology to deliver better services for victims, and indeed for users and citizens, allowing vulnerable victims to pre-record their cross-examination evidence rather than have to go through the distress of giving it in court in front of an assailant. Likewise, the Domestic Abuse Act 2021, once it is commenced, will mean that all complainants of domestic abuse can give evidence during a trial from outside the court through a virtual link.

This is not confined to the criminal courts. In the civil courts, our reforms to probate mean that grieving relatives can make their applications from their own home, while the digitisation of the divorce service has reduced the time for users to complete the process by almost three months compared with the paper track. Now, as a result of this Bill, we will ensure that we are using technology to build the system around the people who actually use it, who invariably want to see justice done more swiftly and more conveniently for them, given their busy schedules, whether in work or life.

The Bill makes provision for a completely new online procedure rules committee for civil and family proceedings and tribunals. That committee will create new rules for online services consistent across all the jurisdictions. Let me give just one illustration of how the average citizen will benefit. For a self-employed person, say a plumber or a carpenter, chasing an unpaid invoice, the rules will enable these online services to be straightforward and easy to follow, dispensing swifter justice more convenient for the average working citizen as a user of the justice system. I think we should be pushing and pressing in that direction. The Bill will transfer responsibility for employment tribunal rules from the Business Secretary to the tribunal procedure committee. It will also make the committee responsible for rules in the employment appeals tribunal. While this is a rather technical change, transferring these powers to an independent judge-led committee will align the employment tribunals more closely with the wider tribunal system and promote broader consistency and efficiency.

In the criminal courts, the Bill will introduce measures that use new technology to streamline procedures to strip out unnecessary in-person hearings and create more efficient processes for allocation of cases in the Crown court and the magistrates court. That will enable swifter resolution of low-level offences such as travelling on a train without a ticket or fishing without a licensed rod without the need for the time and expense of attending court, allowing people to do it online instead, delivering a common-sense approach to our justice system.

The Bill will streamline procedures in the use of remote hearings in coroners' courts, which will speed up and simplify the inquest process and reduce the distress for bereaved families.

**Vicky Foxcroft** (Lewisham, Deptford) (Lab): When my constituents Andy and Amanda lost their daughter Colette, who was in the care of the state, they had an awful experience with the coroner service and had to crowdfund money for their legal representation. They just wanted lessons to be learned after their daughter's awful death. Surely they should have the right to the same legal representation as the state, and providing publicly funded legal representation would improve this. What would the Minister say to that?

**Dominic Raab:** We have addressed that issue in response to the report that the Select Committee put out. Our position has not changed. What I would say to the hon. Lady is that I am mindful of the ordeal her constituents went through. One reason we are taking forward these procedures is to reduce that anguish and stress and to ensure that the coroners' courts in the process deliver a better outcome for the bereaved and others relying on that service.

**Bob Seely** (Isle of Wight) (Con): I am delighted that my right hon. Friend is making this speech, and we support so much of the Bill. On principle, does he accept that DNA sampling for people buried at sea would speed things up and save time for police and coroners when body parts wash up anywhere on the UK coastline, because they could quickly identify where those body parts come from?

**Dominic Raab:** My hon. Friend has raised that point with me privately, and he has now raised it on the Floor of the House. I am committed to looking at it and getting back to him. I understand the point, which he has raised in his usual tenacious but clear way.

Finally, the Bill will pave the way for a new state-of-the-art combined courthouse in the City of London. That court will provide an additional 10 courtrooms, predominantly to hear economic crime cases, including white-collar crime, such as fraud, and high-value business and property cases. That will be a real boost to the capital and to our vision of global Britain as a centre for investment, dispute resolution and doing business with integrity around the world. Court users will benefit directly by having access to more modern facilities, including lifts, wide corridors and a range of other measures, making it more accessible for the disabled. The City courtroom will have enhanced custodial facilities, increasing its ability to hear more cases with the most serious type of defendants.

**Marsha De Cordova** (Battersea) (Lab): It is great that the Justice Secretary is talking about ensuring that this new court building will be fully accessible and inclusive, but going back to the point about digitisation, how will he ensure that everybody who needs online access will be able to access things online and that no communities will be left behind as a result of this Bill?

**Dominic Raab:** The hon. Lady is right to raise that concern. All of this work to modernise court and tribunal proceedings, which is necessary in its own right, will help to bring down the backlog of cases created by the pandemic. Physical hearings will always be available for those who need and want to use them, so that those who are uncomfortable or cannot access the digital and online applications will not be prejudiced. I hope that gives her the reassurance she needs to support this Bill on Second Reading.

**Andy Carter** (Warrington South) (Con): I agree with the comments the Secretary of State made earlier about the work of the judiciary in bringing down delays. In particular, I put on record my thanks to the magistrates who work in our courts around the UK. Does he agree that one route we could choose to reduce the number of delays in magistrates courts is to increase the sentencing powers for magistrates? Perhaps he can say a little more on that point.

**Dominic Raab:** I thank my hon. Friend for the work he and the magistrates have done. They hear 85% of criminal cases. The backlog in the magistrates court is already coming down. We thank the magistrates for the incredible work they are doing. He has lobbied me on this point, and in the context of the backlog, it is something I am looking at very carefully.

In sum, the Bill will reform the immigration appeals system, protecting it from litigation attrition. It gives judges greater flexibility in judicial review to hold the Executive to account without unnecessary disruption to the essential business of Government. Above all, the Bill will drive innovation across our courts to deliver a better service for the average citizen in this country. I commend the Bill to the House.

3.33 pm

**Mr David Lammy** (Tottenham) (Lab): I begin by congratulating the right hon. Member for Esher and Walton (Dominic Raab) on his promotion to the office of Lord Chancellor and Secretary of State for Justice. I look forward very much to working with him and going toe to toe on the important issues of the day. I put on record how grateful I was for the manner in which his predecessor, the right hon. and learned Member for South Swindon (Robert Buckland), pursued his role. We were able to have very good Privy Council discussions on important issues relating to the justice system during the pandemic. I wanted to put that on record.

Hon. Members may have seen that I am joined by my hon. Friend the Member for Hammersmith (Andy Slaughter), who returns to the Front Bench to assist the Opposition in all matters legal. I pay tribute to him and to my hon. Friend the Member for Kingston upon Hull East (Karl Turner), who does so much to advance the case for legal aid.

To govern is to choose, and all Governments must choose what they will prioritise. No Government can do everything at once—not even this Government—and

the Bill could not be a clearer indication of what they have chosen to prioritise and what they choose to ignore. As we come to debate the Bill, the justice system is at breaking point with more than 60,000 Crown court cases delayed, victims dropping out of the process due to waiting years for their case to go to court, and women up and down the country rapidly losing confidence in the criminal justice system. Yet here we are debating judicial review. Government Members might say that this is a manifesto commitment. Then again, so was that clobbering ordinary people with tax rises. What the Bill says about the Government's priorities is that they are more concerned with constitutional vandalism than with fixing the mess they have made of the justice system.

**Joanna Cherry:** On constitutional vandalism, the Law Society of Scotland has said that the abolition of Cart judicial reviews in Scotland by clause 2 of the Bill

“has the effect not of modifying a rule which is special to a reserved matter, but rather of creating such a rule, as it means that, in future, there will be a difference in the amenability of reserved and devolved tribunals to judicial review.”

Does the right hon. Member agree that, if it is right about that, there should be a legislative consent motion for the Bill?

**Mr Lammy:** According to the devolved settlement, that must be the case. Perhaps the Secretary of State or the Minister will address that.

“Judicial review is a cornerstone of British democracy. It empowers everyday people to challenge decisions made by public bodies. Whether it be central government or local authorities, rule makers are held accountable by ordinary people. This is a small, but important, check on the balance of powers in our democracy.”

Those are not my words but the words of the right hon. Member for Haltemprice and Howden (Mr Davis), who I see in his place. He has described the reforms as “un-Conservative” and

“an obvious attempt to avoid accountability.”

I will let that hang in the air of the House of Commons.

There is no legitimate need to meddle with judicial review, least of all when there are so many other pressing issues to deal with. What message does it send to the victims of serious crime in a time of crisis that the Government's first objective is to weaken quashing orders—one of the tools available when a court finds that a public body or the Government have acted unlawfully?

**Kim Johnson** (Liverpool, Riverside) (Lab): Does my right hon. Friend agree that the collapse of the Hillsborough trial identified flaws in our legal system and caused untold trauma to the families of the 97? Will he join me in urging the Government to bring the Bill back with amendments to include automatic non-means-tested public funding for bereaved families when public functions are involved?

**Mr Lammy:** My hon. Friend rightly raises the Hillsborough families, and she knows that, just like the Grenfell families, they have relied on judicial review. She raises that in relation to legal aid and will know that I have made such a commitment at the Dispatch Box. We will wait to see whether the Government will meet us with that important pledge on behalf of any individual facing tragedies of that sort.

The Bill seeks to make profound changes to how quashing orders work and, crucially, to what redress victims of unlawful decisions can receive from the courts.



[Mr Lammy]

Clause 1 creates new powers for courts to remove or limit the retrospective effect of a quashing order. It will also create a presumption that a judge issuing a quashing order should make it suspended or prospective only. The effect of that would be for courts to have less power to provide redress or to compensate those affected by past uses of the unlawful decision.

On the face of it, that might seem to be quite a small change to judicial review, but the effects would be profound and chilling. The Government's own consultation paper even conceded that a prospective-only quashing order would

"impose injustice and unfairness on those who have reasonably relied on its validity in the past."

Let us look at how that would work in practice. When the Supreme Court quashed the employment tribunal fees in 2017, the effect of its declaration was that fees were identified as being unlawful from the start. Thousands of workers unlawfully denied access to justice therefore had their tribunal fees refunded. Had a prospective-only order been made, they would have been left out of pocket, despite the fees being ruled unlawful. How can that possibly be right? What would be the point of bringing a claim for judicial review, if people knew before they even started that they would be no better off? What is the purpose of judicial review if it cannot hold public bodies rightfully to account?

That is just the tip of the iceberg. As more people are left without the redress they deserve, many more will be put off bringing their own claim, even if those were perfectly valid. As a result, unlawful decisions made by the Government—by any Government, of any colour or stripe—or a public body will go unchallenged. Perhaps, however, that is what the Government want, and the right hon. Member for Haltemprice and Howden certainly seems to think so, when he argues that the Bill is simply a way for them to dodge being held accountable. We all know that the ability of members of the public to challenge public bodies is vital to maintain a country built on good governance.

**Joanna Cherry:** I am grateful to the right hon. Gentleman for giving way a second time. Is the reason for the attack on judicial review that this Government have had a bloody nose repeatedly in the courts—on employment tribunal fees, asylum issues and benefits, and in the Prorogation case—and they do not like to be held to account?

**Mr Lammy:** The hon. and learned Lady's point has so much merit. No Governments enjoy judicial review, but the point when in government is to be bigger than that. I say to the Secretary of State that this is his opportunity to be big.

**Dr Kieran Mullan (Crewe and Nantwich) (Con):** Is the right hon. Gentleman familiar with and has he reflected on the words of a former Labour Home Secretary, who criticised

"unaccountable and unelected judges usurping the role of parliament, setting the wishes of the people at naught and pursuing a liberal politically correct agenda of their own"?

How have those words informed his remarks today?

**Mr Lammy:** I have not reflected on that statement very much.

I was reminded recently of the importance of judicial review by the infamous "Judge over your shoulder" leaflet, which has been published since 1987 to remind civil servants of the importance of sound decision making. The leaflet advises civil servants of the importance of good governance and of making decisions effectively and fairly to avoid those decisions being found unlawful. It recognises that administrative law and, in this case, judicial review played an important part in securing good administration by providing a powerful method of ensuring that the improper exercise of power can be checked.

Frankly, that is why having effective judicial remedies is so important to maintain good governance. The threat of judicial review is a powerful tool to encourage decision makers to make decisions well and fairly. If the power of quashing orders were to be neutered in the way clause 1 seeks, not only would that leave victims of unlawful decisions without the remedy they deserve, but it would reduce the motivation for public bodies to take care when making decisions. I agree with the Law Society of England and Wales when it says that that would have a truly chilling effect on justice in this country and we must question why the Government are even considering the changes in clause 1. Those changes go far beyond what was recommended by the Government's own independent review of administrative law. The review made no recommendation that quashing orders should be prospective only. It specifically recommended against that type of presumption.

**Wera Hobhouse (Bath) (LD):** Does the right hon. Gentleman agree that the sign of a mature democracy is that it protects the marginalised and vulnerable? Government Members completely misunderstand that point.

**Mr Lammy:** The hon. Lady is absolutely right. That ought to be a principle across the House, not a party political issue.

To return to the review of administrative law that the Government set up, in their consultation response, the Government acknowledge that presumptions were not recommended by the review panel, and they were generally met with scepticism from respondents to the consultation. Indeed, it is not even certain whether prospective-only remedies would withstand a challenge before the European Court of Human Rights for failure to provide an effective remedy. Given the Government's own panel of experts, and the sector, are opposed to that change, and given the harmful effect that it would have on victims of unlawful decisions, as well as on governmental decision making, we must ask why the Government are keen to make this change. Is it really, as they suggest, to provide courts with greater flexibility, or is it simply to insulate the Government from being held to account, and to weaken the power of claimants to seek compensation?

Clause 2 seeks to abolish Cart-type judicial reviews. For Members who may not be familiar with what those are, Cart judicial reviews allow individuals to ask the High Court to review decisions made by the upper tribunal to refuse a right of appeal. The vast majority of Cart reviews are sought by those who find themselves in horrendously desperate situations and they invoke some of our most fundamental human rights, including in some cases the difference between life and death. During the review of administrative law that the Government

set up and the consultation stage, the Immigration Law Practitioners Association provided the panel with 57 case studies of when Cart judicial review has been used to put right an incorrect decision made by the upper tribunal. Those case studies included parents' applications to be reunited with their children, a child's application to remain in the UK to receive lifesaving treatment, the asylum claim of a victim of human trafficking and female genital mutilation, and many other deportation and asylum decisions where, if deported, individuals faced persecution or their lives would be at risk.

**Mr David Davis** (Haltemprice and Howden) (Con): I thank the right hon. Gentleman for giving way and I am pleased I have provided half his speech for him. I have an important point in support of his argument. Much of the Government's argument on Cart appears to be that there are very few successful cases. First, I think they got that wrong—they thought it was less than 1%, but it is probably 6%. Secondly, the point the right hon. Gentleman is making is that, when they get it wrong, the consequences for the individual are dramatically bad. We must always think that through. When dealing with law, we must protect the weakest from the worst consequences.

**Mr Lammy:** The right hon. Gentleman makes his point very well. He is absolutely right. In each of the cases that I mentioned, judicial review was able to correct a wrong decision by the upper tribunal and enable fundamental injustices to be prevented, as he indicates. If the Government were successful in abolishing Cart, that crucial safeguard would be lost. That would not affect anyone in this Chamber, but it would affect very vulnerable people. Again, one must ask why the Government are attempting to make this change, and why they are using legislative time now to do it.

When the panel that the Government set up to look at these issues first recommended abolishing Cart judicial reviews, it did so on the basis that only 0.22% of them were successful and that public money could be better spent elsewhere. We know now that that figure was based on wholly inaccurate data. Even the Government now accept that the success rate is likely to be at least 15 times as high as previously thought. It is indefensible for the Government to base decisions that could make the difference between life and death on evidence that is so hopelessly flawed.

**Laura Farris** (Newbury) (Con): I hear what the right hon. Gentleman says about Cart judicial reviews, but can he explain why Lord Hope, the retired Supreme Court Justice who sat in the Cart case at the Supreme Court, spoke in the House of Lords on 22 March in favour of abolishing Cart-type judicial reviews? He said:

"We set the bar as high as we could when we were defining the test that should be applied, but experience has shown that our decision has not worked".—[*Official Report, House of Lords*, 22 March 2021; Vol. 811, c. 710.]

**Mr Lammy:** That is one reflection among many who sit on the other side of the debate, including those who have looked into this matter in great detail.

Why are the Government still pushing ahead with this reform? If we accept the Secretary of State's reasoning, it comes down to cost and

"a disproportionate use of valuable judicial resource".

In reality, however, the cost of Cart reviews is no more than £400,000 a year. That is a drop in the ocean compared with the Ministry of Justice's overall budget. It is less than the Department for Digital, Culture, Media and Sport spent on its art collection last year. Put another way, the Government Legal Department's total administrative costs for the last year were £226.7 million, more than 500 times the upper estimate for yearly Cart judicial review costs.

As with clause 1, there could be another, murkier reason that the Government are so keen to abolish Cart judicial reviews. In its press release, the Ministry of Justice said that

"it is expected that the legal text that removes the Cart judgment will serve as a framework that can be replicated in other legislation."

With those words, the Government let their mask slip. If that is indeed their intention—I look forward to the Lord Chancellor confirming that it is not—that would allow them to insulate whole sections of Government decision making from challenge by members of the public. I am sure that Members on both sides of the House would agree that that would be a truly chilling development. Governments have to be challenged. Governments suffer defeats in the courts. Why would we start to oust Government decisions in other areas, beyond this small but important area of immigration law?

Beyond judicial review, there are several provisions dealing with a shift towards greater use of online procedures and technology. While Labour supports measures that would make the justice system more efficient, we must ensure that no one is left behind and that adequate safeguards are in place to prevent serious injustices. As the Bill currently stands, there is only a vague duty for the Lord Chancellor to provide digital support "for those who require it".

Labour feels that a specific commitment to assist digitally excluded individuals would offer better protection. While the creation of an online procedure rule committee is a positive step, the Bill currently puts too much power in the hands of the Lord Chancellor. As it stands, the Lord Chancellor could amend, repeal or revoke any law he feels necessary to create the online procedure rules, and he would only have to consult the Lord Chief Justice and the Senior President of Tribunals before making amendments to them.

The last area I want to address is the coroners court. As with provisions on criminal procedure, any efforts to reduce "unnecessary procedures" or allow for greater online participation must be accompanied with robust protections for those who could be excluded. More fundamentally, there is nothing in the Bill to address the inequality in the inquest system that sees bereaved families denied the legal aid that my hon. Friend the Member for Lewisham, Deptford (Vicky Foxcroft) mentioned earlier, while the state has the benefit of the finest Government lawyers that taxpayers' money can buy.

**Yasmin Qureshi** (Bolton South East) (Lab): Does my right hon. Friend agree that hospital authorities can hire Queen's Counsel and spend millions of pounds on defending themselves, yet lone individuals cannot even get legal aid following the death of their immediate family? How disgusting is that?

**Mr Lammy:** It goes to the fundamental principle in our justice system of trying to have equality of arms. That is why the Bill is of so much concern.

**Vicky Foxcroft:** Just to reiterate the point about Colette, Andy and Amanda, and the pain they are going through after losing their daughter, they then have to crowdfund money to try to make sure that lessons are learnt. We must ensure we have a legal aid system in place that protects them. On the Labour Benches, I believe the shadow Secretary of State will be saying just that.

**Mr Lammy:** My hon. Friend's championing of these issues is so important. The cupboard has been stripped bare and a real crisis is emerging, with vast legal aid deserts across the country. You cannot level up the country if people cannot get access to advice. That is the point and she is right to make it.

The Secretary of State made much of my youthful endeavours at the Dispatch Box 17 years ago. I said to him from a sedentary position that, on reflection, I was young and naïve. I say very gently to the Secretary of State that he is a younger man than I am. He needs to reflect on that. I did table an ouster clause to the asylum Bill at that time, but I listened, reflected and removed it before it could be enacted. The question today is this: will he do the same? Will he be the big man we know he is capable of being and remove this clause from the Bill, as he is being encouraged to do by such a senior colleague as the right hon. Member for Haltemprice and Howden?

The Bill is unnecessary and unwanted at a time of crisis in the justice system: it robs citizens of effective remedies when they have been wronged by the state; it would leave some of the most vulnerable people in society without a last defence against unlawful Government action; and it could act as a prelude to a wider assault on the rights and protections of individuals. I ask the Lord Chancellor, when the Government should be tackling the backlogs in the Crown courts, the magistrates and the employment tribunals, when they should be trying to repair their appalling record on prosecutions and convictions for rape and serious sexual assault, when they should be fixing the staffing crisis in prisons and probation, why have they chosen to protect themselves? Labour will be voting against the Bill today. I ask Members on both sides of the House to do the same.

3.58 pm

**Sir Robert Neill (Bromley and Chislehurst) (Con):** It is a pleasure to participate in the debate and to follow the two Front Benchers. I welcome the Lord Chancellor and Secretary of State to the Treasury Bench, and thank him for the very generous and accurate tribute he paid to my right hon. and learned Friend the Member for South Swindon (Robert Buckland), whose conduct in office was of the very highest. I also welcome the hon. Member for Hammersmith (Andy Slaughter) to the Opposition Front Bench. He is a great loss to the Justice Committee, but very much the Opposition Front Bench's gain. I look forward to seeing him in his reincarnated capacity. This is proof, I am glad to see, that the Labour party believes in recycling, and doing it in a good way, in this instance. If it is any help, I was recycled by David Cameron once—it happens to all the best, I promise. I am delighted to see the hon. Gentleman there.

This is an important Bill and, in fairness, a measured and tightly focused one. One might not have thought that from some of the things we have heard, but that is

the reality. Again, that is in no little measure due to the focus of my right hon. and learned Friend the Member for South Swindon, the principal author of the Bill. I welcome the fact that he did that, and the fact that the Lord Chancellor has adopted the same approach to the Bill.

There were a great deal of noises off around what might or might not happen on judicial review, and I am glad that the course was sensibly adopted of having an independent review panel, chaired by an eminent Queen's Counsel, the noble Lord, Lord Faulks, who is a distinguished Member of the other House and who, as I think everyone conceded, had approached his duties as a Justice Minister with exemplary fairness and impartiality, was respected by both sides, and had many years of practice in the field. He led a panel of experts who were also distinguished in the field, and they produced a measured report, for which the whole House should thank them.

That report was a great public service, and it is right that the Government have essentially built on the recommendations that the panel made, and the fact that the panel did not regard the judicial review as a major problem, but suggested sensible ways forward, is not something to be held against them. That seems to me exactly what one can expect if people follow the evidence, which is precisely what the panel did and what the Bill also does.

It is important to recognise that judicial review is an important factor in our constitutional arrangements. When I started as a law student in the mid-'70s, judicial review in its modern concept was in its very early stages of development. The late and lamented Professor de Smith was still alive and had produced the first of his two textbooks, but the subject was still largely taught in terms of the old prerogative writs of mandamus, prohibition and certiorari.

A lot has have moved on from then, and we have developed a much more sophisticated and wide-ranging corpus of administrative law. That is not of itself a bad thing, because it reflects the reality that, as I think the late Lord Hailsham of St Marylebone once observed, in the post-war years we have grown a regulatory state. Therefore, the actions of the state and of public bodies—state agencies, local authorities, hospital boards and a raft of others—impinge on many areas of citizens' lives. That is not necessarily a criticism, but there are greater interactions between the state and its various agencies and the lives of its citizens.

There will be impacts there, and by the nature of the human condition, errors will be made by decision makers. It is perfectly reasonable that we have seen that, but, as has been observed, there has been an exponential growth—I think that was the phrase used—in judicial review. That is worth bearing in mind, because it has sometimes come at the cost of complexity in administrative law.

Lord Justice Haddon-Cave delivered a very useful lecture, the Gresham lecture, in June this year, which reflects wisely on the balances there: the fact that the growth of judicial review is not of itself a bad thing if it gives remedies to those who are wronged, versus the fact that in some areas of the law—the concept of *Wednesbury* unreasonableness and lawfulness being one—that has led to a degree of complexity. As Professor Richard Ekins of the University of Oxford has observed, that in turn can, in the fields of lawfulness, voidability



of decisions and so on, lead to uncertainty. In so far as, according to the Bingham test of the rule of law, we want to see clarity and accessibility of law, we also want wherever possible to see certainty. Nothing can be an absolute in this world, but that is a reasonable objective, and I think the Bill seeks to strike a balance.

What the Bill is not, in fairness, is an assault on judicial review. It is unfair to characterise it as such in every respect; I would not support the Bill if it were, nor do I think that any Conservative would. The truth is that judicial review—the ability of the individual to seek redress against the actions of the state or its agents—is fundamental to the English concept of liberties. In his role as an author, the Secretary of State wrote about these matters before he came to the House, so he recognises that point, as do I and as does the shadow Secretary of State, the right hon. Member for Tottenham (Mr Lammy).

Judicial review—I say this to the wider public as well as to colleagues—is in the DNA not just of our British constitutional arrangements, but of the Conservative party. The ability to challenge the actions of the state and its agents when they get it wrong is fundamental to our concept of limited government. Supporting judicial review is an entirely Conservative thing for the Government to do and, dare I say it, an entirely British thing, across all the jurisdictions.

**Joanna Cherry:** As usual, the hon. Member is making a very learned and well-informed speech, but I want to challenge his assertion that the Bill is in line with Bingham rule-of-law principles. The Bingham Centre for the Rule of Law has produced a detailed briefing on the Bill, which says that clauses 1 and 2 are not in keeping with the Bingham principles on the rule of law and should be removed from the Bill. What is the hon. Member's comment on that?

**Sir Robert Neill:** I have great respect for the Bingham Centre for the Rule of Law, but I think that it is wrong—it is as simple as that. I have come to the view, as I think the independent panel did, that the two clauses are not in conflict with the rule of law. That is precisely the sort of area in which there can be legitimate debate. I have worked with the Bingham Centre on many occasions, as the hon. and learned Lady knows, but I do not think that its conclusion is justified on the evidence. I think that that point is borne out by referring to the conclusions of the panel in relation to clauses 1 and 2, which I will come to in just a moment.

We all believe in the importance of judicial review. It is regrettable if any side in political debate sees tension between Parliament and the courts, or between the Executive and the courts, as a bad thing. There is always an element of tension in any constitutional relationship. Sometimes a decision may not go in our favour when we are councillors, members of health authorities or Ministers—it happened to me when I was a Minister. We may not like it, but equally we have to respect the decision. I do not see anything in the Bill that changes that fundamental point at all.

I will address the judicial review aspects of the Bill first, although I do not want to forget the other aspects. What we are dealing with is two very limited and specific proposals; that is a dangerous phrase to use under certain circumstances, but I think it works quite

well in this regard. In relation to *Cart* reviews, I must say—with respect to those who seek to uphold *Cart*—that I understand the point that in a tiny number of instances there might be success, but overwhelmingly they have not proved successful.

I commend to the House the observations of my hon. Friend the Member for Newbury (Laura Farris), who quoted Lord Hope. Of course there are others who argue to the contrary, but with all respect, I think that the views of a senior Law Lord who sat on the case in the Supreme Court and has said “We got it wrong” might carry just a little more weight than those of some other commentators. Certainly the conclusion of Lord Faulks's panel was

“that the continued expenditure of judicial resources on considering applications for a *Cart* JR cannot be defended, and that the practice of making and considering such applications should be discontinued”,

so the Government have acted in line with their independent review and in line with the evidence.

I will make an additional point, which has already been posited, but which is important. Many who practise law would say that in truth there is an inherent illogicality in giving one particular class of appeal, as opposed to others, a third bite of the cherry on the merits, when a decision on the merits both of fact and of law has already been taken by the Upper Tribunal, a tribunal of equivalent status and standards to the High Court. That is not an appeal to a superior tribunal; it undercuts the jurisdiction of an equivalent court. With respect, there is no logic to that at all, so it seems to me that it cannot be said that there is anything objectionable in a modest amendment that relates to removing *Cart* litigation.

In relation to joint enterprise manslaughter, as hon. Members will recall, the Supreme Court used a phrase about the Court of Appeal taking “a wrong turn”. I think that this is an instance in which we can say—and Parliament is entitled to say, with respect—that the Supreme Court in *Cart* took a wrong turn, and that we are entitled as a matter of public policy, as is conceded to be Parliament's prerogative in these matters, to reverse it in this limited measure.

May I also deal with the issue in relation to quashing orders? It does not seem to me that it can be objectionable to increase the suite of remedies available to the courts. There can be difficulty when quashing arises, and I do not say that this is a complete solution to it—I shall return to that in a moment—but I think it is worth quoting, in full, the recommendation of the independent panel:

“Accordingly, we recommend that section 31 of the Senior Courts Act 1981 be amended to make it clear that the courts have the power to make suspended quashing orders in appropriate cases. This could be done through the insertion into section 31 of a new subsection (4A), which would read, ‘On an application for judicial review the High Court may suspend any quashing order that it makes, and provide that the order will not take effect if certain conditions specified by the High Court are satisfied within a certain time period.’”

That, broadly, is the scheme which the relevant provisions in the Act follow. They follow the recommendation of the independent review, and I therefore do not think that there are any significant grounds for criticism in that regard.

The one question that I would raise about this—and I posed it in my intervention earlier—relates to ensuring that when we consider the way in which the statutory

[*Sir Robert Neill*]

presumption which underpins this is set out and is then put into force in practice, we do not allow the individual litigant who has suffered tangible loss as a consequence of an impugned decision to be left without a genuine and meaningful remedy. A future declaration of illegality will not of itself recompense a person who has lost a business, lost an opportunity or lost employment, or something of that kind. Provided that this is applied in a way that ensures that that person does not lose out, I do not think that there is anything objectionable here.

There will be some who are parties to litigation and wish to see a change of policy rather than the question of having suffered individual loss, but I should have thought in those cases, the suspended and future quashing orders are perfectly legitimate and proportionate. It is the need to deal with the individual who has lost out against the state that I think we need to safeguard, and I hope the Minister will confirm that that will be done. I am grateful to the Secretary of State for having done so in response to my intervention. That, I think, is the key test.

Another point might be worth bearing in mind. Again, I refer to the helpful paper published by Professor Ekins this morning. This is a path that the Government are not going down, but I should like to know whether there will be some scope for the deferring rather than the suspending of a quashing order. There are circumstances in which that might enable remedies to be applied without some of the difficulties that could arise from uncertainty. I do not say that that is right, but it is worth looking at the paper from Professor Ekins, because it posits some modest amendments that may be worth considering at a later stage in the Bill's progress. I do no more than float the idea. As it is, however, I see nothing that can be regarded as in any way an assault on judicial review in the first part of the Bill. These are sensible and modest reforms—and reform is not the same as an attack; reform is exactly what we do to keep law up to date.

Let me now turn to the remaining parts of the Bill, starting with criminal procedure. It seems to me that there is nothing wrong with modernising procedure; technology changes, and we all learn. The shadow Secretary of State and I practised in criminal law for much of our careers—as, indeed, did the shadow Minister—and in our time we have all seen procedure change out of all recognition in some respects, often for the better. I think we all agree that serious sexual offences, for example, are handled much better now than they were when we started off in practice at the Bar. In particular, claimants get a far better deal. That is just one example, but I can think of other safeguards that have been built in—the Police and Criminal Evidence Act 1984, and a raft of other measures—and have acted to prevent abuses against defendants in the course of investigations.

Procedure can always be improved, and we ought always to be able to take advantage of technology, as we do with video-recorded evidence and so on. Again, there is nothing objectionable about that in principle, and I do not think there is any harm in greater flexibility either. Easy movement between the courts can certainly save time. However, I ask the Government to bear in mind that that needs to come with appropriate safeguards.

My concerns about this have been well set out in the Bar Council's briefing. For example, when moving from in-person proceedings—which at the moment are often

remote proceedings—to a written procedure for certain types of offence, safeguards will be needed as to what precisely the specified offence is going to be. An example that the Justice Committee has highlighted in previous reports is that of a young person who has foolishly committed an act and who enters a guilty plea or accepts a caution, which is recordable. That plea is recorded and then, years down the track, because of the way our criminal records system currently works, they find that it is a serious obstacle to employment or educational opportunities that goes way beyond anything they had contemplated when they entered the guilty plea, perhaps to get it out of the way, at the time.

I am concerned that these categorised offences should not involve anything that is imprisonable, and I also suggest that we should not use the provision for anything that is recordable. I can see that in certain types of offence, such as the non-payment of the television licence fee, this could certainly speed things along, but there needs to be a safeguard for anything that is likely to have an effect on someone's character, reputation or future life chances. The safeguard is surely that we ensure that an informed decision has been made, which must imply access to legal advice before the decision to enter an online guilty plea is made.

We all know that criminal proceedings are often dynamic and that things come to light as we go along. That can happen with the disclosure of material online as much as in person, and there must be a specific provision to withdraw a guilty plea at an appropriate time if it becomes apparent that an arguable defence could be raised. That seems to be a fair balance, and it needs to be specifically written in, either in the legislation or in regulations. I hope that the Ministers will undertake, at the very least, to reflect that in regulations; that is probably the most constructive way, rather than changing the primary legislation.

We also have to look at one or two anomalies. I note, for example, that in relation to the provision for online procedures, the trigger age relates to someone over the age of 18. However, in clause 4, which deals with

“Guilty plea in writing: extension to proceedings following police charge”,

subsection (3)(b) states that the provision shall apply where

“the accused had attained the age of 16 when charged”.

I do not see the logic in that, so perhaps the Minister can help me when he responds to the debate. What is the logic in using the age of 18 in one provision and 16 in a provision that covers broadly similar grounds? We need particular safeguards for dealing with young offenders, to ensure that they do not enter a plea that is not fully informed, either through immaturity or a lack of good advice, as that could have permanent consequences for their future. It is not the principle that I object to; I am just concerned that we get those safeguards in place.

While I am on the subject of criminal procedure, I must point out that modernisation is fine and has its place, but what happens tomorrow in the Budget is as important as anything else. I am all for making the best possible use of scant judicial resources and time, but none of the proposals compensates for the proper funding of the courts system. Sadly, we have a legacy of decades of underfunding—under Governments of all colours, let us be blunt. There is no party point to be made here. Under all Governments, the courts system has not been

funded to the level it requires, and I hope that the Secretary of State will use his important position within the Government to take forward the ambitious spending bid that his predecessor talked about. If he does that, he will have my support and that of many others on both sides of the House. Investment in justice is investment in the fabric of society, and that is good for us all in the long term. That is a slight digression, but I hope I will be forgiven for raising it in the circumstances.

I now turn to the remaining provisions. Moving tribunals across makes sense. Many people who practise in the tribunals would say that it is about time that tribunals were not regarded as slightly out on a limb and as a bit of a poor relation. A closer alignment will be beneficial for their interoperability. For example I noted during the pandemic that some tribunals' rule systems, not being the normal Supreme Court rules, lagged behind the courts in adapting to online hearings, so the change can only be beneficial.

I wish the Government had gone further and adopted the recommendations of the Justice Committee's report on coroners. As far as it goes, the change is well and good but there is a missed opportunity to which we can perhaps return in due course. There is nothing in the Bill to which I object, and I see the good sense in greater flexibility on certain types of hearing, but that is no reason for not being more ambitious in relation to coroners either in this Bill or in future legislation. As the Bill proceeds, I hope we will be able to look at that again, because the coronial system is important to the country and particularly to victims and bereaved families, and it operates with variability, if I might put it that way, across the country. The Select Committee's well-reasoned proposals deserve more consideration than they have perhaps had so far.

There is an argument to be made about equality of arms, which is again about funding. Massive sums are not required to give the families of victims in complex inquests equality of arms with state agencies that do not appear on the other side in technical terms, because of the nature of a coroner's inquiry, but in reality are making assertions that the families would rightly wish to challenge and explore. I hope the Government will reflect on that as a measure of fairness and equity.

This Bill has proved to be less controversial than it was flagged up to be, and it is the better for that. It is a sensible, conservative set of incremental improvements and proposals that are welcome and should be supported. Parliament, the judiciary and the Executive have important and equal functions in our system. The rule of law does not mean that every public action has to be subject to judicial review, but it does mean that judicial review should be sufficient, strong and robust enough to ensure that victims of injustice are recompensed.

It is also important that we who sit in this House and who operate in the political sphere recognise the integrity of the judiciary in their sphere. As Lord Faulks's review concluded, we can trust that the judiciary will act properly, accordingly and fully within the limits of their powers, and we should respect that, as we can also be confident that they will respect us.

4.23 pm

**Anne McLaughlin** (Glasgow North East) (SNP): I welcome the Secretary of State to his new role, and I pay tribute to his predecessor, who was courteous and respectful to me at all times.

This Bill is just one part of a broader programme of constitutional reform designed to allow the Government to restrict the rights of some of their most vulnerable people, whether it is the Elections Bill putting barriers in the way of ordinary people being able to vote; the Police, Crime, Sentencing and Courts Bill restricting the right to protest publicly; the Nationality and Borders Bill potentially criminalising people for saving the lives of asylum seekers; or this Bill reducing access to justice for those who have been badly treated by a public body. As Liberty has said, there is

“a concerted attempt to shut down potential routes of accountability and exert the power of the executive over Parliament, the courts and the public.”

Since my first election in 2015 I have sought to ensure that my constituents understand what goes on in this place. I think we can all agree that there is much that perplexes people, and that there are many levers that we and they can use of which they are not aware. There is a huge learning curve for a new MP so, as I got to grips with things, I tried to pass on what I learnt.

As time has moved on, I have turned my attention to the complexity of the language which can create barriers for people who do not do parliamentary speak. Since I became my party's justice spokesperson, I have become acutely aware of the sometimes even more exclusive nature of legalese, so I feel something of a duty to interpret what is going on so that it can be readily understood by the average person in the street. To be clear, I am not questioning the average person's ability to understand, but if someone does not use legal or parliamentary language regularly—and how many people out there do?—it will not come naturally. When we speak, we should remember that we are speaking not just to each other in here but to our constituents and to each other's constituents. When they are losing their right to justice, we have an absolute duty to make sure that they know that that is what is happening. That is what I hope to do today. I am also happy to confirm that we are opposed to much of the Bill and will vote against its Second Reading.

Clause 2 seeks to oust Cart judicial reviews and, in Scotland, Eba judicial reviews. If an individual feels that a public body—such as the NHS, their local council or the Department for Work and Pensions, to name but a few—has failed to follow the law correctly in its decision-making process, that individual can appeal to the first-tier tribunal. If the first tier finds against them and that individual believes it has made an error of law, perhaps by overlooking vital evidence or misinterpreting the rules, that individual can appeal to the upper tribunal. Currently, if the upper tribunal refuses an appeal on the decision of the first-tier tribunal, the individual can ask to have the decision judicially reviewed. All sorts of criteria have to be met—one cannot simply ask for and get a judicial review—but currently people can at least apply. The legislation before us will remove that right. One might say, “Well, they've already had two bites of the cherry,” but the independent oversight of judicial review is being removed only for the tribunal system; currently, all other judicial reviews will continue. I say currently, because I share the fears expressed today by the right hon. Member for Haltemprice and Howden (Mr Davis) in his article: we do not know where this will lead. We do know that it is so often the tribunal system that deals with the least powerful in our society, from whom the Bill removes the right to justice.



[Anne McLaughlin]

As the Law Society of Scotland has pointed out, the decisions of the upper tribunal are often taken by a single judge, based on the paperwork alone, so the person bringing the appeal has no opportunity to make their case in person, or to answer any questions that the judge may have. The opportunity to judicially review the decision of the upper tribunal is a vital last line of defence in cases in which the most fundamental of human rights are engaged.

We have heard much talk about the Government's justification for taking away those rights, which appears to be the high volume of applications versus the low number of successful outcomes, but let us look at that. The evidence to support the Government's position was so flawed that the Office for Statistics Regulation decided to investigate and found that the real success rate was at least 15 times higher than the Government figures showed. When the right hon. Member for Tottenham (Mr Lammy) mentioned that, I saw the Secretary of State laughing, as if that was a derisory amount, but if we use the figures calculated by the Public Law Project, we see that that would amount to 40 people every year being incorrectly denied their right to appeal in cases where, as we have heard, the stakes can be incredibly high.

The Government seem to class an appeal as successful only if it first overturns the decision of the upper tribunal, is given permission to appeal and that appeal is then won further up the chain. They completely miss the point that Cart reviews serve to correct errors of law even if the appeal is ultimately unsuccessful. I cannot for the life of me see how all this can happen without a legislative consent motion from the Scottish Parliament, as my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) has argued and will no doubt argue further in her speech.

Throughout my speech, I feel like I should be saying, "As the right hon. Member for Tottenham said," because it feels like we have swapped speeches. I am trying to find different examples. We have heard that even the Government's own figures say that the change will save only around £400,000 per year. Never mind the spending on the art collection: £2.6 million was spent on refurbishing No. 9 Downing Street as a media centre, and the saving represents less than one sixth of that. What is more important?

Let me return to why this type of judicial review is so important. I want to give an example of when it saved somebody's life. This case concerns a Venezuelan man and his family who had fled to the UK after witnessing the violent murder of his friend by state actors. He arrived in Edinburgh and was refused asylum claimed on the grounds that if he was sent back to Venezuela, the perpetrators, who clearly had scant regard for human life, would seek to silence him. The first-tier tribunal and the upper tribunal surmised that, because he had suggested in evidence that he would not be able to recognise the killers, he had nothing to fear. Thankfully, he had that vital last line of defence and was able to judicially review the decision.

During the proceedings, the court found that both tribunals had made an error of law in misunderstanding this traumatised man's evidence. He could testify to the time and location of the murder and he could be a credible witness in an investigation—perhaps his memory would be jogged by viewing photographs or creating

photofits. It was obvious that the perpetrators would surely know that and would do anything within their power to prevent him from speaking up on his return.

The upshot was that the man was allowed to appeal. He won his appeal and was saved from deportation and almost certain persecution and death. How can the Government justify even to themselves taking away those rights?

The reversal of Cart-type judicial reviews could, as Liberty and others have pointed out, affect cases of access to vital benefits, leaving people with disabilities and those facing destitution and homelessness without a last line of defence. Nobody can guarantee that they will not one day have a disability, and very few people can guarantee—perhaps a few in here can—that they will not be absolutely dependent on disability benefits to survive financially. If, for some reason, they were to be denied those benefits, as happens far too regularly, and appealed against it, they would deserve the right to question that decision-making process.

I want to focus now on the suspended quashing orders and the prospective-only remedies in clause 1. They will not apply in Scottish courts, but because they can and will affect UK-wide laws, they will affect people living in Scotland—until, of course, we are independent, which I hope will not be too long from now. These changes could have a big impact on the Scottish courts for other reasons that I will come onto a little later—it is something known as forum shopping. Whether or not these orders are primarily for England and Wales, they are just plain wrong.

Let us look at quashing orders. The right hon. Member for Tottenham talked about the case of the employment tribunal fees. Basically, in a landmark judicial review in 2017, the Supreme Court found in favour of the applicant. I will not repeat everything that he said, but given that people were being charged up to £1,200 to access justice, this was a great outcome that will have made a big difference to many. If clause 1 had been in place then, those extortionate fees could have stayed in place until a date determined by the court. That would have given the Government time to rectify the unlawful policy. In other words, they would have been able to change the law so that the thing that had just been judged to be unlawful was suddenly lawful. Is that not incredible?

**Angela Crawley** (Lanark and Hamilton East) (SNP): Specifically on the important point about tribunal fees, this Government could have listened carefully to comments from across this House before introducing them. However, judicial review served as the primary purpose and vehicle for an individual to take action against this Government. How does my hon. Friend think this Government will be able to have that action taken against them in the future if they have their way with this Bill?

**Anne McLaughlin:** My hon. Friend is absolutely right, but she is wrong to think that I can suggest anything, because I cannot do so. I would love to know what the Secretary of State is saying about this. We really cannot underestimate the chilling effect that this will have. It will put people off attempting to access justice in the first place. Who would put themselves through all this for no tangible outcome? Clause 1 creates a perfect storm of claimants having no incentive to challenge the Government or other public bodies, whereas the said public bodies and Government can proceed safe in the

knowledge that they can do what they like. It is the risk of being held to account and the potential for challenge that drives good decisions and policy making.

As I said earlier, despite clause 1 being restricted to the courts of England and Wales, there will be an impact on the Scottish courts. If the Scottish courts are not directly subjected to clause 1, which they are not, what is to stop people from using the courts in Scotland to bring judicial review challenges on UK-wide legal matters? After all, it makes sense to take a case to a court where judges have more discretion and a wider set of legal remedies. So, while on the one hand, I am always happy to showcase anything that we do well in Scotland and certainly very happy to link that to reasons why Scotland should be independent. If such a practice became widespread, the Scottish courts could face pressure on valuable resources, which could result in delays.

In conclusion, as Liberty reminds us in its evidence, the independent review of administrative law considered prospective-only remedies, but chose not to recommend them. It chose not to recommend a presumption for suspended quashing orders, nor did it recommend restricting judicial discretion to use alternative remedies. It did not recommend the use of ouster clauses. It based its recommendation to reverse *Cart* on later-to-be-discovered flawed Government statistics. However, the Government continue to push a Bill that blurs the separation of powers, restrains judicial discretion and, most importantly, discourages the public from challenging the decisions of the Government and public bodies. The SNP will be voting against Second Reading tonight, but I very much hope that some of the many concerns shared in here today by many Members will be considered before we proceed to scrutinise the Bill in Committee.

I am now going to end in a way that I never, ever envisaged I would do, which is by quoting a Conservative MP—the aforementioned right hon. Member for Haltemprice and Howden, who has said:

“Be warned: this government is robbing you of your right to challenge the state”.

We should heed that warning seriously.

4.35 pm

**Jeremy Wright** (Kenilworth and Southam) (Con): It is a pleasure to follow the hon. Member for Glasgow North East (Anne McLaughlin), although, unlike her, I find much to welcome in this Bill, particularly the parts of it that deal with sensible reforms to court processes, subject, of course, to the safeguards to which my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Select Committee, quite sensibly referred.

I want to concentrate my remarks on part 1 of the Bill, which focuses on judicial review. It is worth stressing at the outset, as others have done, just how important judicial review is to our constitutional balance. Judicial review is not, of course, there to be used as a route by which judges can run the country, and its limitations are not widely understood. Its focus is on the way a decision is made, not on the wisdom of the decision itself, which means that those whose decisions are ruled to be unlawful in the exercise of judicial review are, in fact, seldom precluded from reaching the same conclusion subsequently via a revised process.

Judicial review has practical, as well as constitutional, benefits. It can improve decision making retrospectively, as it obliges badly made decisions to be made again, but

also prospectively, as the shadow of judicial scrutiny tends to encourage Government Departments to give more thought to the rationale for decisions before they are made. The lawfulness of Government decisions is not just important for its own sake, but because it enhances their effectiveness by making it more likely that those subject to them will accept them. Surely that has rarely been more important than when the Government have sought to curtail our liberties during a pandemic for the sake of public health.

Fundamentally, as a matter of constitutional principle, judicial review demonstrates that no one—not even Governments—is above the law. For me, nothing summed that up more clearly than when the Government of which I was part contested a judicial review case in the Supreme Court, on the hugely significant political question of whether the Government could initiate our departure from the European Union without further parliamentary sanction. When the Government lost that case, I—the Government’s Attorney General—could walk out of Court and confirm without hesitation or reservation that the Government accepted the Court’s judgment and would act accordingly. That is this country’s commitment to the rule of law in action.

The fact that judicial review can be irritating to Governments is not only no reason to erode it; it may, in fact, be a positive reason not to. Changes to judicial review should be approached with caution and this Bill seeks to change it in two specific ways. Let me say just a little about each of them. I will start with judicial reviews against the class of decisions identified in the case of *Cart*. In those cases, clause 2 seeks to exclude what are, in effect, further appeals by another name. I have sympathy with the Government’s objective, although I do not find the argument of cost and inconvenience to the legal system persuasive. I am much more persuaded by the argument that the current situation undermines another fundamental principle of our constitutional settlement—that of parliamentary sovereignty.

It is clear that Parliament intended there to be no appeal against the upper tribunal’s decision itself to refuse an appeal from the lower-tier tribunal. Constructing what is, in effect, a back-door route to such an appeal is a clear challenge to Parliament’s intent. I would therefore support a proportionate measure to exclude such replacement appeals as a matter of routine, but it is important for Parliament to reach a considered view on what it really wants to exclude. Having another go at the same argument is what Parliament has said it does not want, but I am not convinced that it said with clarity that it also wishes to exclude challenge to an upper tribunal acting in excess of its powers. I am not convinced, either, that Parliament should say that, but I fear that it may be what the current wording of the clause would achieve.

This is no time for the fascinating arguments about the merits and demerits of ouster clauses, you will be relieved to hear, Mr Deputy Speaker, but I do think that if the Government seek to use the mechanism set out in clause 2 they must be rigorous in excluding only what is necessary to give effect to Parliament’s direct will and not to prevent a check on acts beyond the upper tribunal’s mandate or powers as given to it by Parliament. Such acts would be rare, but, if they happened, would constitute a challenge to what Government legislated for and therefore to the principle of parliamentary sovereignty, too. The wording of clause 2 will therefore need further discussion.

[Jeremy Wright]

I now come to the additional provisions on judicial review in clause 1. Although it may well be arguable that the court already has power to suspend the effect of a quashing order, I can understand the Government's wish to make that clear, as I can see that a suspended quashing order is, at the very least, a more elegant option than making a declaration of illegality but stopping short of quashing a decision because of the potential administrative chaos it would likely cause. I have more concerns, though, about removing or limiting the retrospective effect of quashing an unlawful decision—not, in itself, a recommendation of the independent review of administrative law. In particular, I am concerned about the suggestion that this would be routine and not exceptional. Finding a decision to be unlawful but then saying that that unlawfulness applies only to those affected by it in the future and not in the past puts the court in a strange position.

The general premise of judicial review has, for some time, been that if a court finds a decision to have been made in such a flawed way that it was made unlawfully, it is saying that, in effect, the decision was not made at all. Those adversely affected by its making, from the point of its making, are then entitled to rely on the court's ruling to pursue redress for the effect on them of a decision that has been made void. Removing the opportunity for those individuals or organisations to do so may constitute a significant detriment to their interests and should not be done without consideration for those interests. In passing, I observe that others have said that it also gives considerable power to judges to keep unlawful decisions alive for some, which one might think jars with the apparent premise that some use for judicial review reform, justified or otherwise—that judicial review judges have too much power.

Removing retrospective effect also presents a logical conundrum. A quashing order will be made only if the court believes that the decision was taken in such a defective way as to require it to be deemed unlawful and therefore of no effect. But removing retrospective effect requires the same court, at the same time, to determine that the decision was not so defective as to require all those subject to it up to the date of judgment to be protected from its impact. There may be circumstances where it is appropriate for the court to decide to do those two conflicting things at once, but they must be rare.

The difficulty with the way in which clause 1(9), in particular, is constructed is that it suggests that in fact those circumstances should represent the norm. I do accept that clause 1(9) requires the court to regard such an order as offering adequate redress as well as giving the opportunity for the court to do otherwise if there is good reason to do so. However, the clause still creates a presumption in favour of limiting or removing retrospectivity. As I say, I am not convinced that that is the right approach, but, at the very least, Ministers will need to assure us that in the consideration of whether non-retrospective quashing orders offer adequate redress, the interests of those who would have relied on that retrospectivity, as well as those who may benefit from prospective effect, should be given particular weight in the balancing exercise the court must conduct before making the order.

I finish where I began, with the fundamental importance of judicial review in our constitutional settlement. It is that importance that should cause us to be very slow to tamper with it, unless we are convinced first that there is a real need to do so that goes well beyond irritation with Government losses and, secondly, that any changes we make are well judged, thought through and do not cause collateral damage. Although I have no wish to impede the Bill's Second Reading, given the positive effect of other parts of it, I am not convinced that part 1 on judicial review is yet in the right place to meet those objectives.

4.45 pm

**Wera Hobhouse** (Bath) (LD): It is a pleasure to follow the right hon. and learned Member for Kenilworth and Southam (Jeremy Wright). As someone with no legal training, I always enjoy listening to people with legal training who make clear what the issues are. I hope the Government listen carefully to the concerns that he has raised about part 1 of the Bill. As always, the Government are putting forward perfectly reasonable proposals and mixing them up with something that is very controversial. On the Opposition side of the House, we are not at all convinced that this Bill is anything other than an attack on the most vulnerable and most marginalised in our society, and we want to protect them.

The Government claim that this Bill will hand additional tools to judges. What the Bill actually does is restrict judicial review. Judicial review is working well in this country. Although these proposals might not go as far as many feared, I remind colleagues of Lord Neuberger's words that judicial review

"is what ensures that the executive arm of government keeps to the law and that individual rights are protected".

Government accountability is fundamental to our democratic society. That is the principle on which Liberal Democrats oppose this Bill.

Taken against the Government's broader programme of constitutional reform, it is difficult to see this Bill as anything other than part of a concerted effort to take power away from individuals and to stop them holding Governments to account. In the past year, we have seen: the Police, Crime, Sentencing and Courts Bill, which restricts people's rights to peaceful assembly and protest; voter ID proposals under the Elections Bill that stop people from vulnerable and marginalised backgrounds from exercising their democratic right to vote; and attempts to weaken the Human Rights Act 1998 and the UK's commitment to the European convention on human rights. Now we have a Bill that limits people's ability to hold Governments to account through the courts.

Key elements within the Bill are particularly concerning. Clause 2 permits the courts to abolish Cart judicial reviews and imposes de facto ouster clauses. That removes a vital safeguard in situations where tribunals make mistakes. We have heard about that several times already this afternoon. The vast majority—92%—of Cart judicial reviews are immigration and asylum cases. Many of the remaining cases concern access to benefits for disabled people and other people facing destitution. Those are all situations where the stakes are incredibly high for the people involved.

**Matt Rodda** (Reading East) (Lab): The hon. Lady is making a fascinating speech and some very strong points. Does she agree that there is now an established



body of judicial review going back a number of years that seems to demonstrate that this particular area of law has allowed the Executive to be held to account by the most vulnerable and weakest in our society? Does she also agree that an additional benefit, as mentioned by the former Attorney General, the right hon. and learned Member for Kenilworth and Southam (Jeremy Wright), is that it focuses the minds of those working in Government—in particular those in the civil service and Ministers—to provide better quality decision making in the first place?

**Wera Hobhouse:** This issue absolutely is about that particular section of society who seem to be under attack in this case. Decisions have been made where those people should have been supported in the first place, and then they do not even have a comeback under the law, and that is just wrong.

What is more, the low success rate, which the Government are using to defend their plans, massively understates the number of Cart judicial reviews that secure a positive outcome for the claimant. Scrapping Cart judicial reviews goes against everything that a fair-minded liberal democracy stands for. We Liberal Democrats will never cease to stand up for such rights.

The Government state in their press release that “it is expected that the legal text that removes the Cart judgment will serve as a framework that can be replicated in other legislation.” In other words, they are admitting that the Bill is the thin end of the wedge and that it could open the door to more ouster clauses in the future, which would create whole areas of Government action that could not be judicially reviewed, making them immune from accountability through the courts.

Liberty has described the Bill as

“part of this Government’s bid to make itself...untouchable.”

The Law Society warns that the Bill

“should ring alarm bells for people who come up against the might of the state.”

There can be no justification for such a Bill in a democratic society. I urge colleagues across the House to vote against it.

4.50 pm

**Fay Jones (Brecon and Radnorshire) (Con):** It is a pleasure to follow the hon. Member for Bath (Wera Hobhouse). I rise in support of the Bill and am keen to see it make progress through the House. Before I go on, this is my first opportunity to say how delighted I am to see the Secretary of State in his post and the new Minister in his place. I echo the comments made by the Secretary of State about the former Lord Chancellor, my right hon. and learned Friend the Member for South Swindon (Robert Buckland).

The Government are committed to fulfilling their 2019 manifesto pledge, and I am pleased that we are committing to yet another pledge to protect our democracy. The Bill will—at last—streamline our judicial system in both England and Wales, making it much more efficient. It is a good example of justice machinery, and I am pleased that my constituency of Brecon and Radnorshire will experience the benefits of these improvements.

I am glad that the Government recognise the impact of the pandemic on our court system and, as well as managing those pressures, are learning some helpful lessons and continuing with the steps they took during

the pandemic to bring some court proceedings online, saving valuable time and resources. I acknowledge that the Bill benefits both England and Wales and, as the representative of a constituency with roughly 60 miles of the border between our two nations, very much welcome provisions that will remove the statutory requirement that magistrates courts must be divided into separate local justice areas. My constituents will often travel across the border for employment, education and other things, and the judiciary is no exception. In that spirit, I will focus my remarks on the courts elements of the Bill.

I commend the Government for the work they have already done, particularly in the field of domestic abuse. I was proud last year to be a member of the Domestic Abuse Bill Committee and am even prouder that that Bill was prioritised by the Government during the height of the pandemic. The Government, conscious that coronavirus was not the biggest threat for those enduring lockdown with their abuser, made sure that the Committee could meet and that both sides of the House could scrutinise and improve that Bill.

One of the many strengths of the Domestic Abuse Act 2021 is the improvements it has made to the family courts. On that, I would like to see this Bill go further. In family proceedings, the Domestic Abuse Act introduced an automatic ban on cross-examination in person when one party has been convicted of, given a caution for or charged with certain offences against the witness, or vice versa. The provisions also introduced an automatic ban on cross-examination in person when an on-notice protective injunction is in place between the party and witness or when there is other evidence of domestic abuse. That is a crucial step, and one that I am very proud of.

Having praised the Government, I will ask the Minister to go further—he will not be surprised by this—and consider further amendments for family court proceedings. I do so on behalf of my constituent, Natalie Davies, who came to see me and has given me permission to mention her and raise her case. She lives in my constituency with her partner, baby and two primary school-aged children from her previous relationship. In February, she came to ask for advice due to the complexity and sensitivity of a legal dispute between her and her ex-partner.

I will not go into too much detail about Natalie’s case. However, while the conclusion reached by the judge was in her favour, her experience in the family court was completely unacceptable. In her words, it was a “complete misery”. The way in which she was treated by the judge was simply wrong for a modern age. She claims that she was repeatedly undermined throughout her case, which caused her immense distress, and she felt as though a completely one-sided approach was taken. Her barrister later confirmed that the judge had to be persuaded to read both sides of the case. During her hearing, the judge referred to her as “young lady” and commented on the fact that she was “already”—his word—expecting a baby with her new partner. He also googled her home and searched for images of her new home on Rightmove.

Natalie complained to the Judicial Conduct Investigations Office, as is proper, but she had no response, until two days before a further hearing with the same judge. She was hastily told that her complaint had been rejected. She was told that no misconduct had taken place. Had

[Fay Jones]

the judge fallen asleep, that would constitute misconduct, but patronising—even misogynistic—remarks and apparent predetermination on the part of the individual somehow did not constitute misconduct. I find that deeply troubling.

All in the House would of course agree that the judiciary must be free from direction by Ministers. That is entirely appropriate. However, the existing system is not working. This might well be out of scope of the Bill, but it appears to me and the other individuals to whom Natalie has introduced me since coming to see me in my surgery that we have an imbalance here, which I wonder whether we may explore as the Bill travels through the House.

We must look at a situation in which individuals do not have access to a clear and transparent complaints system. Natalie's complaint was backed up with a written statement by her highly trained barrister, and yet it was still dismissed out of hand.

**Sir John Hayes** (South Holland and The Deepings) (Con): My hon. Friend makes a compelling case along particular lines. She is right about access to legal recourse. I do not know whether she has had a chance to look at the important speech given last week by the Attorney General, which sets out how, in parallel, people are using the courts to perpetuate political debates. Ironically, some people do not have access to justice, and others are using the courts for political ends, which is why the Bill is so important.

**Fay Jones:** My right hon. Friend is absolutely right, and I bow to his experience in these matters. That should be considered as the Bill travels through the House. I want to see it make progress and I commend the Government for their ambitions thus far, but I would like, and would be grateful for, a conversation with the Minister about what we can do to ensure that all those who have the inevitably difficult experience of going through the family court are treated with the utmost respect.

4.57 pm

**Angela Crawley** (Lanark and Hamilton East) (SNP): Scotland's justice system remains devolved and, as such, the powers to amend the judicial review process are, thankfully, protected. The UK Justice Secretary's predecessor recognised that separate nature in March when he told the House:

"In respecting separate jurisdictions, as I always do, these proposals relate to England and Wales matters and have been carefully delineated in that way."—[*Official Report*, 18 March 2021; Vol. 691, c. 510.]

The Minister must give similar guarantees that, if the Bill becomes law, the Government will not look to expand its scope to impact on Scotland's independent, unique and distinct legal system. He must also acknowledge that he should not have the authority to attempt unilaterally to unpick such a fundamental part of the UK constitution. The Scottish judicial review process has evolved over many years and the result is a proper system of checks and balances that does not need interference from Westminster.

That separate and valued legal system means that most of the Bill will not impact on my constituents or on Scotland, but parts of it will, and that does not

detract from my concern about the way in which the Government are operating towards the judiciary in England and Wales. It appears to me that the Bill is part of a broader drive to increase the power of the Executive, to limit oversight, and to reduce the ability to seek judicial remedy in the courts and to hold this Government and Governments after them to account.

I say a broader drive, because the Bill is moving through this place at the same time as the Nationality and Borders Bill, the Elections Bill, the review of the Human Rights Act and the Police, Crime, Sentencing and Courts Bill.

Each taken on their own merit should be cause for concern, but as a package they leave little doubt that the Government's strategy is to roll back the rights of vulnerable groups, while simultaneously removing the checks and balances on the Government's Executive power.

The Prime Minister's decision to prorogue Parliament in 2019 was the first step on the road to an increasingly authoritarian style of government. Since the two high-profile defeats on article 50 and prorogation, and several High Court rulings on immigration and employment tribunal fees, the Government have been vocal in their criticism of the justice system. The Home Secretary herself referred to "lefty lawyers" and "do gooders" looking to hamstring the legal system. In reality, the Bill is a crackdown by the Government, who are unable to move past the frustration of high-profile defeats in the Supreme Court. Rather than asserting their Executive authority and removing checks and balances, the Government should be listening to calls from senior legal experts across these islands and their own review.

Lord Faulks, a former Conservative Justice Minister, wrote that Ministers should "think long and hard" before seeking to curtail the powers to the judiciary. He added: "Our view is that the government and Parliament can be confident that the courts will respect institutional boundaries in exercising their inherent powers to review the legality of government action. Politicians should, in turn, afford the judiciary the respect which it is undoubtedly due when it exercises these powers."

With that in mind, I urge Members to vote against the Bill and maintain the vital checks and balances in this crucial area of law.

5.1 pm

**Laura Farris** (Newbury) (Con): I, too, will focus my comments on the first part of the Bill, which concerns judicial review. I support the exclusion of upper-tribunal permission decisions from the ambit of judicial review—the so-called Cart decisions. That is a merit-based argument. Briefing notes I received state that removing the option of recourse to judicial review in immigration risks injustice, and I hope Members will not mind if I set out briefly why I do not think that is the case.

It is important to note what clause 2 on Cart decisions does not do. It does not mean that difficult immigration or asylum cases will not end up in the appeal courts. It is the case now, and will remain the case, that the most difficult cases concerning article 3 rights on freedom from torture, and article 2 rights on the right to life, are nearly always adjudicated in the Court of Appeal. That is because they have made a natural progression from the first tier to the upper tier and the Court of Appeal. All the clause does is deal with permission to appeal.

The clause gives the applicant first the opportunity to go to the first-tier tribunal and seek permission to appeal, with the threshold being whether the case is reasonably arguable. They fail that. They go to the upper-tier tribunal and again say that they have a case that is reasonably arguable. That is refused. They then go to the High Court and seek judicial review. It is only that upper layer that is being removed.

In no other area of law, in either the private or the public realm, does the applicant have three bites of the cherry—not in employment law, not in family law, not in education law, community care, or local government. You cannot leapfrog a decision of the upper court or tribunal to seek recourse through another means. I have listened carefully to the arguments made by those on the Opposition Benches, and no one has yet defined why immigration, and immigration alone, should belong in a special category where people have an extra bite of the cherry.

The hon. Member for Bath (Wera Hobhouse), who is no longer in her place, suggested that it goes against every fair-minded decision of a Government to exclude Cart-type judicial reviews, but that overlooks the difficulty that the Supreme Court had when it determined this issue. Indeed, I say respectfully that it is rare to find such a nuanced decision in the Supreme Court. In the course of that judgment, at paragraph 91, Lord Phillips said:

“My initial inclination was to treat the new two tier tribunal system as wholly self-sufficient... Can it not be left to the Senior President...to ensure that the tribunal judiciary is so deployed as to ensure the appropriate degree of judicial scrutiny of decisions of the lower tier?”

Even Baroness Hale, who was the primary proponent, said:

“There must be a limit to the resources”

that we

“devote to the task of trying to get the decision right in any individual case.”

We on the Government Benches respectfully say that it must be right that, if the Supreme Court were faced with that decision again, it would answer in a different way. We know that because of Lord Hope’s remark in the Lords on 22 March that

“experience has shown that our decision has not worked”.—[*Official Report, House of Lords*, 22 March 2021; Vol. 811, c. 710.]

The other reason I support clause 2 is to do with the overriding objective that lies at the heart of all civil procedure and the issue of proportionality. I know that there has been some disagreement among Members about how many Cart judicial reviews succeed. The independent review of administrative law report put it as low as less than 1%, the Government say it is 3%, and Liberty, which argues strongly in favour, says it may be nearer 5%. However, we have to be realistic. On any reading, we have a system where over 95% of these judicial review cases go nowhere, yet we know that that is the most common form of judicial review.

That is exactly what Lord Dyson warned against when permission was given in *Cart*. He said that “resources are limited” and that we do not want

“a return to the pre-2002 Act days in immigration and asylum cases when the courts were overwhelmed with unmeritorious judicial review claims.”

**Anne McLaughlin:** I am a bit confused. The hon. Lady said that taking away Cart judicial reviews would not stop somebody going to the Court of Appeal from the tribunal system, so I just wonder what the route is. Perhaps I have misunderstood.

**Laura Farris:** For an applicant to end up in the Court of Appeal, they would win or lose at first instance and either appeal or be appealed by the Home Office, the upper-tier tribunal would give permission for that appeal, and it would be heard in the upper-tier tribunal. The applicant would either win or lose again, and then they would find themselves appealed to the Court of Appeal. That will not change where difficult areas of human rights law are engaged.

The issue here is where the upper-tier tribunal says, “No, we won’t give permission to hear your appeal,” and then the applicant goes to the High Court and seeks a judicial review application. It is that narrow aspect that is excluded by the Bill. It is important to clarify that, because I think there is some uncertainty about whether human rights are being excluded, and I am glad that the hon. Lady asked me.

**Anne McLaughlin** *rose*—

**Laura Farris:** I will make a little progress, because I know that time is limited.

The Opposition frequently push Government Members on the issue of backlog and delay. In the early days of the pandemic, they were right to do so, but I do not think that they can sustain an argument where they simultaneously criticise delays that have arisen because of the pandemic and advocate a disproportionality in an area of litigation where over 95% of claims are unsuccessful, clearly clogging up court time.

The second issue that I would like to address is the new flexibility in quashing orders, and particularly the issue of suspended quashing orders. I read the IRAL report very carefully. It reached its conclusion by reviewing the Court of Appeal’s decision in the case of *Hurley and Moore*. When it found that there had been a breach of the public sector equality duty, the Court made a declaration of illegality rather than a quashing order because it wanted to give the Secretary of State room to comply. As I see it, clause 1 is in keeping with that.

A number of organisations have written to me to say that, while they perhaps understand the basis of the decision, they are generally opposed to suspended quashing orders where the provisions of a clause will be void. Respectfully, I think that fails to properly engage with what is at stake. The public sector equality duty is a really helpful starting point here. Let us look at the way those cases were litigated through the appeal courts in the early days. We had the library closure cases, with Somerset County Council, Gloucestershire County Council and Surrey County Council all losing public sector equality duty cases. We then had the care home cases, such as *South West Care Homes v Devon County Council*, and the mental health cases. All of them were in 2011, 2012 or 2013.

What is most striking about public sector equality duty cases now is that they almost never succeed; actually, I could not find an example of one that had succeeded since 2015. It occurred to me that it is at least possible that the reason the courts will not engage with those cases is that they think it is too onerous to quash.



[*Laura Farris*]

I think that the Bill provides more scope, not less, for some of the progressive principles that can be advanced for a judicial review to succeed if it is not immediately the subject of a quashing order.

I also listened to observations made on the Opposition Benches about retrospective decisions and retrospective effect; what that would have meant in the *Unison* case and whether the Supreme Court would or would not have ordered the Ministry of Justice to repay the fees paid by litigants who were bringing claims during that period. I just do not think it is possible to read Lord Reed's comments in that judgment and not find it was absolutely guaranteed that the Supreme Court would order the fees to be repaid. Let us look at clause 1(8) and (9), which set the criteria. The Supreme Court effectively applied them all and found that the repayment of fees was necessary, so I do not think it is a good example.

It is, however, worth recalling the case of *HM Treasury v. Ahmed*, which the Secretary of State mentioned in his opening remarks. That was a critical case, one of the first cases the Supreme Court heard, because it dealt with important issues of constitutional consequence and public interest. The Labour Government had done what any right-minded member of the public would think was sensible. They found three people who they suspected, but were not convicted, of terrorism offences. As a precautionary measure, they froze their assets. They believed they were entitled to do so under the United Nations Act 1946. They were, in fact, not entitled to do so and the Supreme Court found them to have acted *ultra vires* and quashed. We know that at least one Supreme Court Justice was nervous about that. Lord Hope said:

"I would however suspend the operation of the orders that I would make for a period of one month from the date of the judgment to give the Treasury time to consider what steps, if any, they should now take."

What if they had had the power to suspend the order? We know the judgment was handed down on 27 January 2010. By 5 February, Alistair Darling had introduced the Terrorist Asset-Freezing (Temporary Provisions) Act 2010. By 10 February, two weeks later, that had received Royal Assent. It was manifestly in the public interest for Parliament to have the opportunity to legislate on that. How much better if the Court had had the opportunity not to make a quashing order, but to suspend.

That brings me to my final point, which is something I do not think anyone on the Opposition Benches has engaged with at all: what the doctrine of nullity is really about. In private law, the Court has the opportunity to consider and to decide that something is unlawful, but in public law it does not just decide that; it quashes altogether. I am of the view that allowing some discretion, where the effect of a quashing order would potentially run contrary to the public interest or conflict with what might be the will of Parliament, offers a more constructive opportunity to resolve public law problems.

**Anne McLaughlin:** I thank the hon. Lady for again letting me in. Surely this is ordering judges to have a presumption in favour of prospective, rather than retrospective, quashing orders? We are not giving them the opportunity to use it—we are saying, "You will use it as a default position." That is the problem.

**Laura Farris:** I am not sure I entirely agree with that. I do agree that clause 1 sets out the criteria they need to apply, but in reality they are common sense principles and I do not agree that the Court's discretion is being fettered in the way the hon. Lady suggests.

5.12 pm

**Rob Butler (Aylesbury) (Con):** It is a pleasure—although always slightly daunting to follow my hon. Friend the Member for Newbury (Laura Farris)—to speak in this debate. I must start by declaring an interest. I served as a magistrate for 12 years prior to my election and spent almost five years as a member of the Youth Justice Board. It is on the subject of the magistrates and youth courts that I wish to focus my remarks. The proposals for changes to procedures in the magistrates courts strike me as sensible and balanced measures that will, in many respects, simply bring them into the 21st century. The new processes and procedures herald a marked improvement to the way courts run, saving time, improving efficiency and therefore helping to ensure speedier justice.

It is appropriate to echo the remarks of my hon. Friend the Member for Warrington South (Andy Carter) and mention the tremendous achievements in the magistrates courts over the past 18 months. Following the inevitable disruption caused at the start of the pandemic, the magistrates courts were incredibly quick to adapt to new methods to prevent delays to justice. With more than 85% of criminal cases falling entirely within the jurisdiction of the magistrates courts, they are absolutely vital to the overall smooth running of our judicial system. We should not forget that magistrates are volunteers. I pay tribute to them for all their efforts, alongside the staff of Her Majesty's Courts and Tribunals Service, the legal representatives and other services, such as victim and witness support—the latter also volunteers.

The flexibility and adaptability of those working in the magistrates courts over the past 18 months is a clear demonstration of the capability, readiness and willingness of justices of the peace to embrace change.

I particularly welcome the digitising and streamlining of preliminary pretrial court proceedings via the common platform, the removal of unnecessary courtroom hearings, and the strengthening of links between Crown Court and magistrates courts. Creating the option for online written pleas will enable defendants to sit with their legal adviser at a time of their own choosing and submit the required information via the common platform. That must be preferable to waiting in a courthouse for hours on end for a hearing that will likely last just a few minutes.

Similarly, I believe that permitting an allocation decision to be made online or in the absence of the defendant, in the appropriate circumstances, will enable courts to progress cases and avoid unnecessary delays. This is especially welcome for indictable-only offences, where the appearance in the magistrates court is no more than a formality.

I am aware that there are concerns about ensuring that defendants will be properly equipped to make decisions about their cases if they are not physically in a courthouse. I share those concerns, so I am therefore very pleased that there will be safeguards to ensure that defendants have the right advice and support and, crucially, that a full court hearing will always be available

when needed and considered to be in the interests of justice. I am grateful to Ministers in the Ministry of Justice for reassuring me already that especial care will be paid to particularly vulnerable defendants and to children.

The introduction of a new automatic online conviction and standard statutory penalty procedure is a further positive step. It has long struck me as disproportionate for someone to come to court if they have not paid for a rail ticket or have fished with an unlicensed rod. An online process that does not require the involvement of a magistrate seems a much more appropriate way of dealing with such cases. Of course, it will be necessary to ensure that only very low-level offences of such a type take place without direct judicial oversight, and I am pleased that the addition of any further offences to the mechanism would need to be explicitly agreed by Parliament.

The decision to abolish local justice areas makes further good sense. The current system can result in arbitrary borders that prevent a magistrate from sitting in a court just a few miles from their home if it happens to be in a different LJA. The proposals in this Bill will mean that work and people can be distributed according to need and availability. One consequence will be the ability for closer working between Crown Court and magistrates courts. That greater alignment of different branches of the judicial family is undoubtedly another positive step.

However, a few questions arise from the proposals to scrap LJAs. At present, each area has its own bench chairman, deputies, chair of youth court and so on—magistrates who volunteer to take on leadership and pastoral roles. It would be helpful to learn a little more from the Minister about how those functions will be carried out in future, and to have reassurance that magistrates will still have a degree of agency over decisions and practices affecting them directly. We also know that local areas can see different patterns of crime, distinct from one another. Until now, magistrates courts have been able to reflect that in their sentencing, so I am keen to hear from the Minister about how specific local factors will be reflected henceforth.

Of course, magistrates courts can only function well when there are enough magistrates to sit in them. The number of those on the bench has fallen dramatically in recent years. I am pleased the Government are now attempting to recruit more people to the magistracy, but it is important that magistrates represent all walks of life, all ages and all backgrounds, and I wonder whether the Minister might tell the House a little about how he hopes that might be achieved in the years ahead.

There are relatively few clauses in this Bill affecting the youth courts. There are provisions regarding the transfer of cases when a young person reaches the age of 18, but I will use this opportunity to repeat to the Minister and his colleagues in the Department my call for young people to be dealt with by the courts according to the age at which they committed their offence, rather than their age when they first appear in court, which is the current process.

I was pleased to introduce a ten-minute rule Bill on this subject last February that received support from across the House, including from some very learned and distinguished hon. Members. As I said then, it would be a relatively simple change to make in legislation, because

in many respects, it does no more than correct an anomaly. For those affected, however, its effect would be profound because of the different sentencing options that are uniquely available in the youth jurisdiction. Such a change would enable young people to put their mistakes behind them and make a constructive contribution to our society. It would put more emphasis on preventing reoffending, which is key to reducing the number of victims of crime—something that we all wish to see.

The number of such cases may not be high, but they have a massive impact on the young people concerned. I heard only this week about the case of a boy who was arrested at 16 and is still waiting for his first court appearance three and a half years later, now he is nearly 20. That cannot be right, so I hope that as the Bill progresses through Parliament, Ministers will consider whether this could be the appropriate time and place to bring about a change that is supported throughout the justice system.

Much of our debate on the Bill has focused on measures that relate to judicial review. They are certainly very important, but we should not overlook the other positive steps that are being taken to improve our justice system. I am grateful to have had the opportunity to highlight the Government's strong and sensible changes to magistrates courts' proceedings, which I am confident will bring benefits to defendants, witnesses, lawyers, court staff and magistrates themselves, as well as to victims of crime. That is why I am pleased to support the Bill.

5.20 pm

**Dr Kieran Mullan** (Crewe and Nantwich) (Con): I welcome the chance to speak in this debate as a new member of the Select Committee on Justice. We have not considered judicial review in any great detail, but we have considered court capacity, the use of virtual hearings and remote technology, and the work of coroners' courts.

We are all aware by now of the challenges that the pandemic has caused for court capacity, but I think we can be proud of, and should recognise, the enormous efforts to ensure that our justice system across the country continued in a more robust way than in many similar jurisdictions. I thank and pay tribute to court staff for their work to enable that, and I echo the positive remarks of my hon. Friend the Member for Aylesbury (Rob Butler) about magistrates who give their time.

Of course that does not mean that we do not face a backlog, but I think we should remind the Opposition, or what is left of them—certainly their spokespeople—that the backlogs that we faced prior to the pandemic were lower than some backlogs that victims faced under the last Labour Government. Outstanding cases at the Crown court were at just over 40,000 before the pandemic; they hit 50,000 under Labour. A quick search of *Hansard* does not produce the outrage that we have heard today from the right hon. Member for Tottenham (Mr Lammy) or that I suspect we will hear from the hon. Member for Hammersmith (Andy Slaughter) when he winds up. They were not so bothered about it when they were in government, but they seem particularly frustrated now.

However, let us be in no doubt that backlogs are a problem and we need to bring them down. That is important, because delays in justice have an impact on victims and the innocent: importantly, we lose witnesses

[Dr Kieran Mullan]

and victims, which ultimately means that people who should face justice do not. That is why it is right that we look at ways to innovate and do things differently if it can help with the backlog. Of course there is always risk when we do things differently, but we have to weigh it up against the injustice for those who are waiting for their day in court.

The Justice Committee heard a variety of evidence about the benefits and drawbacks of remote hearings, which are similar to the benefits and drawbacks that we have debated in relation to remote healthcare. Rightly, victims' advocates have highlighted that for some people, remote hearings are a real challenge, so I ask the Minister to outline the steps that the Government will take to protect vulnerable groups from being inadvertently disadvantaged by remote hearings and by other changes in the Bill.

As hon. Members have said, reform cannot take place instead of investment; funding must be provided to help us to address the backlog with extra sitting days and Nightingale courts. We have seen some good progress in that regard.

Yes, the justice system has historically faced cuts, but I want to take the opportunity to remind people that those cuts did not happen in isolation. At the time, £1 in every £4 spent by the Government was borrowed; we were spending in an unsustainable way. It is easy now to criticise cuts that were made, and perhaps the balance of cuts across all the Government's work has not been correct—that is why many of us welcome the extra spending for justice—but to make out that those were easy choices at the time and blame everything on the cuts, when we know that ultimately the Government were reacting to a situation not of their making, is not fair.

I thank the very many hard-working people who are struggling to deliver the important function of coroners' courts and who did so over the pandemic, but I have to say that I feel concern. As we move away from full hearings, we will need some very clear routes available for decisions when people choose not to have a full hearing. The Government talk about cases being uncontroversial and simple, but I am afraid that the harsh reality we have heard from coroners' courts is that although they are overwhelmingly conducted with care and attention to families and with open and transparent process, that is not always the case. Coroners' courts still reflect the style and approach of individual coroners.

I would not want the measures that the Government are introducing through the Bill to have inadvertent consequences where coroners took decisions in cases that would objectively have benefited from a full hearing, or that families might feel would have benefited from one. It would be good if the Minister outlined what opportunities families might have to challenge decisions that coroners make under the new legislation.

I want to make some brief remarks about judicial review. I think we have to recognise that access to justice, in the broadest possible sense, is a public good, but too often some of those involved in the provision of this public good see it as sacrosanct, and seem to believe that there is some Utopia where demand for justice is perfectly met. They often strive for that without accepting that the provision of justice as a public good must

compete for public resources alongside the provision of other public goods, such as education, healthcare and defence. It is perfectly legitimate for a Government to consider whether public money spent on judicial reviews funded by taxpayers is public money that might be better spent on other public goods—or whether it might be better spent in the judiciary on a more effective way of securing access to justice than the present system of judicial review. There might even be a simpler, better use of the courts' time. I personally can see a vast public good in a certain fox killer having fewer opportunities to waste the courts' time with repeated failed actions, especially given the stresses on the legal system that we have discussed.

Of course, controversies in this area of law are not new to the Chamber. We heard earlier from the Justice Secretary how the Labour Government pushed these ouster clauses and saw their merits at the time. The Refugee Council has said:

“this Bill threatens to deny asylum seekers a fair hearing of their...claim... We urge the Government to take these criticisms seriously and to act on them.”

The council was not talking about the Bill that is now before us; it was talking about the Bill that the shadow Justice Secretary attempted to steer through Parliament.

I think that we have to take a step back, and recognise that the public expect to see a balanced use of public resources in the courts across all the expenditure of public money. I am frequently appalled by the disproportionate amounts spent on legal aid for individuals to challenge decisions, including decisions made through judicial review. Does that serve the interests purely of justice? Perhaps yes, but does it represent a proportionate or justifiable allocation of public good in our society? Certainly not, and I think the British public understand that.

The hyperbole that has been expressed today about the narrow changes that are being made to judicial review undermines the credibility of the Members making those claims. We have heard from my hon. Friend the Member for Newbury (Laura Farris) and others how restricted and limited these measures are. To suggest that people who have had a couple of bites at the cherry are being denied justice because they do not have the opportunity to make one further attempt is an exaggeration that undermines those Members' arguments.

5.27 pm

**Bob Seely** (Isle of Wight) (Con): Much of the Bill is eminently sensible, and there is much in it to support. Like most people, I am pretty fed up with politicised lawyers endlessly trying to game the system. We need the application of common sense, and to call this Bill authoritarian is an absolute misuse of the term.

I will not speak for more than four minutes or so. I want to talk about how we can improve the general principles of the Bill in respect of coroners' time and police time spent dealing with cases in which bodies are washed up on the coastline, and in particular about the need for the mandatory taking of DNA samples from people who are to be buried at sea. I thank the Isle of Wight coroner, Caroline Sumeray, for her advice on this, and indeed for her work on behalf of Islanders.

There were three places in the UK where burial at sea was allowed: Tynemouth in the north-east, Newhaven in Sussex, and one and a half miles south-west of The



Needles, on the Isle of Wight. Now, I understand, the area off The Needles is the only place where burial at sea is legal. At present there is no legal requirement for DNA samples to be taken from the bodies of the deceased.

The proposal for DNA sampling originated from an action at the UK Missing Persons Unit, which at the time was investigating about 60 unidentified bodies which had washed up over the previous year—not all at once, I hasten to add. The pathology unit at the Home Office undertook to progress that action, because every investigation involving a body washed up at sea requires a pathologist—and an awful lot of police time—to discover where the body might have come from. There is also the emotional distress of families who give DNA samples in the hope that it might be a relative of theirs; and if Aunt Madge has recently been buried at sea and, sadly, parts of her are washed up, the family do not necessarily want to give DNA samples because it is an unnecessary process.

There are about 10 burials at sea each year, and once or twice a year body parts are washed up on the coast of the Isle of Wight. At the end of 2016 a lower arm was found, and early in 2017 a matching skull was washed up. Later in the year, a man's body was washed up near Brighstone, having come from Devon.

In October, a headless torso was found at Brook chine. In 2018, a skeleton was found on Barton beach and a skull was found in St Helens, with another being found later in the year in Seaview. The year after, a lady's skeleton was washed up from Fishbourne, although that dated back to the bronze age. Clearly the tides had brought it up from a beach somewhere around Britain and it had been washed up on the Island. This is most likely to happen after storms, which either break up a coffin or force a body on to the land. They are often discovered by dog walkers on the beaches, and that is clearly not the sort of thing that they want to see first thing in the morning.

While this is a constituency issue for me, it could affect a coroner or police force anywhere in Britain that has a coastline. If we had a requirement for DNA sampling prior to burial at sea, it would be easy for the police or the coroner to check against the database and make a quick distinction about where the body part had come from. Clearly, if the database had no matching DNA sample, it could be a suicide, a murder or someone who had fallen off a liner somewhere in the world, but if a DNA sample could be matched, it would save police time, save the coroner's time and save the emotional distress of the families involved.

The costs of the coastguards, helicopters, police spotter planes and inquests all add up. One of the principles of the Bill involves using the coroners and the police to achieve more efficiency and, frankly, to do their work in a more productive way. I therefore believe that, as good as the Bill is, it could be improved by the facilitation of mandatory DNA sampling on the UK DNA database so that the police and coroners can quickly identify where body parts washed up on the UK coastline have come from.

5.31 pm

**Andy Slaughter** (Hammersmith) (Lab): I welcome the Under-Secretary of State for Justice, the hon. Member for South Suffolk (James Cartledge) to his place and

wish him well on his first outing for the Ministry of Justice. He might be tempted to reciprocate when he speaks, but as this is my third time in the job, that would be unnecessary, just like significant parts of this Bill.

I am sorry to be leaving the Justice Committee after a number of years, not least because of the able and consensual chairing of the hon. Member for Bromley and Chislehurst (Sir Robert Neill). I need not feel neglected, however, as so many members of the Committee have followed me to the Chamber today. This is almost like a meeting of the Justice Committee. With the hon. Members for Lanark and Hamilton East (Angela Crawley), for Newbury (Laura Farris), for Aylesbury (Rob Butler) and for Crewe and Nantwich (Dr Mullan) here, we almost have a full house. I commend all their contributions, and indeed the contributions of all other Members this evening. This has been an intelligent and considered debate that I hope will set a good precedent for the exchanges across the Dispatch Box.

Parts of the Bill are functional and unexceptional, and we will not make points for the sake of it. Indeed, much of part 2 has been revived from previous Bills that fell in the political mêlées of the past few years. The debate has shown, however, that there are serious concerns around part 1, as the shadow Lord Chancellor, the Scottish National party and Lib Dem spokespersons and others have indicated. I particularly want to mention the contribution from the right hon. and learned Member for Kenilworth and Southam (Jeremy Wright), who, with his usual thoughtfulness, went through some of the problems in clauses 1 and 2 in forensic detail. Despite having had the benefit of some very learned briefings from organisations working in the field, I heard him make some points that had not occurred to me or to them. I hope that he will be joining us on the Public Bill Committee in order to pursue those matters further.

I thank all Members for their contributions, and even though the right hon. Member for Haltemprice and Howden (Mr Davis) did not speak in the debate other than to intervene, we felt his presence in the room. His articles in *The Guardian* and elsewhere really have hit the nail on the head and shown that, despite what some Members have said, there are very real concerns about the Bill. It always needs to be said when talking about the Lord Chancellor that he was a protégé of the right hon. Member for Haltemprice and Howden, which we do not see very often these days. I am reminded of King Lear, rather than Edward Lear:

“How sharper than a serpent's tooth it is to have a thankless child!”

Our primary concern with this Bill is that the proposals for judicial review are regressive and uncalled for, more especially when, as my right hon. Friend the Member for Tottenham (Mr Lammy) set out, many aspects of the justice system are in a state of profound crisis—aspects that these measures do nothing to address and much to distract from.

The Ministry of Justice should be devoting all its efforts to tackling the record court backlog and working to restore women's faith in the criminal justice system. We have heard several times today of the more than 60,000 outstanding Crown court cases, due in part to the shortage of practitioners, with proceedings delayed because barristers cannot be found to prosecute or defend, and the shortage of judges and recorders. The Lord Chancellor recently admitted that he cannot say

[*Andy Slaughter*]

when the backlog will get back to pre-pandemic levels, but last week's National Audit Office report enlightened him by suggesting that the backlog could still be 25% above pre-pandemic levels three years from now.

That is an important point. We often had this debate on the Justice Committee, and the hon. Member for Crewe and Nantwich said that backlogs have risen and fallen under different Governments. I concede that point, but the important point is that when the backlogs were high under a Labour Government they were quickly addressed and quickly fell back to low levels. There is little sign at the moment that the Crown court backlog is coming under control or is likely to reduce to acceptable levels.

Rape prosecutions and convictions are at record lows, even as reports to the police rise steadily. The Government's own review said that Ministers are deeply ashamed of this dire situation and pledge to get prosecutions and convictions back up to 2016 levels by the end of the Parliament, but the Prime Minister said during his party conference speech that he cannot guarantee the target will be met.

We have recently seen two excellent reports on legal aid by the Justice Committee and the all-party parliamentary group on legal aid, and the Minister and I attended the launch of the latter last week. The reports document the collapse in access to justice since the Legal Aid, Sentencing and Punishment of Offenders Act 2012. In the face of this unprecedented crisis, what is the Government's legislative priority? Why are we here today? This is another political attack on the judiciary.

Weakening judicial review and attacks on human rights legislation have formed predictable purple passages in the last few Tory manifestos. The previous Lord Chancellor was a half-hearted cheerleader. To his credit he was half-hearted, so he had to go. The noble Lord Faulks proved to be too much of a lawyer and too little of a politician, so his review was set aside and a second consultation staged, and now we have this Bill.

Although it is correct to say that some of the threatened intrusions on the judicial role have not yet materialised, although we have yet to see the new Lord Chancellor at full stretch, there is plenty of mischief in this Bill, with the hobbling of judicial review by prospective-only orders, the fettering of judicial discretion by presumptions in favour of prospective and suspended orders and the ousting of judicial intervention in Cart and perhaps other cases.

The false dichotomy that the Government wish to argue, as in the recent speech by the Attorney General, is that democracy and the rule of law are two opposing forces that need to be brought more into balance by weakening the latter. Nothing could be further from the truth. They are two sides of the same coin, or rather one provides the tracks on which the other can smoothly run.

This Government's true motive is to escape accountability for malpractice. It is one of the defining features of this Government that they simply do not believe the same rules should apply to them as apply to everyone else, and that starts with the Prime Minister and works its way down. An unbiased observer—I offer myself for

this role—might say that the Government want to mute every avenue of accountability, from the BBC to the Freedom of Information Act and now the courts.

Specifically, the removal of the retrospective effect of a quashing order will have a chilling effect on judicial review. What is the point of the seeking of a remedy without redress? Victims of past unlawful state actions might not be compensated. Litigants who are similarly impacted before and after a judgment will be treated differently. Legal aid may be refused on the grounds that a remedy for past loss is not available. All in all, the Bill goes much further than the dry terminology of the statute suggests. It also goes further than the independent panel recommended: it saw no need for prospective-only orders and dismissed the idea of presumptions in favour of them.

As we have heard, the Bill will also abolish Cart judicial reviews, which are most often used in serious asylum and human rights cases but have also been used in welfare cases when someone was on the brink of being made destitute or homeless. That is the answer to the point about the fact that the success rate may not be among the highest—albeit it is still higher than the Government previously said it was—and the reason why there is a special reason for retaining such reviews. Those points have been made but they are, with respect, not good points, because Cart reviews are a last-gasp defence for some of the most vulnerable people in the most desperate situations. The Bill's impact assessment concedes that, saying:

“The majority of Cart cases relate to Immigration and Asylum, therefore those who lose out...are more likely to have particular protected characteristics, for example in respect of race and/or religion or belief.”

Cart reviews are an important safeguard and there is already a high threshold for bringing them. Moreover, the original proposal was based on wrong data, as I have said. I agree that the estimate of the percentage varied from the clearly wrong 0.22%, to the 3% that the Government now maintain, to the nearly 6%—30 times the originally cited figure—on which a number of learned and informed sources have made submissions to us.

Let me give just one example—there will be time in Committee to give a lot more—of the type of case affected. G was trafficked into the UK from her home country of Nigeria. Traffickers in both countries had brutally mistreated her and subjected her to serious physical and sexual abuse. While she was in the UK, she gave birth to a child, whom she looked after alone. The Government did not dispute that G was a victim of trafficking, but a tribunal convened to decide what support and protection she ought to receive went beyond the statements of the parties and decided that she was not, in fact, a victim of any trafficking or exploitation. This meant that she could be removed from the UK and would have resulted in her falling back into her trafficker's hands.

The Cart procedure was used to re-evaluate the decision before the High Court. The Court found that the tribunal had made a series of errors leading to

“elementary and serious breaches of the principles of procedural fairness”

and that, as such, its decision could not stand. The High Court ruled that G's case was not only arguable and should have proceeded, but that it was “bound to succeed” based on the strength of her claim. Without

that ruling, the tribunal's original "fundamentally flawed" ruling would have been put into effect, putting G and her child in the greatest danger imaginable. It is difficult to see why such a case should be refused the opportunity of legal remedy. That is certainly the opinion that the Bingham Centre for the Rule of Law and others have impressed on us in briefings, right up to and including today.

The Government's statements on matters going beyond Cart suggest that the use of an ouster cause will serve as a template to abolish other types of judicial review in future.

The press release announcing the Bill stated that

"the legal text that removes the Cart judgment will serve as a framework that can be replicated in other legislation."

That is quite chilling in itself. The Government would do better to heed the words of Lord Neuberger, former president of the Supreme Court, who said last week:

"Ouster clauses...which are intended to ensure a particular class of decision cannot be judicially reviewed, carry with them the inevitable implication that whoever has the protection of the ouster clause has the right to break the law with impunity".

Perhaps with an eye on this latest legislative attempt to rein in our independent judiciary, he added that judicial review

"is what ensures that the executive arm of government keeps to the law and that individual rights are protected."

Perhaps also the Conservative party is no longer a party of individual rights.

Part 2 contains a number of measures to increase the use of technology and online justice procedures, some of which, as I have said, have been rehashed from earlier legislation. The justice system has to adapt to new technologies, just as the rest of us do—some with more success than others—but technological change does not affect everyone in society equally. We cannot have a justice system where people are locked out because they do not have the means or the knowhow to navigate the digital frontier. We must make sure that this drive to digitisation leaves no one behind. Justice must never be sacrificed for efficiency.

If there is sufficient opportunity, for example, for taking advice on pleas to be heard before a tribunal for open justice, are corners being cut in the interests of rapid and economical disposal of cases? All those questions arise in revisions currently in part 2 of the Bill. We also have concerns around plans to set up an online procedure rules Committee. The Committee itself makes sense, but why, given that it is supposed to be a practical aid to practitioners, is it a creature of the Lord Chancellor, who merely has a duty to consult the Lord Chief Justice and the senior president of tribunals before making amendments to the rules?

The last major area of concern we have is in the provisions relating to coroners' courts. Again, there is a danger that, in a rush to reduce unnecessary procedures and facilitate greater online participation, people who are less capable of navigating the new system will be excluded. There is nothing to address existing problems with the coroners' service and, on Thursday, we will be debating the Justice Committee's excellent report—I was a member of the Committee at the time—which raises a number of serious issues, including, in particular, the inequality of arms, as we have heard from many Members today, faced by many bereaved families who

are not entitled to legal aid at inquests where the state is representing. We can discuss that in Committee and we can discuss it on Thursday.

The peremptory response and dismissal of many of the Committee's major recommendations is something that the Government should look at again. It is another example of why this Bill is not fit for purpose. There is too much focus on areas where the law works well, and too little where it is failing. Above all, it is an unforgivable distraction at a time when all focus should be on getting the justice system back on an even keel. The Bill seeks to undermine the rights of the individual against the state and it looks like another attempt by this Government to stoke a political war with the judiciary—something that would be more recognisable in Hungary or Poland.

We can try to salvage the administrative good from the political bad as the Bill progresses through both Houses, but there is no way that any Member of this House who cares about the rule of law or the checks and balances of our constitution should be supporting this Bill on Second Reading tonight.

5.49 pm

**The Parliamentary Under-Secretary of State for Justice (James Cartlidge):** I am grateful to all right hon. and hon. Members who have contributed today. It is an honour to follow the hon. Member for Hammersmith (Andy Slaughter). He asked if he should be welcoming me to my place; I am grateful to him for that. I also welcome him. I know that he performed his role for many years, from 2010 to 2016, but it is good to see him back in his place. I look forward to debating with him.

This is my first opportunity to speak in the role of Courts Minister, so I want to take a moment to put on record my enormous gratitude to all those on the frontline in our court system, including our judiciary, practitioners, all court staff and clerks. They have all put in one hell of a shift during the pandemic to keep justice going in this country. It makes me proud to be British.

The one thing that I would stress, having visited the courts and seen how they have had to adapt, is just how much social distancing rules disrupted the judiciary. The 2-metre social distancing particularly affected juries in the Crown court. It has been very difficult. For that reason, a significant backlog has accumulated and we have been open about that. The key thing is that we have been active in bringing forward positive measures to address that backlog. We provided £250 million of funding during the pandemic, which enabled us to lift the limit on sitting days in the Crown court, and rapidly to roll out technology to keep justice going online during lockdown, which was incredibly important. Of course, we also brought forward our famous Nightingale courts, which have done an amazing job in helping us, particularly with bail cases.

This Bill plays its part in those positive steps to address the backlog. The common thread is streamlining justice: digitising in-person processes where appropriate; removing Cart judicial reviews, which use disproportionate resource; and enabling more triable either-way cases to be sent from the Crown court to the magistrates so that Crown courts have more capacity for dealing with very serious criminal trials, potentially including rape and murder. The Bill will build on the lessons of the pandemic. It streamlines our justice system by digitising a range of



[James Cartlidge]

procedures so that we bear down on the backlog and at the same time improve the day-to-day experience of our constituents in the court system.

We have had a wide-ranging debate. Inevitably, the focus has been on the measures on judicial review. My hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Justice Committee, made a wonderful speech, not least when he extolled the glories of English liberty. He said that the judicial review reforms are measured and focused, and I do not think that he would be described as an enemy of the judiciary or someone who supports revolutionary measures. These are sensible, proportionate measures.

The right hon. Member for Tottenham (Mr Lammy), with whom I look forward to debating further, said that these measures weaken quashing orders. I take completely the opposite view. The measures strengthen quashing orders and thereby strengthen judicial review. The best way to prove that is to refer to an important and very real case study, which many hon. Members will remember, particularly those, like me, who served in the last Parliament and represent rural constituencies.

Members may recall the problems caused in 2019 when Natural England decided to revoke general licences for shotguns—shotguns that enabled farmers, landowners and gamekeepers to shoot pest birds. That happened in response to a threatened judicial review. The decision created immediate widespread chaos for licence holders, who were left without the necessary legal certainty as to how they could protect their livestock. I know this because I was on the receiving end of emails about the issue from my constituents, as many other hon. and right hon. Members will have been.

The uncertainty continued for a period of seven weeks, until Natural England was able to issue new licences. It is not for me to speculate about how the judicial review might have proceeded if it had gone right through the court. However, we can refer to the advice that might have been given to Natural England. Had the remedies included in clause 1 of this Bill been available at the time, we can suppose that Natural England might have been more willing to contest a judicial review in the knowledge that, even if the existing licence scheme were found by the court to be unlawful, the court had the ability to act prospectively—that is, to protect past reliance on old licences, which, after all, was made in good faith; farmers using those shotguns would have done so in the belief that they were acting lawfully.

In my view, we should always seek to avoid, where possible and without good reason, acting retrospectively when the person concerned could not possibly have known what the case would be in the future. A remedy of suspension could also have been used, because of course it took three months to bring forward the new licences. If the suspension had been for that sort of period of time, we could have avoided detriment. That is the point. Those who brought the case would still have got their “victory in court”, as my hon. Friend the Member for Bromley and Chislehurst talked about earlier, but the key point is that we would have spared our constituents detriment. That is why these measures are positive. That is why they support a very important principle of judicial review that has not been mentioned, which is better public administration of the law in the

best interests of our constituents. As the National Farmers Union said at the time, “People have been left without a legal means to control problem birds. Their inability to protect livestock, crops, wildlife and livelihoods in ways which the law has until now allowed has left them concerned and angry.” Now we would have a way to help them in practice.

Turning to Cart judicial reviews, again there was lots of passionate argument on this very important point of the Bill. My right hon. and learned Friend the Member for Kenilworth and Southam (Jeremy Wright) made one of the most fundamental points about parliamentary sovereignty where we have to question whether it was the intention of this place to legislate so that appeals would go beyond what is effectively the superior court of appeal within the jurisdiction of the tribunal. We think that was not the case.

My hon. Friend the Member for Newbury (Laura Farris) made an absolutely brilliant, barnstorming speech. On Friday she took apart Labour’s case for fire and rehire and today she has taken apart its case on Cart JR. She asked the very important question of why immigration should be the exception when so many other jurisdictions of law do not have, with no offence to the hon. and learned Member for Edinburgh South West (Joanna Cherry), three bites at the cherry. This is a very important point. The idea of having a superior court like the upper tribunal is absolutely consistent with the principles of article 13 of the European convention of human rights, so three bites at the cherry should not be needed to be consistent with that article of human rights. That is a fundamental point and we respect it with our reforms to judicial review.

Turning to the right hon. Member for Tottenham, he said that he was young and naive when he supported remarkably similar measures back in 2004. I think it would be remiss of us not to have two bites at the cherry with regard to Labour’s Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. He may have been young and naive but the Prime Minister was Tony Blair, and he was not young and naive. Why does the right hon. Gentleman think that the Government led by Tony Blair thought they should bring forward a Bill like that—because it was some radical assault on the judiciary?

Let us remind ourselves of what that Act did. It contained a provision to remove judicial review from immigration and asylum appeals. That probably sounds a bit familiar. What was the justification? I hope that the hon. Member for Glasgow North East (Anne McLaughlin) is listening. The justification, as revealed by the right hon. Gentleman in Committee at that time, because he was the Minister concerned, was that only 3.6% of cases were successful. That was the argument that Labour used in 2003 and 2004: does it ring any bells? What was the method? The method was an ouster clause, but not any ordinary ouster clause—not a tightly drawn ouster clause like the one in this Bill—but an ouster clause drafted so widely that in Committee the then Constitutional Affairs Minister admitted that it was the mother of all ouster clauses. Who was the Constitutional Affairs Minister? It was the right hon. Gentleman.

**Mr Lammy:** I hesitate to interrupt the hon. Gentleman in his oration, because he was getting into his groove, but I would just say to him that it was dropped—it was never enacted, so poor it was.

**James Cartlidge:** They pulled it because they were going to get hammered in the House of Lords.

On Cart JR, the hon. Member for Bath (Wera Hobhouse) seemed to imply that somehow an ouster clause is fundamentally against the interests of holding Government to account. Every day that this place is sitting, hon. and right hon. Members will stand up and speak on behalf of their constituents on serious matters. I once spoke in a debate on the Adjournment—the one where our former colleague spoke many times. I spoke on a very serious case in my constituency of a very vulnerable man who had had a stroke and had, I felt, been let down by a company in my constituency. I was able to name that company in this House and hold it to account, as we all do. On what legal basis was I able to do that? It was article 9 of the Bill of Rights 1689—effectively a very ancient ouster clause that ensures that proceedings in this place are not subject to the courts, as you well know, Madam Deputy Speaker.

We all benefit from an ouster clause, and it helps us to hold the Government to account.

**Joanna Cherry:** It was generously suggested earlier that the Minister might respond to my query about the impact of clause 2 on the treaty of Union and the Scotland Act 1998. It is a slightly complicated point, but if I write to him about it, will he get back to me, because it is a really important point? If the Law Society of Scotland is right, the Bill needs a legislative consent motion.

**James Cartlidge:** I have to be honest with the hon. and learned Lady: it is very kind of her to ask me to write to her, because that is what I would have suggested in my answer anyway. Speaking to her earlier question, we do not think a legislative consent motion is needed, because the Cart judicial review only covers reserved matters.

Coming quickly on to the online procedures, these are incredibly important. I know from my own business—we started doing mortgages online in 2005—that those procedures we are used to doing face-to-face can be conducted online, provided there is good software and safeguards and support in place. I refer to the speech of my hon. Friend the Member for Crewe and Nantwich (Dr Mullan). He is a brilliant MP. He is my parents' MP, and they tell me he is a fantastic campaigner. He asked, as did the hon. Member for Battersea (Marsha De Cordova), who was here earlier, what help would be provided for vulnerable users. I can assure my hon. Friend and the House that we take that incredibly seriously. With all these procedures that will be taking place online, or at least where there is an option to go online, there will be strong support and safeguards in place, in particular to protect vulnerable users. In those key choices of, for example, entering an early plea online, there would always be the option for the person concerned to ask for their case to be heard in the flesh in the traditional way.

I have a few final points. We had a number of other excellent speeches. My hon. Friend the Member for Aylesbury (Rob Butler) served as a magistrate before coming to this place. We are all proud of the excellent work of our voluntary judiciary. A number of my hon. Friends, including my Parliamentary Private Secretary, my hon. Friend the Member for Hertford and Stortford (Julie Marson), have been or are magistrates, as I assume

have Opposition Members. I would love to meet them to talk about what more we can do to support magistrates. My hon. Friend the Member for Aylesbury praised the very important measures in the Bill, not least the measure that will ensure we can remit cases from the Crown court to the magistrates court. That is so important because it frees up time in the Crown court to hear those important criminal cases that are backlogged—the rapes, the murders and so on.

It is a great honour to be asked to become a Minister in the Department responsible for the world's greatest justice system. It is so great is because of its fundamental core of the rule of law and the independence of the judiciary. If we are to sustain that system not just beyond covid recovery, but for the long term, we need to keep modernising our courts and to digitise and use technology as much as possible, while balancing that out with safeguards for the vulnerable. It is quite simple: with this Bill we can build back better and beat the backlog. I commend the Bill to the House.

*Question put, That the Bill be now read a Second time.*

*The House divided: Ayes 321, Noes 220.*

**Division No. 96]**

**[6.3 pm**

**AYES**

Adams, rh Nigel	Bruce, Fiona
Afolami, Bim	Buchan, Felicity
Afriyie, Adam	Buckland, rh Robert
Aiken, Nickie	Burghart, Alex
Aldous, Peter	Burns, rh Conor
Allan, Lucy	Butler, Rob
Anderson, Lee	Campbell, Mr Gregory
Anderson, Stuart	Carter, Andy
Andrew, rh Stuart	Cartlidge, James
Ansell, Caroline	Cates, Miriam
Argar, Edward	Caulfield, Maria
Atherton, Sarah	Chishty, Rehman
Atkins, Victoria	Chope, Sir Christopher
Bacon, Gareth	Churchill, Jo
Bacon, Mr Richard	Clark, rh Greg
Badenoch, Kemi	Clarke, rh Mr Simon
Bailey, Shaun	Clarke-Smith, Brendan
Baillie, Siobhan	Clarkson, Chris
Baker, Duncan	Cleverly, rh James
Baker, Mr Steve	Clifton-Brown, Sir Geoffrey
Barclay, rh Steve	Coffey, rh Dr Thérèse
Baron, Mr John	Colburn, Elliot
Baynes, Simon	Collins, Damian
Bell, Aaron	Costa, Alberto
Benton, Scott	Coutinho, Claire
Beresford, Sir Paul	Cox, rh Sir Geoffrey
Berry, rh Jake	Crosbie, Virginia
Bhatti, Saqib	Crouch, Tracey
Blackman, Bob	Daly, James
Bone, Mr Peter	Davies, David T. C.
Bottomley, Sir Peter	Davies, Gareth
Bowie, Andrew	Davies, Dr James
Bradley, Ben	Davies, Mims
Bradley, rh Karen	Davies, Philip
Brady, Sir Graham	Davison, Dehenna
Braverman, rh Suella	Dinenage, Caroline
Brereton, Jack	Dines, Miss Sarah
Bridgen, Andrew	Djanogly, Mr Jonathan
Brine, Steve	Docherty, Leo
Bristow, Paul	Donelan, rh Michelle
Britcliffe, Sara	Dorries, rh Ms Nadine
Browne, Anthony	Dowden, rh Oliver

Doyle-Price, Jackie  
 Drax, Richard  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Mrs Natalie  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Foster, Kevin  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Mr Robert  
 Graham, Richard  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffith, Andrew  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Heald, rh Sir Oliver  
 Heappey, James  
 Heaton-Harris, Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hoare, Simon  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil

Hughes, Eddie  
 Hunt, Jane  
 Hunt, rh Jeremy  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Javid, rh Sajid  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kruger, Danny  
 Kwarteng, rh Kwasi (*Proxy  
 vote cast by Stuart Andrew*)  
 Lamont, John  
 Langan, Robert  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Loder, Chris  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherylyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 May, rh Mrs Theresa  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McPartland, Stephen  
 McVey, rh Esther  
 Menzies, Mark  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Mrs Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mitchell, rh Mr Andrew  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill

Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Neill, Sir Robert  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Parish, Neil  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Pincher, rh Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Purslove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg

Smith, Henry  
 Smith, rh Julian  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Tugendhat, Tom  
 Vara, Shailesh  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Wakeford, Christian  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 Whittaker, Craig  
 Wiggin, Bill  
 Wild, James  
 Williams, Craig  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Wright, rh Jeremy  
 Young, Jacob

**Tellers for the Ayes:**  
**Andrea Jenkyns and  
 Steve Double**

#### NOES

Abbott, rh Ms Diane  
 Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Antoniazzi, Tonia  
 Ashworth, rh Jonathan  
 Barker, Paula  
 Beckett, rh Margaret  
 Begum, Apsana  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Bradshaw, rh Mr Ben  
 Brennan, Kevin  
 Brock, Deidre

Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen  
 Burgon, Richard  
 Butler, Dawn  
 Byrne, Ian  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Champion, Sarah  
 Chapman, Douglas  
 Charalambous, Bambos  
 Cherry, Joanna  
 Clark, Feryal (*Proxy vote cast  
 by Chris Elmore*)  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie



Coyle, Neil  
 Crawley, Angela  
 Creasy, Stella (*Proxy vote cast by Chris Elmore*)  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 Day, Martyn  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Doughty, Stephen  
 Dowd, Peter  
 Dromey, Jack  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Fletcher, Colleen  
 Flynn, Stephen  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Grady, Patrick  
 Grant, Peter  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Haigh, Louise  
 Hamilton, Fabian  
 Hanna, Claire  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Healey, rh John  
 Hendry, Drew  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim

Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Kendall, Liz  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Law, Chris  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Maskell, Rachael  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McLaughlin, Anne  
 McMahan, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 Moran, Layla  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Murray, James  
 Newlands, Gavin  
 Nichols, Charlotte  
 Nicolson, John  
 Norris, Alex  
 O'Hara, Brendan  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Oswald, Kirsten  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillipson, Bridget  
 Pollard, Luke  
 Powell, Lucy  
 Qaisar-Javed, Anum  
 Qureshi, Yasmin  
 Reed, Steve  
 Rees, Christina  
 Reeves, Ellie  
 Reeves, Rachel  
 Ribeiro-Addy, Bell

Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Sharma, Mr Virendra  
 Sheppard, Tommy  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smyth, Karin  
 Sobel, Alex  
 Stephens, Chris  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tami, rh Mark  
 Thewliss, Alison

Thomas-Symonds, rh Nick  
 Thomson, Richard  
 Thornberry, rh Emily  
 Timms, rh Stephen  
 Twigg, Derek  
 Vaz, rh Valerie  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Noes:**  
 Mary Glindon and  
 Liz Twist

*Question accordingly agreed to.*  
*Bill read a Second time.*

### JUDICIAL REVIEW AND COURTS BILL (PROGRAMME)

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

That the following provisions shall apply to the Judicial Review and Courts Bill:

#### *Committal*

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

#### *Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 23 November 2021.

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

#### *Proceedings on Consideration and Third Reading*

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

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

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

#### *Other proceedings*

7. Any other proceedings on the Bill may be programmed.—(*Scott Mann.*)

*Question agreed to.*

### JUDICIAL REVIEW AND COURTS BILL (MONEY)

*Queen's recommendation signified.*

*Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Judicial Review and Courts Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(1) any expenditure incurred under or by virtue of the Act by the Lord Chancellor; and

(2) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—(*Scott Mann.*)

*Question agreed to.*

## Business without Debate

### DELEGATED LEGISLATION

*Motion made, and Question put forthwith (Standing Order No. 118(6))*

#### PUBLIC HEALTH

That the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 3) Regulations 2021 (SI, 2021, No. 1073), a copy of which was laid before this House on 22 September, be approved.—(*Scott Mann.*)

*Question agreed to.*

### PETITION

#### Electrification of the Hull to Selby railway line

6.19 pm

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): I rise to present a petition from Hull North constituents and others signing online at [change.org](https://change.org).

Hull is a city of ambition, aspiration and enterprise—we are the energy estuary, a freeport and a recent UK city of culture—but that has not been reflected in our worsening rail services. Tomorrow's spending review, and the integrated rail plan expected in November, will show whether the Government are serious about levelling up the whole of the north and about green transport ahead of COP26. Hull's MPs have also written to Ministers setting out seven tests on levelling up for transport.

The petition states:

The petitioners therefore request that the House of Commons urge the Government to prioritise the rail electrification of the Hull-Selby line and the upgrading of the railway line between Sheffield and Hull via Goole by inclusion in the forthcoming Integrated Rail Plan.

And the petitioners remain, etc.

*Following is the full text of the petition:*

*[The petition of residents of the United Kingdom,*

*Declares that rail links to Hull are among the poorest in the north of England; further that the current train service reliability of 60 per cent or lower means it is quicker to travel to Leeds by road; further that the Humber-side economy is increasingly supplying renewable energy but poor rail connections to Hull and the port do not encourage sustainable transport choices; further that electrifying the Leeds to Hull route via Selby, and significantly upgrading the railway line between Sheffield and Hull via Goole, will permit cleaner, faster and more reliable trains to run in and out of Hull; further that this will provide an electrified railway from east to west and allow freight to cross coast to coast more efficiently; and notes that the Government has committed to a carbon neutral economy by 2050.*

*The petitioners therefore request that the House of Commons urge the Government to prioritise the rail electrification of the Hull-Selby line and the upgrading of the railway line between Sheffield and Hull via Goole by inclusion in the forthcoming Integrated Rail Plan.*

*And the petitioners remain, etc.]*

[P002694]

## Child Sexual Exploitation: Bradford

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

6.21 pm

**Robbie Moore** (Keighley) (Con): Madam Deputy Speaker, I thank you and Mr Speaker for granting this urgent debate on child sexual exploitation in Keighley and across the Bradford district.

Child sexual exploitation is abhorrent, but I am afraid that the issue is being swept under the carpet. Local government leaders and people in positions of influence have a duty of care to protect the most vulnerable in society—our young children, women and girls. People need to open their eyes to this issue. We know that young children remain at risk. It is about time that we tackled these horrific, vile and criminal activities once and for all.

In my mind, in order to move forward, it is vital that we call this issue out for what it is, hold those authorities that have failed our communities for far too long to account, grasp the scale of the problem, understand its complexities—the hierarchy, the methodology and the chain of command that sits behind these darkest and most vile acts—and get to grips with how and why communities such as the one that I proudly represent in Keighley have been allowed, under the watch of so many, to be haunted by gang-related child sexual exploitation for far too long. If we do not address these issues properly, openly and with a real willingness to deal with them, those at the centre of all this—our young children—will continue to be let down, to be targeted, and to be exploited and sexually abused by the worst individuals our society knows.

It has now been more than 20 years since the former Member of Parliament for Keighley, Ann Cryer, first very publicly raised her concerns about grooming gangs and child sexual exploitation in the Pakistani community in my constituency. Ann deserves enormous credit for her work talking about this very difficult subject, but I am afraid that in that time, nothing has really changed. No real progress has been made in dealing with this issue across Keighley and the wider Bradford district.

I am incredibly conscious of just how delicate this subject is, but we should not be frightened of talking about it. My view is that unless we talk openly, we are failing. So let us call this problem out for what it is: predominantly a small minority of largely Pakistani Muslim men in West Yorkshire—including, I am sad to say, in Keighley and across the Bradford district—who have been sexually exploiting young children for far too long. The Pakistani community are quite rightly outraged that the entire community is being branded with the same accusation. That is not fair and it is deeply offensive.

**Jackie Doyle-Price** (Thurrock) (Con): My hon. Friend is making a very powerful speech and rightly shining a light on, frankly, an absolute abdication of responsibility by the authorities in his constituency. Does he agree that if the Government are serious about tackling male sexual violence against women and girls, it is absolutely imperative that we tackle cultural practices where we find them?

**Robbie Moore:** I absolutely agree with the points my hon. Friend makes so eloquently. Let us be absolutely clear: I have had to bring this debate to the Chamber

because, as a representative of Keighley in the Bradford district, I am experiencing those points: failure by our local council and failure by our new West Yorkshire Mayor—who is lucky enough to be in a new position, in charge of West Yorkshire police—to tackle these issues head on.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): This issue was first brought to light in Rotherham. At that time, many organisations such as the police and the council felt that they were maybe being racist by tackling it because it involved one particular community. Is that still a problem, or has that been cleared up?

**Robbie Moore:** This is a very delicate subject and I am acutely conscious of that. I must admit that I am nervous talking about it, but we have to address these issues. Every community across the country is different, including mine, but we have to look at the common denominator. I want to be very clear that this is not about race or pitching communities against each other. It is about looking at the facts, so we can address them head on and move forward.

**Philip Davies** (Shipley) (Con): I am very grateful to my hon. Friend and parliamentary neighbour for giving way. I commend him for bringing forward this debate and for all the work he is doing locally to shine a light on this issue. Does he agree that this is about the victims and ensuring they get the justice they deserve, and ensuring there are no future victims of this terrible crime? Does he agree that if Bradford Council and the authorities there will not bring forward a much needed inquiry—partly because, presumably, it will expose huge amounts of wrongdoing on their part—the Government should make sure that we have an inquiry, so that we can get to the bottom of what has gone wrong and make sure it never, ever happens again?

**Robbie Moore:** I thank my hon. Friend and constituency neighbour for making those points. We must never forget who is at the centre of this debate and who is experiencing these horrific, vile acts. I will come on to some of the alarming and horrific cases experienced by many young girls across my constituency and the wider Bradford district. We need to be absolutely clear that local leaders, Bradford Council and our new West Yorkshire Mayor should be using their position to call this issue out for what it is; be clear about taking these issues forward; and be wanting to get behind resolving these issues. My view is very clear: we need a Rotherham-style inquiry to address these issues. Finally, on his point about influence from a national level going down to local leaders, I very much hope to use this opportunity to encourage the Government to use their weight to put pressure on Bradford Council and our new West Yorkshire Mayor to do the right thing.

**Lee Anderson** (Ashfield) (Con): I thank my hon. Friend for bringing this subject to the Chamber. It is very, very important. Does he agree that the only way we will know the full scale of these vile crimes in Bradford is for a full Rotherham-type investigation? Does he also agree that certain local politicians on the council and the West Yorkshire Mayor should hang their heads in shame?

**Robbie Moore:** My hon. Friend makes a valid point. We need to understand the scale of the problem across the Bradford district, and I will come on to that later in

my speech. Only this summer, in July, a light, limited, 50-page review was released, and Bradford Council and our new West Yorkshire Mayor feel that that is acceptable. We need a full Rotherham-style inquiry to look at this, so that we can get real learnings and provide reassurance for victims.

**Lucy Allan** (Telford) (Con): I congratulate my hon. Friend on being brave enough to bring this matter forward with such passion and such force. May I suggest that he works closely with the hon. Member for Rotherham (Sarah Champion), who has been a huge support to me in tackling these issues? Local councils do not want to have inquiries. My local council vigorously opposed an inquiry, and when we eventually succeeded in getting one, with great help from the then Home Secretary, it ambushed the inquiry by deluging it with 1 million documents. Four years on, the victims in my constituency who came to me for a solution have not had their inquiry. I urge my hon. Friend the Minister to go for a Rotherham-style inquiry, which was effective and delivered what it needed to—justice for victims.

**Robbie Moore:** I thank my hon. Friend for that intervention, and I wholeheartedly agree with the points she makes. She kindly made reference to my hon. Friend—if I may say so—the Member for Rotherham (Sarah Champion). This is one of the most important debates that we must have in this House, but when I look at the Opposition Benches, I see that she is the only hon. Member who has turned up to the debate. That speaks volumes. I thank her for coming along; it is exceptionally kind. I agree that yes, we must have a full Rotherham-style inquiry to get to grips with the issue, because I certainly do not want it to continue to be swept under the carpet.

I want to make the point that this is not about race or pitting communities against each other; it is about looking at the facts so that we can address them and move forward. Of course it is about looking at that common denominator, but it is no different from identifying other common denominators when looking at child sexual exploitation, such as we have seen in inquiries on similar subjects—regarding the Catholic church, for example. The reality is that we must understand the complexities that relate to a community so that we can move forward.

The consequences of not acting are extremely serious. If we tiptoe around the edges or fail to talk openly about these challenges, we fail both the victims and the Pakistani community. Those victims, mainly young girls, are having their lives ruined at a young age by vile and disgusting sexual abuse, and it is all being done while authorities, including Bradford Council and West Yorkshire police, turn a blind eye and fail to take action year after year.

**Mr Goodwill:** Is it not the case that many of those girls will either be in the care of the local authorities, as looked-after children, or come from families that social workers are closely engaging with?

**Robbie Moore:** My right hon. Friend makes a worrying and accurate intervention, because that is absolutely the case. Most of the young girls we are talking about, as I will come on to later in my speech, are the very girls who are in protective care of the authorities that should be looking after them.



**Sarah Atherton** (Wrexham) (Con): A mark of a good society is how we protect our most vulnerable. I trained as a social worker in Liverpool in 2000, and anecdotally we knew that institutional cover-ups were going on because people were too afraid to do anything. I urge my hon. Friend to go forth and continue with this campaign; I know he will see personal repercussions for it, but I am fully behind him.

**Robbie Moore:** I thank my hon. Friend for her kind intervention. As representatives, we are all elected to do the very best for our community and call out the difference between what is right and what is wrong. This is not a political issue; it is about doing the right thing to stand up for our communities.

This summer, a limited review, which focused on just five children who had been sexually abused over the past 20 years in the Bradford district, was published. It makes horrifying reading. Let me tell the House about Anna—not her real name—who is mentioned in the review. She was repeatedly sexually abused by gangs of men while she was in care. The review says that when she was 15, she had an Islamic marriage with her abuser, and her social worker attended the ceremony.

Ruby—not her real name—had a disrupted childhood, which included the death of her mother when Ruby was a very young child. At the age of 13, Ruby was identified as being at risk of child sexual abuse. Throughout her childhood, she experienced 14 different placements in looked-after care. She was sexually abused, and the report identifies that childcare services in Bradford “did not keep her safe.”

The limited review published in the summer is only a 50-page document. To my mind, it reflects only the tip of the iceberg of what has been going on across the Bradford district. In 2016, a group of 12 men who committed serious sexual offences against two young girls from Keighley and Bradford were jailed for a collective 132 years. One of those girls was raped by five men in succession. Live cases involving grooming gangs are still working their way through the courts. Only last October, 21 men from Keighley and Bradford were arrested after being linked to offences that allegedly occurred against a young girl between 2001 and 2009.

Decisive action is needed if we are to deal with the issue. That is why we need a full, independent Rotherham-style inquiry into child sexual exploitation in Keighley and the wider Bradford district.

**Philip Davies:** My hon. Friend is absolutely right; I commend him for everything he says. Is it not shocking that the leader of Bradford Council, Susan Hinchcliffe, has said that we should not have a Rotherham-style inquiry in Bradford because it “won’t find anything new”? Is that not shocking complacency on the part of the leader of Bradford Council? If the council has nothing to hide, it would have nothing to fear from such an inquiry; we could all know once and for all exactly what has happened, satisfy ourselves that there is nothing to hide, and make sure that nothing like this ever happens again. Is her attitude not terrible and complacent? Does it not show complete disregard for the victims?

**Robbie Moore:** I thank my hon. Friend and neighbour for his kind intervention. He eloquently makes a crucial point: the leader of Bradford Council is in a unique

position to trigger a Rotherham-style inquiry. I do not understand what the council, or others such as our new West Yorkshire Mayor, should have to fear from being more open and transparent or from wanting to move things forward in the best interests of victims across our constituencies and the wider Bradford district.

How do we get there? How do we instigate a full Rotherham-style inquiry? As happened in Rotherham, Bradford Council can and should appoint an independent chair such as Professor Alexis Jay to conduct an independent inquiry into its handling, and associated agencies’ handling, of child sexual exploitation over the past 20 years.

We need to learn lessons locally to find out what has been going wrong with institutions such as Bradford Council, West Yorkshire police and Bradford’s child protection services. Believe me, they need addressing. Bradford’s children’s services department is in a state of chaos. In 2018 it was rated by Ofsted as inadequate, needing severe improvement. Only this summer the Government had to step in and put a commissioner in charge of the department to look at it, and only this week a further Ofsted report was released: it was incredibly damning, stating that no improvement was taking place at a sufficient pace.

**Philip Davies:** Is it not telling, given all these failings of children’s services at Bradford Council, that council leaders never take responsibility for those failings? There is a merry-go-round of children’s services directors being fired and hired, while the people at the top of the council never accept responsibility for the failings that occur on their watch.

**Robbie Moore:** Leaders of any organisation have a responsibility to do the right thing. It is unfortunate that Bradford’s children’s services department has been on the watch of not only the current council leader, but the same chief executive who has presided over those children’s services since 2015—yet here we are in 2021 with the Government having to step in and do the right thing.

In August, as I have said, a damning report was produced, and that is why Bradford Council needs to stop sweeping this issue under the carpet and launch a full, independent, Rotherham-style inquiry. I will settle for nothing less. As Anna—one of the victims I talked about earlier—said:

“What victims need is a full inquiry, if Rotherham had one, why are we denying it to the thousands of children here in Bradford.”

I have received endless pieces of correspondence asking why so little has been done to tackle child sexual exploitation over the past 20-plus years across the Bradford district. Since I was elected, less than two years ago, I have raised this issue repeatedly, both locally and here in the House. I am raising it again today, and I will continue to raise it. I will not let this issue drop. I was even told that by continuing to raise it I was stoking racial tensions, but that is the nub of this issue. It is not being dealt with. This has nothing to do with stoking racial tensions. It is about the difference between right and wrong, and fundamentally it is about protecting young children.

Those in positions of responsibility need to have the guts to take action. Too many people in positions of responsibility have ducked this issue for decades. Take my predecessor, John Grogan, who said: that an inquiry would not

“be in the best interests of young people.”

Our new West Yorkshire Mayor Tracy Brabin, the former Member of Parliament for Batley and Spen, is now in charge of policing in West Yorkshire. She is in a perfect position to show leadership and tackle this issue once and for all.

**Lee Anderson:** I thank my hon. Friend for giving way again: he is being very generous with his time. Does he agree that once the inquiry takes place and we get to the bottom of this, and the grooming gangs are put away—in prison, where they rightly belong—the next call will be these lazy politicians? They need locking up too.

**Robbie Moore:** I thank my hon. Friend for his intervention, and I sincerely share his frustration that local leaders are not taking this seriously.

The person that our new West Yorkshire Mayor has put in charge of policing says that this is not a Bradford problem. Let us look across this House. Do most Members represent communities where the local council has missed “clear signs” of child sexual exploitation? Do most Members represent communities where the local children’s services department has just been taken over by the Government, who have stepped in and put a commissioner in charge, and has been the subject of two consecutive very damning Ofsted reports? Do most Members represent communities where children remain unprotected and continue to be sexually exploited? No, they do not. The Bradford district is haunted by these problems and we need to tackle them head on.

This issue has gone on for many years, and of course the administrations at Bradford Council have changed. MPs have changed. However, those who are now in positions of responsibility need to take action. In my view, it is shocking that in responding to calls for a full, independent Rotherham-style inquiry, the leader of Bradford Council, Susan Hinchcliffe, said that an inquiry “would not be of additional value”

and that she had been “personally hurt” by my comments. This is not personal. This is about calling on those who are in a position of responsibility to do the right thing. If we continue in limbo and fail to take action, the very worst of humanity will exploit this issue for their own gain. Sadly, this happened in my constituency in 2005 when the British National party made Keighley its No. 1 target seat in the parliamentary election. It came into our town, bombarded it with leaflets, held rallies and inflamed racial tensions.

We need to think about the victims in all this: those who have been let down by the very organisations that should have been there to protect them. For Bradford Council, the police and our new West Yorkshire Mayor simply to hang their hat on a limited 50-page review that looked at only five children who had experienced these horrendous events is weak. We must never forget who is at the heart of these conversations. It is the children, the young victims, who have been let down for years by the very organisations that are there to protect them. All of us who are in positions of responsibility have a duty to do the right thing.

In conclusion, here are the facts. Child sexual exploitation is, sadly, a big problem in Keighley and the Bradford district. It has been for many years. It is an abhorrent, disgusting and vile issue, and it needs addressing, especially in the light of the limited review published earlier this year that leaves us with far more questions than answers.

Local leaders must stop sweeping this issue under the carpet and tackle it head on. They must open their eyes. I will not let this drop. We need an independent, Rotherham-style inquiry so that we can look at what has gone wrong in the past and ensure that these vile abuses come to an end. We need to reinstall trust in these authorities by the victims, their families and the wider public who have been let down by them. So let us get this done and let us make our community much safer for our children.

6.48 pm

**The Parliamentary Under-Secretary of State for the Home Department (Rachel Maclean):** I would like to thank my hon. Friend the Member for Keighley (Robbie Moore) most sincerely for securing this debate and all other Members for their contributions this evening. I commend my hon. Friend for his perseverance and for his powerful speech, which cannot have been easy for him to stand up in the House and deliver. He has given a voice to people who have been voiceless for far too long. It was shocking, disgusting and appalling to hear the harrowing testimony that he set out for us this evening. None of us can listen to these accounts without being impacted and horrified. It is truly shocking to hear of the cases set out in the recent review in Bradford. These are instances of the most vulnerable in our society being preyed upon and abused by ruthless criminals, and the review makes for distressing reading. These children experienced multiple traumas, in most cases starting long before they were victims of sexual exploitation, at a time when they should have been nurtured and protected. Aged as young as 13, what they went through is almost too horrific to contemplate. I am sure all hon. Members will want to join me in paying tribute to them and to all victims of sexual abuse and exploitation who have bravely come forward to share their experiences, which cannot be easy, to drive change and ensure other children do not go through the same ordeal.

I thank my hon. Friends and hon. Members on both sides of the House who attended this debate and spoke about their experience in their constituency, their lived experience and the considerable expertise they gained in professional fields before coming to this place.

I reassure all victims and survivors that their voices are being heard. We are listening. Across central and local government, law enforcement, the wider criminal justice system and society as a whole, we have a clear responsibility to do everything in our power to protect children from harm, and we are determined to put victims and survivors at the heart of our approach while relentlessly pursuing the perpetrators of these awful crimes.

Since the early 2000s, when several of these horrific cases took place, there have been significant improvements in how local authorities and the police safeguard children in Bradford and across the country, but there is much further to go, as we have heard at first hand from my hon. Friend.

My hon. Friend calls for an independent inquiry in Bradford, similar to the one in Rotherham. I acknowledge the hon. Member for Rotherham (Sarah Champion), who is in her place, and pay tribute to her for all the work she has done. She battled determinedly for many years to give voice to victims in Rotherham and elsewhere.

The independent inquiry in Rotherham was conducted by Alexis Jay and commissioned by Rotherham Borough Council. This Government are crystal clear that it is for

[Rachel Maclean]

local authorities in individual towns and cities such as Bradford, as they are responsible for delivering services, to commission local inquiries. My hon. Friend the Member for Keighley has set out with great clarity the mechanisms that are available to local authorities, including in Bradford, to trigger an inquiry. The Government fully agree with his remarks. He is right in every word of what he says. The options are available to Bradford Council and other authorities. I say it again, in case there is any doubt: local authorities have a responsibility, a moral responsibility, to do the right thing. I underline that point, lest there be any doubt: they have a moral responsibility to protect these innocent children.

**Sarah Champion** (Rotherham) (Lab): I have been listening intently to this debate, and I am grateful the subject has been raised in the House. An inquiry is not a silver bullet. We actually had two inquiries in Rotherham, and one was commissioned by the Government, so that is an option for this Government. Once the inquiry has happened, we need to see the support in place for survivors to rebuild their lives. We need to see prosecutions of the criminals and of anyone who colluded or did not act in their job. I hope the Minister will do all in her power to make sure that happens across the country.

**Rachel Maclean:** I thank the hon. Lady for her point. She is entirely right that a whole-system response is required so that victims can rebuild their lives. I shall touch on that further later on in my speech.

I recognise the pain and trauma endured by those who have suffered at the hands of these vile criminals, and I understand their need for answers to the failures and for reassurance that the system that let them down so badly will not do so again. I welcome Bradford Council's work to improve its response to child sexual abuse and exploitation by identifying poor practice through the recent review, but I also expect the council to listen close to the real concerns expressed by Members this evening and to take the most thoroughgoing approach to ensuring that all lessons have been learned and that local partners are doing everything possible to identify child sexual abuse and exploitation and protect children from harm, without letting political and cultural sensitivities deter them.

My hon. Friend the Member for Keighley spoke about the groups committing these crimes in the Bradford area and the need to recognise their common characteristics. The Government are clear that child sexual exploitation happens in all areas of the country and can take many different forms. We know that it is not exclusive to any single culture, community, race or religion, but community and cultural factors are very relevant to the understanding and tackling of offending in each local area, as my hon. Friend set out so eloquently. Let me repeat that political and cultural sensitivities must not deter agencies from uncovering and preventing such devastating crimes. Every local authority must ensure that children are safeguarded, and every police force has a duty to investigate effectively and thoroughly when children come to harm.

**Lucy Allan:** Does the Minister agree that child sex abuse and child sexual exploitation are different crimes and that the police should not include them jointly and make assumptions based on the outcomes of their

doing so? If they put them together, they end up saying that it is a white crime. I had to battle hard against anybody saying that it is not about taking into account the cultural factors because it was all bunched together. They would then also say that it just happens at home, domestically. It is important to take on board the fact that grooming and street grooming are different from child sexual abuse in a domestic setting.

**Rachel Maclean:** I thank my hon. Friend very much for making that point based on her considerable experience and incredible commitment in respect of the issues that she has been tackling in Telford. I shall talk about the collection of data and the analysis of types of crimes and of perpetrators and victims. She is right that that is at the heart of what we must do to improve our response, which is why the Home Office is committed to improving the collection and analysis of data. In March this year, the Home Secretary introduced a new requirement for police forces to collect ethnicity data for those arrested and held in custody as a result of their suspected involvement in group-based child sexual exploitation. My hon. Friend is right to highlight the complexity of these crimes and the need for us to fully understand them in order that we may root them out.

As a Government, we are further supporting local areas to understand and tackle the threat in their areas by funding the prevention programme delivered by the Children's Society. Co-ordinators in each of the 10 policing regions are delivering tailored interventions based on police intelligence, to improve collaboration and help to identify specific threats in each region. The programme has led to the increased identification of victims. We are funding regional child sexual abuse and exploitation analysts in every policing region, as well as a pilot project on tackling organised exploitation, which is developing a system to bring together intelligence at local, regional and national level, thereby improving analysis and tasking so that police throughout the country can understand and respond more effectively.

Nationally, the Independent Inquiry into Child Sexual Abuse is demanding accountability for past failings and making practical recommendations to ensure that children are given the protection that they need. A report on child sexual exploitation by organised networks is expected this autumn, with a final report due in 2022. We will continue to carefully consider all the inquiry's recommendations to ensure that real and permanent change is delivered in how children are safeguarded.

Work is already under way to take action now. Earlier this year, we published a tackling child sexual abuse strategy, setting out how we are driving action across every part of Government, across all agencies and sectors and with charities, communities, technology companies and society more widely. In the beating crime plan, we have reaffirmed our strong commitment to delivering increased reporting of these crimes to the police, increased numbers of offenders brought to justice, improved victim care and support, which was raised rightly by the hon. Member for Rotherham (Sarah Champion), and an overall fall in the prevalence of these offences.

7 pm

*Motion lapsed (Standing Order No. 9(3))*

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



**Rachel Maclean:** As I was saying, it is vital that more of these complex crimes end in prosecutions and convictions to secure justice for victims. To support this, we are ensuring that the complexity and sensitivities of child sexual abuse investigations are understood by policing leaders through the College of Policing's training for senior officers on issues of safeguarding and public protection. We fund the police's vulnerability knowledge and practice programme, which identifies and promotes best practice, ensuring that the most effective approaches to investigating these crimes and safeguarding victims are taken up by forces across the country.

**Mr Goodwill:** Does the Minister recognise that, where girls are over the age of 16 and can give consent, sadly, many of them are being gaslighted and forced into this activity? It is much more difficult for the police to get a prosecution and for the Crown Prosecution Service to take action because, sometimes, these girls do not see themselves as victims, despite the fact that their lives are being controlled by some of these people.

**Rachel Maclean:** My right hon. Friend is right to highlight how difficult these crimes are for us as a society to tackle, but it highlights that we desperately need to tackle them, which is why the Government have set out a number of priorities through the domestic abuse strategy and the violence against women and girls strategy, backed by considerable funding and resources to ensure that we can tackle them where they occur. It is vital that we have close collaboration between agencies, and that forms a key part of our strategy.

The Children and Social Work Act 2017 introduced the most significant reforms in a generation, requiring local authorities, clinical commissioning groups and chief officers of police to form multi-agency safeguarding partnerships. All the new partnerships were in place by September 2019.

Our prevention work has already yielded improvements in Bradford. Through the £13.2 million trusted relationships fund, for example, Bradford Metropolitan District Council has received funding to deliver one-to-one, school-based community support for children aged 10 to 14 years who are at risk of exploitation.

**Sarah Champion:** In 2017, the Government agreed to bring in mandatory relationship education for every child from primary school onwards. That is teaching them about healthy and unhealthy relationships—what is in your pants is your business and no one else's. That has still not been rolled out. By the time these children get to 10 to 14, it is too late for many of them. Can the Minister please urge her colleagues to make this mandatory in every school, as was committed to in 2017?

**Rachel Maclean:** I thank the hon. Lady for her intervention. Her concern has been heard by those Ministers in Government Departments who are responsible for delivering on this. But I can also tell her that, in part of the work that we are doing in the violence against women and girls strategy, we are recognising the vital

issue of communicating to people, including men, about how they need to behave towards women and girls because surely we cannot expect this problem to be solved by women and girls. It has to be solved by all people.

**Philip Davies:** I thank the Minister for her strong words earlier in her speech, saying that Bradford Council should have a full, Rotherham-style inquiry. I hope that has been heard loud and clear. The Government already know the failings of children's services across the Bradford district and have felt the need to step in, so, in the continuing failure of Bradford Council to hold such an inquiry, may I urge her to play her part in ensuring that this Rotherham-style inquiry for Bradford takes place, with or without the support of Bradford Council?

**Rachel Maclean:** I expect nothing less from my hon. Friend than for him to ask me to strengthen my commitment and do everything that I can as Safeguarding Minister and part of the Home Office—no doubt, with the support of the Home Secretary—to make sure that Bradford Council does what it should be doing, what is its moral responsibility and what is in its power to do. As I have said and I do not mind saying again before I wind up this debate, my hon. Friend can be sure that I will continue to follow this vital matter with a huge amount of close interest, because we all have a moral duty to safeguard the victims, who have been voiceless for too long.

I sincerely thank all Members who have contributed this evening. We have heard contributions from the hon. Member for Rotherham, my hon. Friends the Members for Shipley (Philip Davies), for Telford (Lucy Allan), for Wrexham (Sarah Atherton), for Ashfield (Lee Anderson) and for Thurrock (Jackie Doyle-Price), and my right hon. Friend the Member for Scarborough and Whitby (Mr Goodwill). Forgive me if I have omitted anybody; I am sure the good people of *Hansard* will fill it in.

Madam Deputy Speaker, thank you very much indeed for allowing us the time for this vital debate on an utterly appalling crime that is taking place in our society. In my role as Minister for Safeguarding, I am determined to ensure that we confront these crimes wherever and whenever they occur, and whoever is perpetrating them. I once more put on record the thanks of the whole House to my hon. Friend the Member for Keighley, for his commitment, courage and determination. I very much hope that people in Bradford are watching tonight's debate and will consider the next steps.

**Madam Deputy Speaker (Dame Eleanor Laing):** That was a powerful debate. The whole House clearly wants action to occur now. It is not often that we are all in such agreement.

*Question put and agreed to.*

7.7 pm

*House adjourned.*



# Westminster Hall

Tuesday 26 October 2021

[SIR EDWARD LEIGH *in the Chair*]

## Transport Funding: Wales and HS2

9.30 am

**Geraint Davies** (Swansea West) (Lab/Co-op): I beg to move,

That this House has considered transport funding for Wales and HS2.

Bore da. Good morning. It is a pleasure to serve under your chairpersonship, Sir Edward. I am here to talk about HS2 and particularly funding for the railways in Wales. We are all aware that tomorrow the Chancellor has his Budget, that next week is COP26 and that the Government have been talking about connecting the Union, levelling up and net zero. When we think about all those together, there is a compelling case that the Chancellor should look to give Wales our fair Barnett consequential, akin to the Scottish one, so that we can tool up, gear up, connect up and help move the UK towards net zero with more rail investment.

The Welsh Affairs Committee, on which some of us here serve, recently recommended that Wales should receive the same Barnett consequential share as Scotland. Simply put, Scotland gets 91.7%, as a proportion of population, of its share of the total costs of HS2. If Wales got 91.7% of our 5% share of HS2, and if for argument's sake HS2 cost £100 billion, Wales would get something in the region of £4.6 billion. If HS2 ended up costing twice that, we would get something in the region of £9.2 billion. I am sure that we will hear about this from the Minister soon, but we have heard that the projected costs have moved from £38 billion to £100 billion, and now there is talk of costs of £160 billion to £200 billion.

HS2 is obviously a UK scheme. However, it is a north-south spinal scheme, so it will clearly benefit Scotland more than Wales. One could argue that Wales should receive a higher proportionate share than Scotland, but that is not what I am arguing; I am simply arguing that we get our fair share.

I know that the Minister is a great expert in HS2. Phase 1 was originally due to be completed in 2027. That has been kicked forward to 2033, and the latest news from the hon. Member for North West Leicestershire (Andrew Bridgen) is that we are looking at something like 2041. Given the timescale for action that is projected by COP26, we really must get a move on. There is a very strong case that Wales should have its share of the money to get on with shovel-ready schemes in both north and south Wales, to help build productivity and connectivity, to help with levelling up and to help deliver net zero.

We know that the Leeds section of HS2 has been cancelled. We also know that, because of the amount of concrete that will be used, HS2 will take 100 years to become carbon neutral, and that two thirds of the woodlands cut down will be burned by Drax power station, which will affect carbon emissions and air quality.

However, let us assume that HS2 is going ahead full throttle—namely that phase 1 might be over by 2041. We in Wales then have a case to get moving now and to get schemes delivered on the ground. I should disclose that, as people may know, a long time ago I was the leader of Croydon Council. I delivered the Croydon Tramlink scheme, a light rail electrified orbital tram system, which is 26 km long and connects Beckenham, Croydon and Wimbledon. That cost £200 million gross, but £100 million net, because it was a public-private partnership. That scheme, which connected three constituencies, cost the Exchequer only £100 million. With HS2, we are talking about £100 billion—a thousand times that scheme. My point is that there is a lot to be said for small, cluster-based schemes around the country, particularly on an east-west basis. I am talking about the northern powerhouse as well as connectivity to Wales and, very importantly, within Wales.

The situation in terms of relative competitiveness is that I can go from London to Manchester in two hours and 10 minutes, and from London to Swansea in about three hours. With HS2—if it does happen—we will be able to get to Manchester in one hour, so we have to ask what investors are going to do. We have already seen Virgin pull out of Swansea and go to Manchester because of this, and KPMG did a study some years ago showing that we will lose tens of thousands of jobs from south Wales unless we get some investment of our own to connect up, in particular, the clusters of Swansea and westwards with Cardiff and Bristol, to make that engine turn faster.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): To return to the point the hon. Gentleman made about speeds and time, what is the rationale for the Severn tunnel being the dividing line? To the east of the Severn tunnel, a person can travel at 125 miles an hour, but we are supposed to accept that, for some reason, to the west of the Severn tunnel, the speed is 100 miles an hour at best. Why should we accept that as a rationale, when other times for travelling are being so spectacularly improved?

**Geraint Davies:** I completely agree with the right hon. Lady. Obviously, there are engineering and geographic issues here: Brunel originally had a straight line going through to Swansea, which would have taken half an hour—clearly, it used to loop around to pick up coal and that sort of thing. But one of the things about time, of course, is that if you increase frequency, you reduce average time. I appreciate that the Minister may have a different view on HS2, but I think there is too much focus on gaining a few extra minutes when what we really need from HS2 is greater capacity: bigger trains and thicker tracks, or whatever, not necessarily going faster. If I can go to Edinburgh in three hours, which is the same time it takes me to get to Swansea, do I really want to spend £100 billion or £200 billion to gain that extra bit of time?

In the meantime, although I know Members will talk about the benefits for Wales, it is sad that the current plan does not contain the direct link between Crewe and Manchester that would help Wales. As we know from our own line, after we zoom through to Bristol and then to Cardiff, there are a number of smaller stations, and the train has to stop and start and that sort of thing. If HS2 had lots and lots of different stations,



[*Geraint Davies*]

it would have to stop all the time, so that has been ruled out, but that means that people have to travel a long way to get to HS2 and connect with it. If we do not have this Crewe connection—which we will not—the benefits for Wales will be very small, much less than for Scotland. My minimum ask is that we agree the Welsh Affairs Committee's joint party report that said we should get the same share as Scotland, as opposed to more, because Scotland will benefit and we will lose out.

**Craig Williams** (Montgomeryshire) (Con): I am sure it was an omission by my hon. Friend—I call him that because he is Welsh—that he did not mention the Cambrian line, which goes through the heart of mid-Wales to Birmingham. Will he reflect on the hub of Birmingham, and how that impacts on Wales and HS2? He has talked about Crewe, Manchester and Bristol, but mid-Wales looks east to west, and that Birmingham exchange is incredibly important to my constituents.

**Geraint Davies:** The hon. Member makes an important point. Overall, having a fast north-to-south link along the spine of the United Kingdom is good for the UK, and obviously the connections with Birmingham are important as well. My central point is that we are going to spend all this money, but Scotland will benefit much more than Wales: at minimum, we should get our fair share. My secondary point is that a lot of shovel-ready schemes are available, many of which have been devised by the Welsh Government and are ready to roll. If we are serious about being a Union, connecting the Union and building productivity, we should do just that.

The productivity situation, of course, is that unfortunately the gross value added in Wales is something like 70%. In other words, the average wage is about 70% of the UK average. Of course, productivity is generated by skills, technology, access to markets and investment, and the productivity of the actual line is low. Traditionally, the Department for Transport's formula for investing money, in terms of its cost-benefit analysis, rewards previous investment. In the south-east of England people have expensive houses, and the train network is basically made to spoke into London more and more so that people can work in London and live further and further away, with HS2 and other connectivity. What happens, obviously, is that house prices are bid up, so no one can afford to live in London. People spend half their time going back and forth on a train, using a lot of carbon, and even if the line is electrified the electricity must be provided somehow or other, and the energy of the world is being consumed.

We should look at a more regional basis—a cluster basis—that took advantage of what we all know now about Zoom technology to allow people to work from home, and that sort of thing. Post-pandemic and post-Zoom technology, in our new environment, we should look at how best we can spend money on building localised economies more quickly, rather than having much more grandiose schemes for the long term. I am not speaking against those things as such, but it seems to me that we need to bring forward these other projects.

On net zero, the Minister will know that in Paris we tried to deliver a maximum 1.5° C increase, but the latest projections are that we are already at 1.2° C and

that by 2025 we will be at 1.5° C. In fact, over Europe it is already 2° C and over the Arctic it is already 3° C, because there is more heat over land than over sea, which is why 8,500 tonnes of ice are melting every second that we speak today. So we are running out of time. I am not pretending that our schemes in Wales can save the world, but we all need to think about how to do what we can as soon as we can.

On the investment we have had in Wales, the Minister will know that, in terms of rail enhancements over the last couple of decades, we have had only about 1.5% of the UK's share for 5% of the population and something like 11% of the rail track. In recent times, I ran a big campaign, as the MP for Swansea West since 2010, to get rail electrification to Swansea. David Cameron said he would deliver it, but then something happened to him and we didn't get it. It was then argued, "Oh, well, there won't be a very big increase in line speed," but what we need of course is frequency and electrification so that we get a better service and a greener future. That is something we need to come back to.

We have left the EU, but 60% of exports from Wales are to the EU, so we need support. In terms of economic clusters, the Swansea, Cardiff and Bristol city regions combined have 3 million people. Similarly, Leeds and Manchester have 3 million people. However, Leeds and Manchester get something like eight services an hour, whereas we get about one. So the issue, which comes out of the Hendy review and other things, is that we should be connecting up—this is not being nationalist in any sense—with Bristol and the south-west to create economic prosperity for south Wales and the south-west. We need that investment in railways now.

I know that Lee Waters, the Transport Minister, and Judy James in the Welsh Assembly have come forward with detailed schemes about how to provide a south Wales metro in the south-east and central areas, and moving west. In essence, we are talking about an integrated transport system that would connect up light rail with electric buses, electrified trains and even hydrogen-powered trains in a way that means people can easily get on to public transport and are not kept waiting for hours because the service is unreliable and infrequent, so that they will then switch from car usage.

I would be interested to hear what the Minister has to say about that. It is all very well saying that people must go on public transport but if we are serious about net zero public transport needs to be close to home, frequent, affordable and comfortable. People will make that shift if the fiscal strategy is there. I urge the Minister to urge the Chancellor to address that issue, and I am happy to work with them on that with colleagues.

I know that other Members want to speak, so I will shortly wind up—I am sure you will be thankful to hear that, Sir Edward. However, the Minister may or may not be aware of the Blue Eden project coming out of Swansea. That innovative project combines tidal energy with floating eco-houses—believe it or not—solar energy and capturing batteries' energy. My point is that there is a great appetite for creative innovation to deliver net zero in Swansea, Wales and beyond. Part of that must be the investment in rail infrastructure and public transport that are environmentally friendly, people friendly and affordable and in building productivity to help Britain to deliver net zero, higher productivity and better prosperity for all.

9.46 am

**Craig Williams** (Montgomeryshire) (Con): It is a pleasure to serve under your chairmanship, Sir Edward. I want to make a couple of political points and to reflect on what my hon. Friend the Member for Swansea West (Geraint Davies) said—I will continue using “Friends”, as we are mostly Welsh in the Chamber.

This debate starts from the premise that HS2 is not good for Wales and I completely dispute that. On the political map of Wales, above the Brecon Beacons, we find one Labour MP. I think that is a reflection of the political circumstances of Wales. To put in a nutshell what is being alleged today, the political reality of the Labour party in Wales is that it is in south Wales, and only south Wales, so anything that matters to any one above the Brecon Beacons is not Welsh and not helpful for Wales.

In my intervention, I alluded to the Cambrian line. The Montgomeryshire economy looks east and west. It looks to Birmingham. Our railway line goes straight into Birmingham. Our international airport for mid-Wales is Birmingham International airport. In terms of a political ideological point about the Welsh nation, I get why people go on about north-south links, but the reality of our economy and transport is that we look to Birmingham. That is just a day-to-day part of life.

**Liz Saville Roberts:** I am sure the hon. Gentleman shares with me the concerns that historically there were north-south links. There is a deep irony that anyone who wants to use a train for a north-south link now, even in my constituency, has to use a steam train, which is very effective, but not indicative of a country in the 21st century or of our needs. We need these links in Wales, to build the nation of Wales, alongside all the talk of building the Union.

**Craig Williams:** I agree to a point, but it is ironic that since the creation of devolution we have seen the public transport network in Wales deteriorate. I speak as somebody who served as a director of a bus company. The funding to our bus companies in Wales and to a lot of things in devolved areas has completely wiped away capacity in the nation of Wales. I would reflect on what our Welsh Parliament has done to those north-south connections.

I occasionally commute to my constituency office by steam train—the right hon. Lady has been on the line from Llanfair Caereinion to Welshpool—and it does not reflect the modern, dynamic Wales we want, but the heritage railways are incredibly important.

**Geraint Davies** *rose*—

**Craig Williams:** I want to come back to my main point before the hon. Member intervenes. I will, of course, give way; he was very kind. The premise of this debate does not reflect mid Wales. It does not reflect north Wales, our priorities and the fact that we fall back on the spine of the UK railway network. I put it to Members that HS2 is as much about capacity as it is speed. In Montgomeryshire we look to London as much as we look to Cardiff, and anyone in my constituency who uses the UK network could see that it had huge capacity problems, pre covid. In Montgomeryshire, we can see the need to invest in that spine. We can see as businesses and constituents that we need additional capacity.

The hon. Member for Swansea West mentioned COP26 and the modal shift; if we are going to have those kind of shifts to public transport, we need the capacity. If we are going to have the capacity for mid-Wales, and the UK, we need new lines. I will give way if the hon. Member for Swansea West wants to intervene, and then the right hon. Member for Dwyfor Meirionnydd—why not two at once?

**Geraint Davies:** Because it is impermissible.

I have been arguing that we need more connectivity within Wales—in south Wales and north Wales—but also between south Wales and the south-west, between north Wales and Liverpool and Manchester, and mid-Wales and Birmingham. We need connectivity to connect the Union, but to do that we need our fair share of investment. That is my simple point; I am not trying to cut off Wales, and I am certainly not saying that south Wales is the be all and end all. However, it is the case, as my father found when he was in charge of economic development in the Welsh Office, that the connectivity between south Wales and the south-west and between north Wales and the north-west is greater than between north and south Wales.

**Craig Williams:** Before I give way to the right hon. Member for Dwyfor Meirionnydd, I will reflect on the fact that this debate is very premature. The Union connectivity review is yet to come out, and those are the exact issues that Peter Hendy has been looking at. The review is the vehicle for delivering this. There is a pressure, at times, that unless we give money to the Welsh Government we are not giving money to Wales—that is not true at all. The UK Government invest in Wales as well as the Welsh Government. We have two Governments that look after Wales; the UK Government, in terms of strategic assets such as transport links, and the Welsh Government in terms of devolved responsibilities. I was in Machynlleth, at the black bridge, with Peter Hendy some months ago; as the hon. Gentleman and I have neighbouring constituencies, we know that that was a multi-million pound investment to sort out the Cambrian line by Network Rail and the UK Government. That should be the UK Government’s role, and I expect that after the publication of the Union connectivity review there will be a significant investment into Wales.

**Liz Saville Roberts:** Of course, we do share the Cambrian coast line that runs through Montgomeryshire; it serves Ceredigion and Gwynedd as well. One of the issues that has arisen from HS2 is the way that it distracts from other possible places of investment. I would argue that for many of the hon. Gentleman’s constituents, as with mine, that improvements at Shrewsbury would make a far greater difference to connectivity in the immediate term than improvements to Birmingham.

**Craig Williams:** I agree on that point. That is under the franchise of Transport for Wales; although it is an English station it comes under the Welsh franchise and they operate it. My hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) and I are campaigning, along with other Shropshire MPs, to get direct services from Shrewsbury to London, and improve the connectivity across the UK in terms of the Cambrian line. I will give way once more, and then I will make some other cheap political points before I shut up.

**Jim Shannon** (Strangford) (DUP): This is very much a debate about Wales, transport and HS2, but the hon. Gentleman has referred to Union connectivity. I would ask if it is possible to consider us in Northern Ireland, who travel from Belfast to Liverpool to Wales, or go down south to come across on the ferry to Holyhead. When it comes to connectivity, we must improve everything within Wales, but we must do that for the benefit of the whole of the United Kingdom of Great Britain and Northern Ireland—including for us in Northern Ireland who wish to travel to Wales.

**Sir Edward Leigh (in the Chair)**: Order. As a general rule, if you want to make an intervention, you should be here at the start of the debate.

**Craig Williams**: I will remember that for the future, Sir Edward. The hon. Member for Strangford (Jim Shannon) makes an incredibly important point, and it is one that I hope the Union connectivity review does look into. While I am not suggesting a bridge or a tunnel from Holyhead over to Northern Ireland or the Republic, I am suggesting that we need to look at the importance of Holyhead as a UK strategic port, and some better way of connecting into the UK rail network. That is exactly where I want to see the investment from the UK Government going—into our Welsh railway network. The north Wales coast line is an incredibly important strategic railway for the whole of the United Kingdom, not just Wales. I am delighted that that remains—and long may it—the competence of the UK Government, because that is the only way we will see real investment.

I return to the opening speech by the hon. Member for Swansea West and the south Wales orientation of Welsh Labour, be it at parliamentary level or at that of the Welsh Government. On behalf of my constituents, I feel that especially with the Cambrian line. I know from north Wales Members that there is a strong feeling in communities of neglect by the Welsh Government and a complete orientation to Cardiff and south Wales.

**Geraint Davies**: Will the hon. Gentleman give way?

**Craig Williams**: I said I would not give way anymore. I am sure the hon. Gentleman can use his closing remarks to come back on me. Before I sit down, I would reflect again on the importance of looking east to west in terms of connectivity, and the importance of building additional capacity into our UK network. On behalf of my constituents, I welcome the Birmingham hub. I know that, for north Wales Members, the Crewe interchange, and how it builds into the north Wales coastline, will be incredibly important.

Although I recognise the passion and the sometimes cheeky ask for additional money, I expect that mid-Wales will require additional investment in its railway network from the UK Government, through the Union Connectivity Review. I hope that there is no push by anybody suggesting that the easiest way to solve any problem in Wales is to give more money, either through Barnett or directly to the Welsh Government. If we are going to level up and make a huge investment in our network in Wales, that has to come from the UK Government. Otherwise, as I alluded to, I fear it will be a complete south Wales monopoly on developments.

9.57 am

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Sir Edward. It is a pleasure to serve under your chairmanship. I congratulate the hon. Member for Swansea West (Geraint Davies) on securing the debate. It is delightful to follow the hon. Member for Montgomeryshire (Craig Williams).

HS2 is a symbol of many things, but for many people it is the example of a monumental Government white elephant. Justified on the basis of shaky calculations, which are almost 10 years old now, supported for the sake of political face-saving, and adjusted for political purposes rather than transport need, it has become for many people a political and economic catastrophe. It is certainly a highly political matter, of which the Conservative party will be aware, given recent by-elections.

That we press on with a project, originally costed at £32.2 billion in 2012 but now, scarcely nine years later, nearing £108 billion, is a testament to the failure of this Government to deliver. It is an example of the Westminster Government having their English cake and eating it, while telling the other nations to stump up for the ingredients. For Wales, it leaves an especially bitter taste.

HS2 has become a catchphrase for constitutional injustice, the high-handed mistreatment of Wales by Westminster, and the lack of fair play, let alone a level playing field. It reveals the reality of this Union of inequality. The consequences of HS2 for Wales are best seen when viewed, as two Members have already said, through the lens of the levelling-up agenda.

The Government have made much of their proposals for infrastructure investment, as part of the long overdue levelling-up agenda. Yet in the previous spending review, the Chancellor pummelled down rather than levelled up, by reducing the amount Wales will receive, when compared to UK Government transport investment in England. Wales was reduced from 80.9% in 2015 to just 36.6% in 2020. There is not much levelling up by the look of it. That represents a collapse of 44.3 percentage points, nearly half of what the Welsh Government will receive from every pound of UK taxpayers' money, as spent by the English Department for Transport in England.

Why is that? Since 2015, Plaid Cymru has been arguing that Wales, like Scotland, should receive a full Barnett consequential from HS2 on the basis that it is a railway solely for England. Not an inch of its track will be laid in Wales. With the project currently expected to cost approximately £108 billion, Wales would receive roughly £5 billion based on our population share, if only we could apply the same formula with which all other England-only expenditure is treated. These are significant amounts of money, are they not?

That injustice was made worse by the Government's project calculating that HS2 would cast a blight on the south Wales corridor. This region, of course, includes many of Wales's valleys communities that are most desperately underinvested, and I am sure that it also includes the constituency of the hon. Member for Bridgend (Dr Wallis). The south Wales region is set to lose out to the tune of approximately £100 million a year because of the economic blight that HS2 will impose on the south Wales region.

This is where the situation becomes incomprehensible. Labour voted, against Plaid Cymru's efforts, for Westminster to classify HS2 as an England and Wales project, arguing



that both will benefit. That needs to be on the record. Even yesterday, the shadow Secretary of State for Transport, the hon. Member for Oldham West and Royton (Jim McMahon), said that Labour is fully “committed” to the delivery of HS2 and described changes to the proposed route as a “betrayal”. I beg to differ. The significant betrayal is Westminster’s treatment of Wales and it is frankly incomprehensible to witness Labour’s collusion in that.

Tomorrow, the Chancellor must make good his mistake, and he has an opportunity to do that. We have heard an awful lot about levelling up. This is an opportunity to give Wales, like Scotland, what would surely seem obvious to any reasonable person outside this place—a full Barnett consequential from HS2, as Scotland has. This is a glaring injustice, made worse by the fact that despite having 11% of the UK’s rail track, Wales has received only 1.5% of the money that UK Ministers spent on rail improvements. Yes, there is spend on maintenance, but when it comes to improvements in the 21st century for a public rail transport system that we desperately need, that money is not being spent in any measure of equivalence in Wales. Correcting the Treasury’s treatment of HS2 and its Barnett consequential for Wales is the right thing to do, and that would fast-track our benefit from levelling up. That is, of course, if levelling up is ever to be anything more than a catchphrase for Wales.

10.2 am

**Dr Jamie Wallis** (Bridgend) (Con): It is a pleasure to serve under your chairmanship, Sir Edward. I congratulate the hon. Member for Swansea West (Geraint Davies) on securing this debate. He and I serve on the Welsh Affairs Committee and he alluded to its recent report on rail investment in Wales, which had a section on HS2. He will remember, from the fierce debates that we had during those private meetings, that he and I disagree very much on the essence of HS2 and its benefits to the people and the economy of Wales, but I admire his passion and I believe that we as Welsh MPs should fight for as much money for Wales as possible. There is absolutely nothing wrong with that.

I firmly believe that HS2 presents an opportunity for us to build back better not just for England, but for the United Kingdom as a whole. I welcome the hon. Member’s comments that investment in the main spine down the United Kingdom benefits the whole United Kingdom. My hon. Friend the Member for Montgomeryshire (Craig Williams) highlighted how his constituents and those in north Wales will benefit with respect to the east-west nature of their day-to-day travel, with journey times to London from Birmingham, their closest main hub, being significantly reduced. This investment will therefore benefit them.

To turn to areas such as my Bridgend constituency, in the past 20-odd months of being an MP, I have seen a huge number of small and medium-sized enterprises that are heavily involved in Government infrastructure projects, whether that is Hinkley Point C or HS2. I actually surveyed all of the businesses on one of our industrial estates. There were only a few dozen and not all of them replied, but over half of them were currently either servicing or considering tendering for a UK Government infrastructure project, most notably Hinkley Point C and HS2. There are currently 2,000 businesses involved in the development of HS2, with 9,000 people

working on the line, and many of those businesses are based in south Wales. The whole of the United Kingdom gets to bid and tender for this work. That money and investment provides job security and opportunities for people across the whole of the UK.

The Select Committee report was slightly unfair and contains some inaccuracies. It suggested that the Welsh Government had not received a single penny from the Department for Transport spending on HS2. I would like to highlight that between 2015 and 2019 the Welsh Government received about £755 million in Barnett consequentials. I appreciate that the hon. Member for Swansea West is referring to future Barnett consequentials, but it is not the case that the Welsh Government have received nothing. They have received Barnett consequentials to date.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (Ind): I do not think anybody is discounting the fact that increasing Department for Transport expenditure leads to overall consequentials for Wales. The question is on the impact of the HS2 element. Having mentioned the £755 million for Wales, what are the figures for Scotland and Northern Ireland, considering that they get 100% Barnett consequentials? That is the issue at hand.

**Dr Wallis:** I thank the hon. Member for his intervention. I represent a constituency in south Wales. Much has been made of the benefit to mid and north Wales, and I am trying to highlight some of the benefits to south Wales. If there is a benefit to people and businesses in Wales, with investment in infrastructure in the United Kingdom benefiting the UK and Welsh economy, surely we have to accept that to ask for 100% Barnett consequentials on the project is simply not right. We have to accept that Wales will get a benefit, so asking for a 100% comparison is simply not right.

Many of my constituents are very concerned about environmental factors, and achieving net zero is important.

**Geraint Davies:** I am listening carefully to the hon. Member’s comments, and I respect the fact that we have genuine differences. Will he accept that, if Scotland gets 91.7% of Barnett consequentials from HS2 and Wales gets zero, even if there are some benefits to Wales from HS2, it could be argued that we should get something in the middle? I know the benefits of people going from Wales to build HS2 and coming home to Wales, as he is mentioning, but should we not get a share at least? We need more money in Wales.

**Dr Wallis:** We have had this debate a lot. There have already been Barnett consequentials given directly to the Welsh Government. I think I have already addressed that point.

Coming back to net zero, we should be trying to drive up rail uptake, and I am very pleased with that. I want to talk about what the Welsh Government are doing with roads. We are talking about achieving net zero and the role of rail in that. We cannot expect net zero to mean zero cars. Passenger cars will be moving to electric technologies and potentially hydrogen technologies, and the state of roads is continually a cause of frustration for my constituents. I picked up three additional cases at my surgery on Saturday of residents on a street in Porthcawl who are frustrated and at the point of

[*Dr Wallis*]

exasperation because they cannot get investment in the roads there, and they cannot get what they need. The Welsh Government's decision to simply abandon any new investment in roads and to completely walk away from building the M4 relief road has done far more to frustrate my constituents than anything going on with HS2, frankly.

I will finish by saying that the bounce-back impact of HS2 in Wales cannot be underestimated, not only from additional funding but by improving transport links from mid and north Wales and increasing opportunities for all Welsh businesses, including those in my constituency. HS2 is a British project that seeks to level up the whole United Kingdom, and I believe it does just that.

10.10 am

**Jonathan Edwards** (Carmarthen East and Dinefwr) (Ind): Diolch. It is a pleasure to serve under your chairmanship again, Sir Edward. I congratulate the hon. Member for Swansea West (Geraint Davies) on securing this timely debate on the eve of the Budget and the comprehensive spending review.

How Wales has been treated in relation to HS2 is a scandal of epic proportions, and it highlights why the British state does not, and never will, work for Wales. HS2 has been funded purely and totally by public investment, which means that Welsh taxes that have been paid into the general Treasury pot are being utilised. That is different from HS1, which was financed completely via private means. If anyone thinks that I am arguing against public investment in rail, that is not the case. I am arguing that if public investment is used to fund a major rail infrastructure project, the allocation of public funds becomes an important political topic.

Despite the confusion about future phases of HS2, with news reports this weekend indicating that future phases might run on existing routes north of Birmingham, the reality is that the HS2 project dominates UK rail infrastructure spending and will do so for many years. It is likely that the whole project will not be completed until the middle of the next decade.

When the last Labour Government promoted HS2, the projected costs were nearly £40 billion. As my right hon. Friend the Member for Dwyfor Meirionnydd (Liz Saville Roberts) said, the costs are now estimated at well over £100 billion by the independent Oakervee review, despite the Treasury's desperate attempts to cut costs. Lord Berkeley, the review's deputy chair, put the costs at more than £170 billion. Regardless of HS2's finished costs, the key question for the debate and for Welsh transport is its impact on Welsh funding.

Rail infrastructure is not devolved in Wales as it is in Scotland and Northern Ireland. The cross-party Silk commission, set up by the Cameron Government in 2010 to look into the constitutional settlement, advocated equalising railway powers in the Welsh settlement with those of the other constituent parts of the UK. Even before HS2 came online, the commission understood full well the financial implications for Wales of those powers being retained in Westminster.

**Liz Saville Roberts:** My hon. Friend makes an interesting point. There has been one significant material change since the original costing for HS2, in that since last year,

Transport for Wales—Wales' transport network—has been in public ownership under the operator of last resort. Given that the train system is in public ownership, surely Network Rail should also be devolved to align public spending most effectively in Wales, along with the proper funding. There is a staggeringly obvious discrepancy and inconsistency between those two things.

**Jonathan Edwards:** As always, my right hon. Friend makes a pertinent point. It does not make any sense that the responsibility for operating the railways in Wales is devolved to the Welsh Government but the responsibility for the infrastructure remains in the hands of another Government.

To return to my point, the Silk commission recognised that the devolution of those powers and the equalisation of powers for Wales, Scotland and Northern Ireland, was right not only for operational reasons, but because of the financial implications and the historical underfunding of the Welsh railways that resulted from the powers being retained in Westminster.

**Geraint Davies:** The hon. Gentleman is being generous in giving way. Does he agree that one has to differentiate, as I do not think the hon. Member for Montgomeryshire (Craig Williams) did, between the amount of money we get for Wales and who spends it? There was a lot of talk about UK money—"The Government spends this. Don't give the money to the Welsh Government."—but the basic point is that we should get our fair share. Of the £48 billion that Network Rail spends, about £1 billion is spent in Wales, which certainly is not the 5% that we deserve.

**Jonathan Edwards:** Absolutely; that is the financial reality. We do not even get a population share, which would be 5% of rail investment. People might argue that 11% of the rail network is in Wales, so we should be getting more than our population share. Historical underfunding is a huge problem for us in Wales in terms of developing our economy and moving our country forward. I will return to some of those themes later.

**Craig Williams:** The hon. Gentleman is indeed being very generous. Will he reflect on the fact that a good chunk of the Welsh railway network is in England? We have already alluded to the fact that Shrewsbury station, which I can assure the Chamber is in England, is an important Welsh station. Going from north to south Wales, a large chunk of that trunk railway is in England.

**Jonathan Edwards:** I listened to the hon. Gentleman's speech advocating the benefits of HS2 with great interest, but he needs to reflect on the full business case for HS2 produced by HS2 Ltd in 2020. According to Professor Mark Barry's submission to the Welsh Affairs Committee, there is no passenger benefit to Wales at all from HS2.

Returning to my point, the political process in Westminster following the Silk commission was a hatchet job of the worst kind, in which representatives of the two main Unionist parties drew red lines through the commission's recommendations. Regrettably, the report was torpedoed below the water line. One recommendation taken out of the report was the devolution of rail powers, which meant that the Wales Act 2014, which followed that process, retained the status quo on that

vital issue. The financial implications of that decision are sobering in the context of a domineering project like HS2, due to its impact on Welsh Barnett allocations. It has been catastrophic for Welsh funding.

While Scotland and Northern Ireland get a 100% allocation from HS2, Wales gets a 0% rating because the British Government deemed it an England and Wales project. However, the last time I looked at a map—I made this point in a question to the Prime Minister some time ago—all the HS2 destinations are in England. It says everything about how the British state works that a decision of this nature, with such far-reaching consequences, can be made without challenge. In this post-Brexit world, due to the inequity of the financial settlements across the UK, I have advocated the creation of a body apart from the Treasury to allow the various Governments of the UK to challenge financial decisions. At the moment, Westminster is judge and jury; in this case, that is very much to the loss of Wales. As a result, I have voted against HS2 at every opportunity.

The reality is that as spending on HS2 increases, Welsh Barnett allocations plummet. Now that construction has begun on phase 1, the financial impact has become clear. According to the Wales Governance Centre's analysis, the statement of funding policy accompanying the last comprehensive spending review indicated that Wales would receive 36.6% of its population share of transport funding, while Scotland and Northern Ireland's shares remain above 90% due to their full entitlements from HS2, compounding the historical underfunding of the Welsh railways. In 2013, the British Government's own analysis indicated that HS2 would injure the south Wales economy by more than £200 million per annum; given that that analysis was done eight or nine years ago, I suspect the injury to the Welsh economy will be far more severe than what was revealed at the time.

Underfunding has always been a major issue for Wales. In the way the Department for Transport allocates funding, as our railways become less efficient the case for investment is undermined; meanwhile, investment is ploughed into London and the south-east, leading to a conveyor belt of investment which makes the case for further investment. Indeed, when the Prime Minister was Mayor of London, he argued in the *Evening Standard* that transport spending in London would need to increase by £1 trillion—if I remember correctly—once HS2 was completed, due to the extra passengers arriving from the north of England. Put simply, the current system does not work for Wales, and we need urgent and rapid change.

The hon. Member for Swansea West made an important point about productivity. Even from the Treasury's perspective, one of the major issues within the British state is the geographical imbalance in productivity. Transport infrastructure investment is a key economic driver, so if all investment is utilised in and allocated to the most high-performing areas, productivity gaps are worsened. The simplest way to address productivity gaps is to invest in the poorer performing parts of the state, as the German Government realised following reunification—and there was a wall between East and West Germany for half a century. Alas, in the UK, all the money is spent in one small corner. Pre-Budget soundings suggest that an extra £7 billion or so will be allocated for expenditure outside London and the south-east, but the key question

is how much of that is new money. It may be less than £2 billion. We wait to hear what the Chancellor has to say tomorrow.

To emphasise the point I made to the hon. Member for Montgomeryshire (Craig Williams), in a submission to the Welsh Affairs Committee's recent inquiry into this issue, transport expert Professor Mark Barry stated that the full business case for HS2 produced in 2020 proved that HS2 had no transport user benefit for Wales. How the British Government can maintain that this is an England and Wales project is beyond rational understanding, so fairness is at the heart of this debate. Welsh taxes are being used to fund an England-only project that will also have a negative impact on our economy, with no recompense via the Barnett formula. Some might say it was ever thus, but to use the phrase of the moment, this is not levelling up; this is levelling down.

If Wales received fairness in real investment, we could be looking at exciting projects such as a comprehensive metro system for the west based on the one in Swansea—a project that I very much support—a north-south line along the western seaboard, opening up the western half of our economy for further economic development; enhancements across the north Wales and Heart of Wales lines; and electrification of the main line to Swansea.

**Dr Wallis:** The hon. Gentleman talks about these fantastic projects, but given the Welsh Government's signalling their reluctance to make significant investment in infrastructure with their recent decision not to build the M4 relief road, are they not just further fantasy?

**Jonathan Edwards:** That is a very interesting intervention. I am not defending the Welsh Government's policy in its totality, but they want to move away from road and towards public transport. If we will not be using road, we have to invest in rail. This is the fundamental question facing us as Welsh representatives: given that the UK Government have shown clearly that they have no intention of investing in Welsh rail transport infrastructure, what are we going to do about it? The only way to address that is to take responsibility for ourselves.

**Geraint Davies:** Does the hon. Gentleman accept that the Welsh Government are not abandoning all investment in roads? They are doing a roads review, looking at how they can balance transport between road, rail and active transport in a sustainable way, which will inevitably—hopefully—lead to a bit more public transport and rail, including electrified buses and public transport on roads. We will have more roads, but we will not necessarily need the M4 relief road if on one in five days people are on a Zoom call instead of sitting in their car.

**Jonathan Edwards:** My understanding of the Welsh Government's policy is no new extra roads. That does not mean that there will not be investment in road maintenance. However, the reality is that, if we are going down that road, there has to be investment in alternative modes of transport, which again furthers the case for us in Wales to receive the powers, so that we can get investment and make the decisions ourselves. That is fundamentally at the heart of this debate.



[Jonathan Edwards]

On one side of the argument are those of us who argue that Westminster will never invest in Wales, so we need rail powers in Wales that will bring the investment and allow the Welsh Government to make decisions on investing in our own country. On the other side are those arguing that the UK Government will eventually come good and start investing in Wales. That will not happen, so the only solution is for rail powers to be devolved to Wales and for the Barnett consequential to flow to Wales from England-only projects, as happens in Scotland and Northern Ireland, which will enable Welsh Government Ministers to pursue the transport priorities of our own country.

10.24 am

**Mr Tanmanjeet Singh Dhesi** (Slough) (Lab): It is a pleasure to serve under your chairmanship once again, Sir Edward. I congratulate my hon. Friend the Member for Swansea West (Geraint Davies) on securing the debate. He is more often in the Chair than addressing it, so it is great to see him in his place. He made a compelling case for a redesignation of the funding formula so that HS2 is considered England-only. As right hon. and hon. Members have heard, that would mean that under the Barnett formula, up to £5 billion more could flow into Wales's rail infrastructure and put Wales on the same basis as Scotland and Northern Ireland when it comes to the formula's consequential.

My hon. Friend makes that argument not only because he is a doughty and dogged champion for the people of Swansea, and indeed, the whole of south Wales, but because he rightly identifies that rail infrastructure in Wales is in pressing need of investment and modernisation. The redesignation of HS2 as England-only is a sensible and practical way to release funds to upgrade the railway in Wales. It was, after all, one of the recommendations of the cross-party Welsh Affairs Committee. In its report on 6 July, the Committee concluded:

“There is a strong environmental and economic case for substantially enhancing the rail infrastructure that serves Wales, and the passenger experience of slow services and inadequate stations only underlines the need for an upgraded network.”

In its conclusions, the Committee reported that:

“Wales will not benefit in the same way as Scotland and Northern Ireland from Barnett consequential arising from the HS2 project. This is despite the fact that UK Government's own analysis has concluded that HS2 will produce an economic disbenefit for Wales. We recommend that HS2 should be reclassified as an England only project. Using the Barnett formula, Wales' funding settlement should be recalculated to apply an additional allocation based on the funding for HS2 in England. This would help to ensure that Welsh rail passengers receive the same advantage from investment in HS2 as those in Scotland and Northern Ireland.”

The case is clear in the Committee's findings, and it is indeed compelling. When the Minister responds, I hope he will not merely dismiss it out of hand, but instead consider carefully the many expert opinions in favour of such a move, including the Committee's recommendations and the thought-provoking speeches of my hon. Friend the Member for Swansea West and the right hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), and the invaluable contribution from the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards).

The Opposition remain 100% committed to HS2. A Labour Government would listen carefully to local concerns and place environmental factors at the heart of the project, but we would get on with the job at hand. We see new high-speed rail as part of a much larger modernisation of our railways. We would invest in new lines and stations and open up all parts of the UK, and therefore the economy, with affordable, efficient railway services—services that are accessible to all, including young people, people with disabilities and people on low incomes; services that are safe and clean, and services that are integrated across the transport system of walking, cycling, buses, ferries, light railways, trams and road systems. A great example would be the electrified metro for the Swansea Bay city region, which my hon. Friend the Member for Swansea West so ably championed and which I thoroughly support.

We want significantly more freight off lorries, off our roads and on to the railway, and we would accelerate the electrification of the railway with a rolling programme of upgrades. The Conservative Government's decision to cancel the electrification of the Great Western main line from Cardiff to Swansea was short-sighted and bad for the environment, and it should now be reversed. It is absurd that the Great Western Railway's Hitachi bi-mode trains run on diesel mode between Cardiff and Swansea and switch to the less polluting and more efficient electric mode on the rest of the route in England, including as it goes through the wonderful town of Slough.

As the right hon. Member for Dwyfor Meirionnydd rightly noted, in England trains can reach the magic inter-city speed of 125 mph, but once on the Welsh side of the Severn tunnel, they slow to average speeds well below 100 mph—not so much levelling up as slowing down. Will the Minister update us on the Department for Transport's stalled plans for the electrification of the railway in Wales? The last Labour Government rightly prioritised and invested billions of pounds in modernising our old, inefficient rolling stock. Having achieved that, the priority of the last decade should have been the electrification of our rail lines.

**Liz Saville Roberts:** We heard from the hon. Member for Montgomeryshire (Craig Williams) about the significance of the line from Holyhead into England. There has been no mention in the slightest of that being electrified. Those lines have some of the most polluting rolling stock, and we have no alternative in many cases but to use it. That is not the transport infrastructure of the 21st century, which, just days before COP26, is what we should be discussing.

**Mr Dhesi:** The right hon. Lady is absolutely right. I recently visited my family and saw the wonders of north Wales, and, although it was lovely to see the scenic countryside on steam railways and the like, what was sorely missing was an electrified rail network. That would greatly benefit the good people of Wales, and that is why there needs to be greater investment in Wales, and in particular in electrification.

**Dr Wallis:** The hon. Gentleman said that electrification would benefit the people of Wales. My constituents already benefit from the electrification of the line to Cardiff. I have regularly travelled into London, both before and after I was elected as a Member of this

House. The train journey times into Paddington from the main station in my constituency are already about 18 minutes shorter. The decision that electrification would not go as far as Swansea, although disappointing, did allow for immediate investment in new, more comfortable and more environmentally friendly trains. Does the hon. Gentleman agree with me that people in my constituency in south Wales do currently benefit from electrification?

**Mr Dhesi:** I thank the hon. Gentleman for that intervention. However, although his constituents in Bridgend, in south-east Wales, may benefit from the electrified railways towards Bridgend and Cardiff, it is absolutely absurd that people in south-west Wales and beyond are missing out.

It is also absurd that the hon. Member for Montgomeryshire (Craig Williams), who is no longer in his place, and the hon. Member for Bridgend (Dr Wallis) are arguing against more money for Wales. If people in Slough felt that they were missing out on resources and funding, they would be up in arms. The hon. Member can bet his bottom dollar that, if the route through the wonderful town of Slough was not electrified, the likes of me would be constantly arguing that we needed more investment in Slough and more electrification of our rail lines. That is the way we are going to tackle the climate crisis.

**Dr Wallis:** I thank the hon. Gentleman for giving way again. As the Member of Parliament for Bridgend, I am certainly not arguing for less money for Wales, and, were my hon. Friend the Member for Montgomeryshire (Craig Williams) still here, he would be able, as Parliamentary Private Secretary to the Chief Secretary to the Treasury, to tell the hon. Gentleman just how many bids had gone in and just how much money we wanted. It is not fair to say that I and my hon. Friend the Member for Montgomeryshire, who is no longer here to defend himself, are arguing for less money for our constituents. Our point is that HS2 does benefit the people of Wales, particularly those in mid and north Wales. It benefits the entire economy of the United Kingdom. It is a British project, and therefore the assumption that it should be fully Barnettised is simply not right.

**Mr Dhesi:** I thank the hon. Gentleman, but Wales is missing out. Some £5 billion of Barnett consequentials is not an insignificant sum. As I have pointed out before, the good people of Scotland and Northern Ireland benefit from Barnett consequentials, and none of the track actually goes through Wales. As has been argued, there is a need to increase the links between mid or north Wales and Birmingham, Liverpool and Manchester, but as has been pointed out, north to south there is still reliance on steam trains. If that were the situation in Slough, rest assured we would not settle for that. We would ask for more money and our share of resources.

The people of Wales are missing out. That is why the Labour party supports the proposal. It is clear that railway must drive the green revolution, just as it once powered the industrial revolution. Electrification is key. The old fragmented franchise model is dead. The modern railway is still waiting to emerge. Properly funded, publicly owned and strategically led, the railway can

become the clean, green, affordable and efficient pride of Great Britain. It can boost our economic recovery after covid-19. It can transport us into the low-carbon and post-carbon economy and it can be a vital part of economic and social renaissance in Wales, but not without the investment we know is needed.

**Geraint Davies:** My hon. Friend is making an excellent speech. He may already know that between Cardiff and Swansea, where the electrification stops, the air quality deteriorates because of the diesel fumes. I chair the all-party parliamentary group on air pollution, and I have measured it—it is up to 5 micrograms per cubic metre in the carriage. People are being exposed to pollution unnecessarily. He will also be aware that Transport for Wales now has the skills infrastructure to deliver on the ground speedily while the Department for Transport has multiple priorities and is focused on HS2. We have the skills, but we need the money. Let us get the job done.

**Mr Dhesi:** My hon. Friend makes a powerful point. He has contributed a great deal to the debate on pollution as the chair of the all-party parliamentary group on air pollution, of which I am a member. I am fully aware of the impact on communities of not having electrified rail infrastructure. I am also aware of the review that the Welsh Government is undertaking on investment in rail across south Wales and beyond, so my hon. Friend makes some apt points.

It is surely wrong that HS2 will reduce the London to Manchester journey time to one hour and 10 minutes but London to Swansea will still take three hours. We must invest in and upgrade the Ebbw valley, the Maesteg lines, the Welsh Marshes line, Cardiff Crossrail and more. Levelling up must be for every part of our United Kingdom: not just Manchester but Milford Haven and Merthyr Tydfil; not just Leeds but Llanelli and Llandudno; not just Birmingham but Bangor and Bridgend. The £5 billion from Barnett consequentials would be a good start. I hope the Minister will give us good news.

10.38 am

**The Minister of State, Department for Transport (Andrew Stephenson):** It is a pleasure to serve under your chairmanship, Sir Edward. I thank the hon. Member for Swansea West (Geraint Davies) and right hon. and hon. Members for their contributions. We all understand the great importance of transport and levelling up the United Kingdom. All the Members spoke eloquently about the need for more transport investment in Wales, an issue that the Welsh Affairs Committee looked at recently.

Let me assure Members that a key focus of the Government is to ensure we have a transport network that is not only fit for purpose but, above all, able to deliver a better and more prosperous future for all those we represent. HS2 is one of the many schemes that the Department for Transport is pursuing. It will free up capacity on the conventional rail network and support a shift of passengers and freight from road to rail. I stand here as the HS2 Minister, convinced that HS2 will play a vital role in levelling up all parts of the United Kingdom. However, as we have heard, HS2 is not the only matter at hand, so I will first focus on rail funding more generally in Wales and other points raised, before turning the HS2.

[*Andrew Stephenson*]

Let me be clear: we are investing in Wales. The current control period has seen a record £2 billion revenue settlement for Network Rail in Wales. Of that settlement, almost £1 billion will be spent on renewing and upgrading infrastructure to meet the current and future needs of all passengers, such as the complete restoration of the iconic Barmouth viaduct in Gwynedd. Investments in new stations are being made apace, such as at Bow Street in Ceredigion; line enhancements are being made in north, south and mid-Wales; major upgrades are being made to Cardiff Central station; and level crossing upgrades are being made to the Wrexham-Bidston line. That work is happening now, but a lot more is coming down the pipeline, including the opening-up of opportunities for work, travel and leisure for Wales and across the UK.

Members will of course be aware that the interim report of Sir Peter Hendy's Union connectivity review was published earlier this year. It identified that rail capacity and connectivity issues need to be addressed in north and south Wales. In response, the Prime Minister made £20 million available to assess options on the road and rail schemes, which the review has identified as crucial for cross-border connectivity. I am glad to say that my officials are working closely and collaboratively with the Welsh Government and delivery bodies to identify potential projects to be supported, in line with our continued support for the Welsh Government in their ambition to have greater control over Welsh rail infrastructure. That is evident in our collaborative approach to working with our partners to divest the core valley lines to the Welsh Government. We expect the final Union connectivity review report to be published in the autumn, when the Government will consider Sir Peter's recommendations to improve connectivity across the UK.

I will touch on a few of the investments that are currently under way. As we speak, important work is going on to transform Cardiff Central station. The rail network enhancements pipeline has allocated funding of £5.8 million to Transport for Wales for that work, supported by funding of £4 million from the Cardiff city deal. The design and business case work is expected to be completed next year, and it is an example of the strong collaboration in place between the UK and Welsh Governments.

The Cambrian line upgrade will bring the line's digital signalling up to date. That much-needed upgrade will in turn enable the introduction of new trains and allow the system to work seamlessly with other digital signalling schemes. Further funding for that upgrade has been allocated to deliver the work by May 2022. A third example of a recent project is the Conwy valley line, which includes the longest single-track railway tunnel in the UK. Some £17 million was spent to repair and restore it, making it fit for passengers again after multiple floods in the past five years.

Such projects have an enormous effect on communities, and I know that there will be many more enhancements in the years to come. The north Wales metro strategy board has been established by Transport for Wales to integrate the proposals for transport improvements in the region, building on the exciting opportunities highlighted by those at Growth Track 360, for example, whom my

hon. Friend the Member for Vale of Clwyd (Dr Davies) and I met last year, to transform north Wales and deliver 70,000 new jobs over the next 20 years.

The Department for Transport and Network rail are supporting the work of the board in providing advice on progression of the programme. There are plans to reduce journey times on the north Wales coastline between Crewe and Holyhead. The outline business case proposes an increase in line speeds, with the goal of improving journey times between north Wales, the north-west of England and other major UK centres.

Transport for Wales has recently commissioned a further strategic study into timetable optimisation and connectivity into northern powerhouse rail and HS2. It will also consider the case for further infrastructure enhancements including decarbonisation options for the line. Finally, in March, the Chancellor of the Exchequer confirmed funding of £30 million for the establishment of a global centre for rail excellence in Wales.

**Jonathan Edwards:** All the schemes that the Minister has mentioned are extremely noble, but what is the total percentage allocated to Wales in the control period? Is the reality not that, compared with investments across the rest of the UK, especially in HS2, Wales is being offered crumbs under the table?

**Andrew Stephenson:** I thank the hon. Gentleman for bringing me to that point. [*Interruption.*] I have a nosebleed; I will try to power through, but I apologise for any sniffing, Sir Edward.

**Sir Edward Leigh (in the Chair):** If you wish to sit down and speak, you may.

**Andrew Stephenson:** It is fine. The Network Rail regulatory financial statements and expenditure breakdowns show that Wales received around 4% of all Network Rail spending in 2011-12 to 2015-16, and 6% in 2016-17 to 2018-19. In 2018-19, the spend on Wales was 6.1% of the England and Wales figure, or 5.4% of the England, Wales and Scotland figure. The figures include Network Rail's spending on operations, maintenance, renewals and enhancements. Does that clarify the hon. Gentleman's point?

**Liz Saville Roberts:** We understand that to be the total spend, but we also understand that the spend on investments, development and improvements is where the spend in Wales is so much spectacularly lower than we would expect, in terms of the 11% of the rail infrastructure that we have and in comparison with the conventional Barnett formula of per head of population.

**Andrew Stephenson:** I thank the right hon. Lady for her point. The UK Government work collaboratively with the Welsh Government on putting forward business cases. As she will be aware, we do not allocate set proportions by region across the United Kingdom; we work on where the enhancements deliver the best possible value. We have worked collaboratively with the Welsh Government to bring forward a number of business cases for further investments. We hope to continue to do so. The figures I have just outlined show that an increasing proportion of the Network Rail budget is spent in Wales—something I am sure the right hon. Lady would welcome.



**Liz Saville Roberts:** I want to be clear on this, because that, of course, includes Barmouth Bridge in my constituency, which is more than 150 years old. We will have to do work on it, if it is to be maintained as a line. I take issue with the Minister on levelling up. I rarely find myself trying to argue the Union point, as I do here, but if we are talking about levelling up, those areas of the United Kingdom that most need infrastructure will not receive it unless it is given by central Government. Wales is a classic example of this, yet we see that infrastructure investment in railway, the electricity grid and all the infrastructure needs we will have in the future to change to net zero—those are the areas where Wales is lacking. I would welcome the Minister showing us his future intentions on these arguments.

**Andrew Stephenson:** On this point we are going to have to agree to some extent to disagree. Through the Union connectivity review, the Government are demonstrating their real desire to invest more. We are investing record sums in rail across the whole United Kingdom. The £4.8 billion levelling up fund, of which at least £800 million will be allocated to projects in Scotland, Wales and Northern Ireland underlines the Government's commitment. Changes to the Green Book will directly help projects in Wales in the way that I hope they will help projects in the north of England, where my constituency of Pendle is located.

I think we all share a desire for projects to be moved forward at pace. As a Rail Minister, I will not argue against even more investment in rail, but the statistics I have put on record today show that we are working collaboratively with the Welsh Government in order to deliver significant projects that the right hon. Lady's constituents and other constituents want to see across Wales.

**Geraint Davies:** The Minister will know that, having left the European Union, Wales will no longer benefit from convergence funding of the order of billions of pounds and that the UK shared prosperity fund has not kicked in to do anything about that. He will also know that convergence funding is focused on alleviating poverty through building skills and productivity and employment opportunities. He has also mentioned that the Department for Transport reaches its criteria on the basis of best value, as opposed to the criteria for convergence funding. Therefore, will he look again at those criteria, given that we are losing convergence funding based on poverty and building productivity, as opposed to best value, which just rewards existing productivity? In particular, given that his list of projects seems to end at Cardiff and, of course, west of Cardiff, there is a lot of Wales with a lot of needs. As has been pointed out, if we had had our fair share of HS2, we would have had another £5 billion, which is a lot more than the totality of what he is talking about.

**Andrew Stephenson:** The hon. Gentleman tempts me to go on to matters that may be covered in the spending review or the Budget on convergence funding and other issues. I do not wish to tempt fate by speculating about what may be announced later this week.

I will just return to the points that were made by several Members in relation to the Welsh Affairs Committee's report on rail infrastructure in Wales. The report emphasised that it is clear that a joined-up approach

to Welsh infrastructure needs is required in order to unlock investment. Therefore, we have responded positively to the Committee's recommendation for a Wales rail board and are currently working with the Welsh Government to establish that. The board will build on the excellent collaborative arrangements in place between the two Governments to address the effects of the pandemic on transport in Wales and across the border.

I have tried to cover in detail some of the rail projects and proposals that are in the pipeline; there are many more that I could mention. I wanted to do that to give right hon. and hon. Members a sense of the momentum that is building behind this work. We all want the same thing: for Wales to benefit from improved transport infrastructure that will increase productivity and give people a greener way to travel, leading in many cases to a better quality of life.

My Department has also been working closely with the Welsh Government on identifying road investment priorities along the border between Wales and England. This work has secured joint funding from both Administrations for National Highways to develop the long-mooted A483 Pant-Llanymynech bypass. We hope that further joint funding will be made available for its construction and to examine the options for other priority cross-border links. Also, the UK-wide levelling-up fund, which I mentioned before, will invest £4.8 billion in local infrastructure, including local transport, regeneration and culture, over the four years between 2021 and 2025, and at least £800 million of that will go to Scotland, Wales and Northern Ireland.

Finally, I turn to HS2. HS2 is a low-carbon transport system for the future. It will take lorries off the road, benefiting the whole of the UK in the future and playing a role in achieving our transition to a carbon net zero future by 2050. HS2 will also contribute to sustainable growth in towns, cities and regions across the country, spreading prosperity and opportunity more evenly.

Let me start by saying something about the costs of HS2, because they were mentioned by the hon. Member for Swansea West and other Members. The phase 1 full business case, published in April 2020, set out the full cost of the HS2 network at £98 billion—a figure that is, of course, subject to decisions that will be made shortly in the integrated rail plan. Phase 1 has a target cost of £40.3 billion, and my parliamentary report last week showed that, despite covid, delivery remains on track and within budget. The project also retains cross-party support from the three main UK political parties.

I recognise that there is some concern, which we have heard again in this debate from several hon. Members, that Wales may not benefit from HS2, with the recent Welsh Affairs Committee report recommending that HS2 be reclassified as an England-only project. However, the regenerative effects of HS2 will be felt across the whole of the UK and not just along the line of route. As the Welsh Affairs Committee report acknowledged, the project has several thousand jobs as part of its supply chain that span the UK, including Wales. More than 20 businesses in numerous Welsh constituencies have already won work for HS2, including businesses in Bridgend, Montgomeryshire and Swansea West. For example, I understand that Wernick Buildings, a business based in Port Talbot, has already worked on HS2. Hon. Members can review the HS2 supply chain map to see

[*Andrew Stephenson*]

the geographical spread of the businesses that have delivered work on HS2, including in their own constituencies.

On the services side, HS2 will enable quicker and more train services to north Wales. The HS2 route to Crewe, for which the west midlands-Crewe section gained Royal Assent in February, will provide shorter journey times for passengers, benefiting those who are interchanging at Crewe. Such shorter journey times are currently possible on the west coast main line to Holyhead. HS2 will also free up capacity on the existing west coast main line, which could of course be used for additional services, including for rail freight, which will remove lorries from the UK road network.

Also, as has been pointed out by my hon. Friend the Member for Montgomeryshire (Craig Williams), HS2 will dramatically increase capacity for Birmingham, which of course will free up capacity on the existing lines. That will benefit my hon. Friend's constituency.

Turning to the Barnett point made by several right hon. and hon. Members, the fundamental difference with Scotland is that the Department for Transport has responsibility for heavy rail infrastructure policy across England and Wales and therefore spends money on heavy rail infrastructure in Wales, rather than providing Barnett-based funding to the Welsh Government in relation to heavy rail spending in England. That is consistent with the funding arrangements for all of the reserved UK Government responsibilities and within the statement of funding policy.

However, due to the use of departmental comparability factors in the Barnett formula spending reviews, the Welsh Government have actually received a significant uplift in their Barnett-based funding due to the UK Government spending on HS2. I hope that reassures Members as to why there is a difference. I have set out how we are expanding the amount of network rail

funding that is going into Wales. On top of that, there have been significant Barnett consequentials provided to the Welsh Government.

To conclude and to reiterate, investing in Welsh transport infrastructure is an investment in future generations. Ensuring that our transport capability matches our great ambitions for our constituents' prosperity and wellbeing is a priority for the Government, and one that I know all Members across the House share. We owe it to our hard-working constituents to invest in the most sustainable forms of transport for the future, delivering both on the green industrial revolution and on our pledge to build back better from the events of the past two years.

10.56 am

**Geraint Davies:** This has been a very good debate. The Minister hit the nail on the head when he spoke of the structural difference in responsibility between Scotland and Wales. The Scottish Government have got responsibility for heavy investment. If we had that in the Welsh Government, we would have our £5 billion. It is still technically possible that if the comparability factors were changed in the formula to be an England-only project, which it could be, we would also have the £5 billion there. Nobody is saying that we are getting no investment in Wales, but we are trying to head towards net zero, deliver higher productivity and level up. I ask the Minister and his Department to think again, to lobby the Chancellor to change the formula and to give Wales the tools to do the job, getting us on the rails to a higher, more prosperous future. I thank all Members and you, Sir Edward, for chairing the debate. It will continue, because we are simply not getting our fair share, and we need it in order to succeed.

*Question put and agreed to.*

*Resolved,*

That this House has considered transport funding for Wales and HS2.

## Public Health Funding: Bexley

10.58 am

**Sir David Evennett** (Bexleyheath and Crayford) (Con): I beg to move,

That this House has considered public health funding in Bexley.

It is a pleasure to serve under your chairmanship, Sir Edward—I have a long-standing friend in the Chair, which is always good news. I am grateful of the opportunity to raise public health issues, which are of great concern and importance to my constituents in Bexleyheath and Crayford, as well as to the residents of Bexley borough in general. I am delighted to see my neighbour and friend the hon. Member for Erith and Thamesmead (Abena Oppong-Asare) in her place today.

In my opinion, Bexley is by far the best place in London to live, work or visit. We have great local amenities, considerable green open spaces, over 100 parks, and a variety of places to visit: Danson Park, Hall Place and Gardens, and the Red House, to name just a few. It is a well-run, Conservative-led borough, and I am pleased to live in Barnehurst myself, in the constituency.

Today I want to focus on the public health situation in Bexley and highlight a number of concerns about funding. This is a matter that I have raised before and held meetings with Ministers about, but regrettably it has not yet been satisfactorily addressed. There are areas of public health in which Bexley does better than elsewhere in England, but also a number in which we are lagging behind.

I commend the work done locally, particularly by Bexley Council and Bexley clinical commissioning group, which have done some fantastic work over the years on so many issues, particularly against smoking. The Bexley stop smoking services help thousands of people to stop smoking, which is saving lives and improving our community's overall quality of life. The service has won a number of awards and was recognised by Public Health England for reducing smoking rates and introducing highly effective tobacco control initiatives. During the covid-19 pandemic, the team continued to provide specialist weekly support on the phone, and over the last year they have helped some 534 people to quit smoking.

That is a real achievement, yet in other areas we are not so fortunate. In Bexley we have problems such as obesity. Action is needed to improve the situation. For Bexley residents, obesity poses a significant challenge, as we have among the highest rates of obesity anywhere in London, with 23.4% of children classed as overweight or obese when they start primary school. This is a really concerning figure, which continues to rise as they get older, with 36.6% of children aged 10 to 11 leaving primary school with excess weight.

It is widely recognised by experts that once weight is gained, it is difficult to lose. The Government have called childhood obesity one of the top public health challenges for this generation. This is most certainly the case for the residents of Bexley. Children who are obese are five times more likely to be obese as adults. This can put them at increased risk of long-term health conditions, including type 2 diabetes, cardiovascular diseases such as heart disease, stroke, cancer and musculoskeletal conditions, and can negatively impact on mental health, which is a real problem. In Bexley, 64.6% of adults aged 18 or over have excess weight, which is higher than in the rest of England and London in particular.

The Government are well aware of the problems associated with obesity nationally and are being proactive to address the concerns. Some of the welcome measures include the soft drinks industry levy, support for the Healthy Start voucher scheme to enable low-income families to buy fruit and vegetables, and action to increase physical activity in schools, but we also need a localised approach. It is in all our interests to live in a healthier borough, and in Bexley the local authority is always looking at innovative ways to help us live better and longer.

The Bexley obesity strategy does just that. Between 2020 and 2025, the strategy aims to reduce the rate of excess weight in children and adults by a minimum of 2%, with a stretch target of 5%, and to create healthy environments at school, in workplaces and throughout the borough. Just a few of the plans to achieve that include increasing the number of food businesses achieving the healthier catering commitment accreditation, developing a sustainable model for community cooking classes, reviewing compliance with school food standards across the borough, and installing public water fountains in town centres. While that will require hard work and dedication, it will also, as the Minister will be aware, require additional funding.

Aside from the work on stopping smoking and action to reduce childhood and adult obesity, Bexley of course has many other clear public health priorities, including diabetes, dementia, addiction and substance misuse, including alcohol. Mental health and children and young people's emotional wellbeing are key public health challenges, on top of the additional challenges that the covid-19 pandemic continues to pose. However, good health also underpins a healthy economy. Bexley Council has a significant role to play in helping all Bexley residents to start well, live well and age well. That is why Bexley so desperately needs the unfairness in the public health funding formula to be looked at and addressed.

**Abena Oppong-Asare** (Erith and Thamesmead) (Lab): I thank the right hon. Member for bringing forward the debate, which is very much needed in Bexley. As he has highlighted, Bexley's public health grant is considerably lower per head than that of other London boroughs. My constituency includes part of Greenwich and Bexley. Does he agree that the Government should ensure that the public health allocation formula is updated, to guarantee that all his and my constituents have access to the high-quality public health services that they need?

**Sir David Evennett:** I am very grateful to the hon. Lady, my constituency neighbour, for raising that point. I totally agree, which is why we have the debate today. I am pleased she is here to reinforce the point for Bexley, and I am sure the Minister will be listening.

I have been provided with figures by Bexley Council to highlight inequalities in the public health grant received. The public health grant allocation for Bexley in 2021-22 is just under £10 million. That equates to a per head allocation of £39.84, giving Bexley the lowest funding across London. The average funding per head in London is £74.87. Therefore, Bexley's mere £39.84 is just 53.2% of the London average, and a staggering £35 less per head.

To put that in perspective, if Bexley were to receive the same allocation as the London average, it would mean an additional £8.8 million for Bexley. That situation



[*Sir David Evennett*]

cannot be fair and puts our area at a significant disadvantage. Even if Bexley were funded at the same level as the second lowest London borough—Havering, across the Thames, and a very similar borough—an extra £750,000 would be added to Bexley's allocation.

If we compare Bexley with other south-east London boroughs, the situation does not look good. If Bexley were funded at the average of all six south-east London boroughs—Bexley, Bromley, Greenwich, Lewisham, Southwark and Lambeth—it would result in an extra £8.25 million for Bexley. If Bexley were not included in the south-east London average and funded at that rate, it would mean an extra £9.9 million for our borough. If Bexley were funded in line with our neighbouring borough of Bromley, which receives £45.13 per head, it would see an additional £1.3 million for Bexley's total allocation.

As we heard from the hon. Member for Erith and Thamesmead, our other neighbouring borough, Greenwich, has a grant allocation of £81.14 per head, which is more than double Bexley's allocation. If Bexley were funded at Greenwich's level, it would mean an additional £10.3 million for Bexley. I would point out, as the hon. Lady said, that Bexley and Greenwich share the town of Thamesmead, an area I represented in Parliament up until 1997. That is a community with some of our most complex and entrenched inequalities. Extra funding for Bexley would help to deal with those on the Bexley side of the Thamesmead divide.

Of the 151 local authorities in England, there are only 20 other local authorities with a lower per head grant allocation than Bexley. The main hindrance to Bexley is that the allocations granted remain largely dependent on historical patterns of spend before local authorities took over responsibility for public health. Although there have been years when the grant has increased, for which we are grateful, and other years when the grant has not increased or has been reduced, which we are not so happy with, no progress has been made towards tackling the issue of a fair and rational allocation for Bexley.

The result is that Bexley's public health funding does not reflect its current population, public health needs or its ambitions to reduce health inequality. That has to be addressed by the Government. The covid-19 pandemic has worsened our position and exacerbated the conditions of poor health in Bexley, especially in the north of our borough, where there are the greatest levels of pre-existing, underlying health inequalities. Covid-19 has also disproportionately impacted and exacerbated the health inequalities of our growing black, Asian and minority ethnic population, and our over-75 population, which is higher than the London average.

Bexley has also seen some of the highest covid-19 case rates in London, which reflects the underlying issues caused by the lower public health grant and therefore lower investment in public health measures to counteract the effects of disproportionality and inequality. Even the pandemic response in Bexley, which covers outbreak management, surveillance, monitoring, communications and engagement, community testing and contact tracing, would not have been possible without the additional grants made available by the Department of Health and Social Care, and the Ministry of Housing, Communities and Local Government. Other local

authorities have more in-built capacity and workforce resilience, which allows them to divert resources to address a future health protection challenge, such as a major epidemic, or the pandemic that we are currently experiencing. Bexley does not have the flexibility in the core public health capacity.

We are also currently seeing the development of the NHS South East London integrated care system. The ICS has set out its key priorities to be tackling health inequalities, prevention, and improving the health and wellbeing of residents. Each place-based system will play a significant role in delivering those priorities. With Bexley having such a low base for the public health grant, it will be extremely difficult to achieve parity with what the other south-east London boroughs can offer their residents due to significantly higher budgets. That alone will create further inequalities and highlights the importance of levelling-up grant allocation.

Bexley experiences the same public health challenges as other London boroughs and has an ambitious prevention strategy. Bexley's prevention strategy is a whole-system, five-year plan to prevent illness and poor health and social care outcomes, as well as to actively promote a positive state of health and wellbeing for our residents. However, its funding allocation does not allow us the same opportunities to make positive changes to residents' lives.

Bexley is a diverse, quickly changing and growing borough. It is a collection of communities working together and it is a great place. We anticipate a 7.6% population increase by 2030 and a 7.2% increase in the number of children living in Bexley. Some 30% of Bexley's residents are young people under the age of 25, and Bexley has the fourth highest rate of people aged 65 and over in London, at 16.5%. That will increase to 21.8% by 2050. Our infant mortality rate is also 3.7 per 1,000 population and our neonatal maternity rate is 2.75 per 100,000, both of which are higher than the London average.

Hospital admissions for young people due to substance misuse are higher than the London average and our vaccination rates for childhood illnesses and for adult vaccinations, such as flu, are nationally lower. We have done a great job during the covid situation and our health service, our council and the doctors and pharmacists have done a fantastic job on vaccinations.

**Abena Oppong-Asare:** Will the right hon. Member take this opportunity to encourage constituents in Bexley to take up the covid booster jab and the vaccine when they are called to do so?

**Sir David Evennett:** Indeed I will. I had my booster two weeks ago. I think it is very, very important that people should get the vaccine, whether it is the first or second jab or the booster. That is the only way we are going to defeat this terrible disease and pandemic, and I totally endorse what the hon. Lady said.

Bexley is very fortunate to have excellent leadership on Bexley Council, both from officials and the political leadership under Councillor Teresa O'Neill OBE. I have worked with Councillor O'Neill over many years on many different campaigns, including to highlight public health issues and quality of life. We have met Ministers and been involved in debates here before, but this time we really need some action. Teresa and I are working

very hard to persuade the Government that they need to look at the formula for public health funding for outer London boroughs such as Bexley.

Bexley desperately needs our grant to be urgently reviewed and redressed to reflect our needs and to support our constituents. I know that Bexley Council is appreciative of the national real-terms increase in public health grant allocations for 2020 to 2022. However, this historic funding issue needs to be addressed so that we can be a lead on the challenges we have today, and those we face ahead. Bexley Council is innovative, takes the initiative and leads in many fields. We want to do it here too, but without additional funding we cannot. I urge my hon. Friend the Minister to take these representations on board and to take action to ensure that my borough of Bexley gets a fair deal in public health funding for the future.

11.15 am

**The Parliamentary Under-Secretary of State for Health and Social Care (Maggie Throup):** It is a pleasure to serve under your chairmanship, Sir Edward. I thank my right hon. Friend the Member for Bexleyheath and Crayford (Sir David Evennett) for raising the important issue of public health. I was delighted to hear of the many measures his local council is already taking on this issue.

This debate has provided an opportunity to clarify an often misunderstood position about how funding for public health is distributed. The Government fully appreciate and share the commitment to prevention and improving the health of the population highlighted today. Improvements in life expectancy appear to have stalled and, on average, 20% of our lives are spent in poor health, with people in the most deprived communities at far higher risk of poor health. The gap in healthy life expectancy between the most and least deprived areas of England is around 19 years for both sexes. Helping people to stay well, in work and in their own homes for longer is vital.

Ill health is not randomly distributed, nor is it inevitable. Our ability to avoid, manage and survive disease is influenced by the choices we make, the job we do, the air we breathe and the neighbourhood in which we live. Service funding is only one of the levers available to us to support better health. For example, our obesity strategy works alongside local public health efforts in reducing childhood obesity. Our overarching goal is to create a healthier environment, helping to improve people's diets and to make the healthier choice the easier choice. The actions that the Government have taken on this can be seen in people's daily lives.

For example, since the soft drinks industry levy came into effect, the average sugar content of drinks has decreased by 43.7%. We have also legislated to introduce out-of-home calorie labelling in April 2022, to help people be more informed about the food that they are eating. Moreover, we have put in place regulations to restrict the promotion by volume and location of products high in fat, salt and sugar in supermarkets, which will come into force in October 2022. In June 2021, we confirmed that at the end of 2022 we will introduce both a 9 pm watershed for television advertisements of HFSS products and a restriction of paid-for advertising of HFSS products online. All of these national measures will have a local impact and will undoubtedly help those living in Bexley.

We recognise that the funding position for local authorities is challenging and we understand the huge efforts that local government has made to focus on securing the best value for every pound it spends. Today's debate has highlighted an important issue about the distribution of funding for local authority public health functions. Prior to 2013, funding for individual local health services, including public health, was determined by NHS primary care trusts. As for all local authorities, Bexley London Borough Council's allocation is heavily based on historical NHS spend prior to 2013.

However, the introduction of the public health grant to local authorities in 2013 has meant that spending on this set of services is now much more transparent. Before these functions were transferred to local government, we asked the independent Advisory Committee on Resource Allocation to develop a needs-based formula for distribution of the public health grant. The introduction of this formula meant that some local authorities received more than their target allocation, and others received funding under target. In 2013-14 and 2014-15, when the overall grant was subject growth, local authorities' funding was iterated closer to their target through a mechanism called "pace of change". Bexley Council benefited from this policy and received the maximum amount of funding growth, which I am sure my right hon. Friend appreciated.

The Government decided in 2015 that the fairest way to make subsequent changes to public health grant allocations was via flat percentage adjustments. Since 2019-20, adjustments have been made to the grant to take account of additional cost pressures such as the 2018 NHS "Agenda for Change" pay deal and the launch of routine pre-exposure prophylaxis—PrEP—commissioning, with all local authorities receiving a cash increase last year and this year to the public health grant, so that they can continue to invest in prevention and essential health services. For this financial year, Bexley Council received more than £9 million for the grant. We also allocated additional funding of £358,000 to Bexley this year to tackle obesity and drug addiction.

Nationally, the Government have made more than £12 billion available to local councils since the start of the pandemic to address the costs and impacts of covid-19, with £6 billion non-ringfenced in recognition of local authorities being best placed to decide how to manage the major covid-19 pressures in their local areas. I thank the hon. Member for Erith and Thamesmead (Abena Oppong-Asare) for mentioning the covid booster vaccine and my right hon. Friend the Member for Bexleyheath and Crayford for having it, which is probably the most important thing that people can do to continue to build our wall of defence, protect lives and reduce hospitalisations from the pandemic. While Bexley's per capita funding is different from other London boroughs, a per capita basis is not a meaningful way to compare or determine allocations, as it takes no account of different levels of need. We will consider the allocation of public health grant funding for future years following the outcome of the spending review; we do not have long to wait.

I commend all local authorities on their efforts to improve population health. Local authorities are ideally placed to make decisions about the services that best meet the needs of their populations. Across England, local authorities are commissioning more effectively and innovatively and delivering improved value, but we need to acknowledge that improving public health is

[Maggie Throup]

about far more than only the grant. We know that spending more money does not necessarily improve outcomes. However, what we spend it on really matters. The whole range of local government activity, including transport, planning and housing, all contribute to population health and wellbeing. The place-based work led by local authorities makes joining up these different factors much easier, and the new Office for Health Improvement and Disparities supports all areas of the country to drive improvements in health.

**Sir David Evennett:** We are listening with great interest and are very grateful for what my hon. Friend has said. However, I urge her to look seriously at the funding for boroughs that have a change in demography, because Bexley is a different place from what it was in 2013. We are well led and innovative, so value for money is a top priority for the council.

**Maggie Throup:** My right hon. Friend makes an important point. Obviously, nothing is ever static. We can look forward to having those discussions after the spending review.

The Office for Health Improvement and Disparities has a particular focus on those places and communities where ill health is most prevalent. I thank everybody in Bexley for their dedication to improving the health of people in their area. I am committed to working closely with colleagues in national Government and local government and with partners to ensure that the public health needs of the present and future are met. This has been an extremely important debate. I am delighted that Bexley Council is taking forward so many measures to improve the health of its population.

*Question put and agreed to.*

11.24 am

*Sitting suspended.*

## GP Appointment Availability

[MR LAURENCE ROBERTSON *in the Chair*]

2.30 pm

**Mr Laurence Robertson (in the Chair):** Before we begin, I encourage Members to wear masks when they are not speaking, in line with current Government guidance and that of the House of Commons Commission. Please give each other and members of staff space when seated, and when entering and leaving the room.

**Joy Morrissey (Beaconsfield) (Con):** I beg to move, That this House has considered GP appointment availability.

It is a pleasure to serve under your chairmanship for the first time, Mr Robertson. The chances of misdiagnosis can increase dramatically if GPs rely on emails or telephone calls exclusively. I speak from experience: for days, my mother-in-law was misdiagnosed as having a urinary tract infection, when she had actually suffered a severe stroke. Precious time was lost, and terrible damage done, because she was not seen by a GP. For every 100 ailments that can be diagnosed safely without seeing a GP, there will be one that cannot—one that could prove to be fatal, which is not a price worth paying.

I thank NHS workers and GPs for working tirelessly throughout the pandemic. I was encouraged to apply for this debate by my constituents, who came to see me again and again about this issue. I wanted to make sure that their voice was heard. I will read out some of their actual cases, because it is important to hear from them about what they have been experiencing. I would say that they are divided into two categories. The first is those who are disabled and perhaps suffer from dementia or other cognitive impairments, who find talking on the phone very difficult, and who really need to see a GP in person. The second is those who are happy to speak over the phone when they need a GP appointment, but find that the IT systems in place in certain GP surgeries cause issues with access to GPs.

The first example is from Marlow. A lady wrote to me and asked for an appointment to see me. She said:

“When I got through to the surgery, we were told that we should have a telephone appointment first. The GPs have my daughter’s number, as she cares for her grandmother. I explained that we do not live with her and cannot sit at her house and wait for a call. Also, there was a phone for her to sit around all day, and no one answers. She isn’t good with IT and has trouble explaining and expressing herself and telling someone what is wrong over the phone. I understand we are in extremely unusual circumstances, but there has to be exceptions, and there must be a way for elderly, and in some cases disabled, people to be able to get an appointment. Many do not have the capability to use the internet, and even phones in some cases.”

That was particularly true in the case of my mother-in-law, who had had a stroke. Luckily, we had power of attorney, but many people do not. I appreciate that the Government have made great strides in this regard, but we need to look at how we can protect those who are disabled, who perhaps have cognitive impairments and who need to have a carer come with them to a GP surgery in order to express what is wrong and explain what condition they have. Greater attention should be paid to this in the future.

We also have the issue of general IT and phone challenges. A resident in Farnham Common wrote to me and said:



“We have difficulty making the initial contact with GP surgeries. Most GPs operate a system which requires the patient to telephone when the surgery opens at 7 am to seek a consultation for that day. In our collective experience, it is often extremely difficult to get through. It takes a very long period of repeated calling. One friend recorded 140 unsuccessful attempts to reach the GP surgery.”

Some of the GP surgeries in my constituency are excellent. They were excellent during the vaccine roll-out and through covid, but we have certain GP surgeries that have had challenges meeting residents, challenges with the vaccine roll-out, and challenges in general throughout the covid period. Quite a number of residents have written to me and spoken to me about Burnham Health Centre, so I want to share specifically the IT challenges that it seems to face consistently.

One resident, Colin, said that if you are lucky enough to be 29th in the queue that morning at 7 am, you may get a message that says no appointments are left for the day. You can hang on in silence, or you may get to speak to a person—you may get through to a human being. You are told that there are no appointments and that you need to use Patient Access. When you try to book an appointment via Patient Access, it gives you possible ways to book, but only for things like contraceptive appointments, and nothing else. When Colin tried to access Patient Access, he was given an electronic form which he completed several times. It kept coming back saying that it could not be processed. He tried dozens of times and finally gave up and decided that Patient Access was not working.

He was not the only resident in Burnham who complained about Burnham Health Centre and Patient Access; several more wrote to me about the same issue. One said:

“I do think it’s ridiculous that you cannot get an appointment when you call, I am happy to wait a day or two, if it is urgent, there is always 111. The practice of releasing a limited amount of appointments at a certain time is not fair and just causes a bun fight. I do think the staff would benefit from customer service training”—

for everyone’s benefit.

A set amount of appointments are on a first-come, first-served basis. This seems to be unique to this GP surgery, but it has become a very agitating issue for people in the area who already suffer from some health inequality. They perhaps do not have the financial ability to go privately. Many are older and vulnerable, and it is demoralising that they often cannot get hold of a GP for even a phone call and consultation. Just getting a phone call would be a positive step in certain cases in my patch.

**Margaret Greenwood** (Wirral West) (Lab): The hon. Lady is making really good points on this massively important issue. She just remarked that it was unique to where she is. Not at all; I have similar issues and I am sure other Members will talk about their issues. It is so important. Does she agree that the difficulty people have in accessing GPs has a knock-on effect on the National Health Service in other areas? We see people going to A&E out of frustration, because they cannot see their GP. This is really a problem that needs to be tackled head on. I congratulate the hon. Lady on introducing the debate to put pressure on exactly that.

**Joy Morrissey:** I thank the hon. Lady for her contribution. I agree that the problem has a trickle-down effect throughout the NHS. We will see more people

presenting at A&E and perhaps with more advanced stages of disease, because they have not been seen in person. Encouraging GPs or creating a covid incentive programme for them to see people in person will decrease the amount of hospital admissions and lead to earlier diagnosis for cancer and heart disease. These things can really only be done in person. If someone is healthy and just needs a phone appointment, that is fine, but certain things cannot be seen unless a person’s vitals—their heart pressure—can be physically checked. Only a GP can do that and really only in person. If we want to reduce the overall burden on the NHS this winter, finding a safe and secure way for more residents to see their GP will reduce the overall pressure long term on the NHS. I know we have an aging population, and that GPs are under huge amounts of pressure and strain, but I believe there is a way we can work together to find a solution.

**Rachael Maskell** (York Central) (Lab/Co-op): The hon. Lady said that only a GP can check someone’s blood pressure. We know that many people can undertake many of the different clinical functions that a GP is asked to undertake. Is it not right, therefore, to look at a multidisciplinary clinical team and how to deploy it better, rather than just to focus on the GP?

**Joy Morrissey:** The hon. Lady is stealing my thunder, but I agree with that comment. With the multi-disciplinary approach, even nurse practitioners and others could be recruited into a GP surgery structure, to help with many of the ailments that people are presenting at A&E with or asking for an appointment about. There is a wide range of healthcare professionals who could help and support GPs, and I think this is an important issue that needs to be further discussed and debated.

When this matter came before the House in July, several relevant questions were raised. One of them was about NHS England and NHS Improvement, or NHSEI, which leads the programme of work support practices, using digital and online tools to widen access. I would just love to hear what progress has been made since this topic was debated in July. Also, what is the progress of NHSEI’s independent evaluation of GP appointments? Again, I would like to see whether we have had any progress on that independent evaluation. Finally, what is being done by the NHSEI access improvement programme to support practices where patients are experiencing the greatest access challenges, such as drops in appointment provision, long waiting times, poor patient experiences or difficulties in embedding new ways of working related to covid-19, such as remote consultations as part of triage? I would really welcome any updates on those questions.

We could perhaps discuss today how we can provide GPs and their surgeries with some kind of in-person patient incentive during covid. Perhaps that could come from existing regional funding streams. Perhaps each time a GP sees a patient in person, they could receive an extra payment, or they could receive an additional payment for visiting someone in their home. That would mitigate the additional cost of PPE and also the additional risk posed to the GP themselves by having to see people in person during covid or high levels of winter flu.

Some GP surgeries are already receiving additional funding for cervical cancer and diabetes screening, and we have seen uptake increased in those areas very

[Joy Morrissey]

successfully, so this type of programme has been modelled in the past. It would help to mitigate the risk and burden for GPs, while still getting as many of our constituents as possible into in-person appointments if they need them.

The NHS claims that it would like more patients treated at home rather than having to stay in hospital for extended periods of time. This model could be enhanced if GPs were given the financial incentive to carry out in-home treatments for patients who traditionally would have remained in hospital. Obviously, this allocation would have to be set by the integrated care system in each region and it would be decided on within regional NHS structures, but it is worth considering.

In my own personal experience with my mother-in-law, she has been at home all the time 24/7. She is now completely disabled and needs 24-hour care, but the most difficult challenge was the out-of-hospital care provision—getting the GP, the hospital and the council to co-ordinate the care effectively. It is a full-time job for someone to co-ordinate that care. If we can make those pathways of care and co-ordination easier for everyone, then, as was said earlier in the debate, it would reduce the overall pressure on the NHS.

**Margaret Greenwood:** Does the hon. Lady share my concerns about the provision in the Health and Care Bill for the assessment of patients to take place after they have been discharged from hospital instead of before, as happens at the moment? I have very serious concerns about that issue. I tabled a couple of parliamentary questions, which were answered by a different Minister to the one who is here in Westminster Hall today. One question was about the fact that this discharge-to-assess approach has been going on under the Coronavirus Act; I asked how many patients had been discharged that way. The reply came back that 4 million patients had been discharged from hospital without having their assessment. I asked how many of those had been readmitted within 30 days; the Minister replied that the Government did not know because the information was not held nationally.

This is a very serious concern, because we are talking about vulnerable people. I know the hon. Member for Beaconsfield is talking about a particular relative. The idea that somebody with dementia, or early-stage dementia that has not been fully diagnosed yet, should be discharged before their needs are fully understood is very alarming. An independent review of this is going on at the moment, and I would be grateful if the Minister could give us an idea when that is going to be published. It is meant to be this autumn. I would like to raise this with the Minister as a very serious issue and wondered if she would like to comment on it.

**Mr Laurence Robertson (in the Chair):** Order. I remind hon. Members that interventions need to be brief.

**Joy Morrissey:** I recall the Member speaking on this topic previously. I commented only because of my personal experience. The change is well intended, and I understand where it is coming from, but for a disabled person, and for someone who cannot advocate for their own care needs, having a care plan in place before leaving hospital helps with accountability and the structure

of the care. From my own personal experience, as someone who has taken care of a very disabled relative who cannot advocate for herself, I can only say that having this agreed before she came out of hospital made it easier for our family to co-ordinate the care. It is difficult to know which funding pathway is linked to what care once someone leaves hospital; there is a statutory responsibility, but then there is the question of who picks up the care once that period out of hospital has finished. For someone who is disabled, has had a stroke or requires long-term rehabilitation, that is a very sticky issue because whichever organisation within the health structure picks up the statutory duty picks up a huge cost. I think it is a very nuanced issue and we need another debate on it to flesh out all the different challenges. However, I take on board the comments made by the hon. Member for Wirral West and recall supporting what she said when she spoke several months ago.

I understand that these are unprecedented times, and there are great challenges for everyone across the health sector. This is not to criticise anyone; it is just about how we can positively move forward into the new covid era in which we find ourselves, and into the winter months when there are more challenges. It is about how we can work together to find solutions, particularly for the vulnerable, the disabled and those who cannot advocate for their own care needs. I am very grateful that we have been given time to debate this topic.

**Kim Leadbeater (Batley and Spen) (Lab):** I thank the hon. Lady for securing this important debate today. Like her, I have had communication from a number of constituents who are concerned about the lack of face-to-face appointments. It definitely is an issue. We have to be careful that we do not have a knee-jerk reaction. I also think there are benefits to a hybrid approach; I have a chronic health condition, but I would actually rather have a telephone conversation. The other important point is that a survey by the British Medical Association in August found that half of GPs had faced verbal abuse in the previous month alone, and most GPs had witnessed abuse directed at, in particular, reception staff. This is certainly borne out by the conversations I have had at surgeries in my constituency in Batley and Birkenshaw. Does the hon. Lady agree that this is extremely concerning and totally unacceptable, and that we must call out abuse directed at those in public service?

**Joy Morrissey:** I thank the hon. Lady for her comment. In my constituency we have GPs who have worked tirelessly throughout the pandemic and have done so much to roll out the vaccine—I commend them for everything they have done in such an incredible way. This is not to disparage the wonderful work of the majority of GPs and GP's surgeries. I am looking for the correct terminology. There are certain GP's surgeries that have struggled to even respond to constituents with phone calls. Many would be satisfied with just a phone call, but they cannot even reach their GP to schedule a phone call appointment.

**Chris Green (Bolton West) (Con):** Does my hon. Friend share the concern of many of my constituents that there is to some degree a postcode lottery in the

national health service and the GP service? Different GP surgeries and different areas provide very different levels of service, whether that is face-to-face or there is a lack of that.

**Joy Morrissey:** I would agree with that. Some GP surgeries, in certain parts of my constituency, are excellent—they were excellent with the vaccine roll-out; they are excellent now; they have done everything in their power to see as many constituents as possible—and then there are certain others, in the Iver and Burnham areas, where we continually have complaints, where constituents come to me in desperation because they have nowhere else to go.

We need to find a way of giving health access to everyone in a fair and reasonable way. I promised my constituents that I would raise their concerns at the highest level, and I have done that today, both in Westminster Hall and with the Minister directly. I thank Members for their time today, and I hope that this issue will continue to be considered and debated within Parliament and by the Minister.

**Several hon. Members** *rose*—

**Mr Laurence Robertson (in the Chair):** I ask hon. Members to now limit their speeches to six minutes, so that we can get everyone in.

2.51 pm

**Rachael Maskell** (York Central) (Lab/Co-op): It is a pleasure to serve with you in the Chair, Mr Robertson. I thank the hon. Member for Beaconsfield (Joy Morrissey) for calling today's important debate. Let me set out the challenge, and how Government can make a difference.

York Medical Group has 44,000 patients on its books. In a single calendar month, it received 41,000 calls from people who needed to see a clinician—unprecedented demand, with higher acuity, co-morbidity and complex needs. When patients get through to the call-handling system, they are triaged and, when urgent attention is needed, that is followed up by a clinical conversation. Appointments are allocated, tests are ordered, referrals are made, and prescriptions are issued.

Of course, people are also applying to see a practitioner through the internet or are turning up at the surgery. That is managed by exceptional staff, who are really pulling out all the stops to support their local community. However, this logistical agility to meet the serious demand is outstripped by the pressures placed on it. When spending time embedded in the system—as I did, spending time with call handlers and with GPs—I saw how relentless they were in trying to meet that demand, but that demand is continuing to put pressure on them.

**Alex Sobel** (Leeds North West) (Lab/Co-op): My constituency is only 25 miles from my hon. Friend's. A constituent came to see me last week; they could not get an appointment with their GP, but were told to go to the accident and emergency department in Leeds. It took two hours at the A&E to be triaged, and they were then told it would be a further six to seven hours to see a doctor. They ended up going home because it was too cold at the hospital to wait. Does this issue not impose pressure right across our health system, to the point that it is near collapse? Winter has not even properly started yet.

**Rachael Maskell:** My hon. Friend hits the nail on the head. We cannot look at part of the health service without looking at the entire health service, and the pressures that are brought to bear. As we have heard, many people do go to their A&E or urgent care centre, because that is the only way that they know they can confidently access the service, which puts more pressure on those parts of the service. We must look at the whole.

However, when it comes to trying to engage with our community practitioners—that is what primary care is all about: people who would traditionally have known the patient and the family—medicine has changed so much, yet we have not caught up with where it is. I saw both the call handlers and the GPs facing burnout. They are reducing the number of sessions that they are working because, we must remember, a session then extends right through into the night, as they are catching up with paperwork, ordering tests and following things through. Individuals are just saying “If I don't step back, it will have a serious impact on my own wellbeing.” We have got to protect the wellbeing of GPs. They are a precious resource in delivering our healthcare services.

**Margaret Greenwood:** My hon. Friend is making an excellent speech. Does she share my concern about the shortage of GPs? The Government have committed to having an extra 6,000 GPs by 2024 or 2025, I think. The pressures GPs are under is a direct consequence of the failure to address the issue.

**Rachael Maskell:** My hon. Friend raises the next point in my speech. We are in this mess because for over a decade we have had failed workforce planning across the system. We have seen that most acutely in primary care. The pandemic continues to be mismanaged, which I want to stress. The Government may be looking at the numbers when it comes to intensive care and hospital admissions, but as people are less sick they instead go to see their primary care physician. That puts more pressure on them. We need to see more measurements and data on the pressure that has been put on primary care during the pandemic. In addition, we have long covid as well. In York there are around 3,000 cases. It is not coded, so can the Minister get that sorted urgently? We need to look at the support that people with long covid require.

**Mohammad Yasin** (Bedford) (Lab): In the Bedfordshire, Luton and Milton Keynes clinical commissioning group area, there is only one GP for every 2,500 people, making it one of the worst hit by GP shortages in the country. The number of GPs employed in the area also has fallen by 12% to 390. Does my hon. Friend agree that we need an urgent independent review of access to general practice, not a “name and shame” league table that will only drive more overwhelmed GPs away from their profession?

**Rachael Maskell:** Absolutely. My hon. Friend speaks for himself. We need a shift from a sickness service to a health service. The Government scrapped the health checks that were vital in picking up ill health. We need to see prevention at the front of the queue, and we need to see investment in public health, which is currently being cut by local authorities. We need to make sure proper preventive measures are put in place.



[*Rachael Maskell*]

The fact that the Government are not moving to plan B right now shows that they are escalating the challenges on general practice rather than diminishing them. They are putting the vaccine responsibility on GPs when it can be done elsewhere in the service, as it was by Nimbuscare. We need to look at how not only health professionals but volunteers and the Army, even, are working together to deliver healthcare. We need to think about the broadest team available. Pharmacy also plays a crucial role in making sure that we are protecting the health service.

Looking at prevention, we do not necessarily need to move towards an individual, one-on-one health system for everybody. We can socialise and communitise health, so that people can get health support in active communities. Peer support is vital in managing disease and ensuring that people can support one another through ill health. Occupational health services can make those early interventions in workforces, often where mental health problems show up when there is stress in the workplace. There are real opportunities to expand those services and look at deploying early intervention and education to turn around this system. It will only happen if proper investment is made and proper workforce planning is put in place. The Government have got to get to grips with the figures on staffing and ensure that investment is in place.

Staff are exhausted, tired and downtrodden. The trauma of covid is hitting right now. We need to ensure that staff are properly rewarded through their pension scheme and with a decent pay rise. Get it sorted.

2.59 pm

**Chris Green** (Bolton West) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. It is a pleasure to follow the hon. Member for York Central (*Rachael Maskell*), who makes important points in her speech. I congratulate my hon. Friend the Member for Beaconsfield (*Joy Morrissey*) on securing the debate and making many compelling arguments. I congratulate my hon. Friend the Minister on taking her position on the Front Bench. She is one of a small number of individuals in Parliament who has recent frontline experience and I am sure she will bring that to bear in her role.

GP appointments are an important issue about which there have been concerns for many years. The principal concern at the moment relates to coronavirus and the lockdown. We cannot avoid that or simply touch on the subject, then concentrate on a wealth of other concerns. We have to focus on that issue as the prime driver of the current problems in the sector.

The Chancellor has put forward substantial resources, but more are always needed to make sure that resources are available for the national health service and for general practitioners. More needs to be done, and I am sure that, in the coming months and year or so, more resources will come forward.

I am here to raise the concerns of my constituents who are increasingly worried. At the beginning of the coronavirus lockdown, many people chose not to take up available GP or hospital appointments, but many of those conditions that have not been investigated or checked in the last 19 months are now far worse. The

pressure and demand on hospitals and GPs are more severe. People are increasingly less frightened of coronavirus but more frightened about when they will get to see their family doctor, who is now difficult to see.

People are told by their GP receptionist to call at 8 o'clock, or earlier in some areas, but they have to make call after call after call for half an hour or 45 minutes. They cannot get through until it is too late and they are told to do the same tomorrow. That is happening day in, day out. Many people are now going to accident and emergency. For a long period at the beginning of the pandemic, A&Es were quiet because people were worried about going and getting coronavirus, but the situation has changed radically. People cannot access their GP surgeries and they are going to A&E, but it is far more difficult to get the service there too.

The system is coming under significant and increasing pressure, which is piling up as we head into winter. It is not just coronavirus. There is an expectation that the pressure from other respiratory viruses will mount up along with, as I mentioned, conditions that have not been checked or investigated for all those months such as cancer and other life-threatening conditions.

We have heard about elective care for issues such as cataracts and hip replacements. In the scheme of things, when we are thinking about life and death, they may seem relatively minor but they have a dramatic impact on people's standard of living. The situation has negatively affected all those discretionary care items, but they have to be addressed too.

**Margaret Greenwood:** The hon. Gentleman is talking about rationing and what is happening in the wider system. With the Health and Care Bill, we are moving away from a national health service to 42 integrated care systems that will all have to balance their books every year under tight financial controls and will all have different strategies. Does he share my concern that that will embed the postcode lottery and increase the rationing of care? Have his constituents commented on that and do they share those concerns?

**Chris Green:** The hon. Lady makes some important points about the Bill, but the postcode lottery is already there. Most people view the national health service as a one-size-fits-all service that provides the same service wherever they are in the land, but that is not true and perhaps never has been. Access to medicines is very variable and IVF is a good example of something for which different areas have different agendas, policies and accessibilities. We all know that there is already a postcode lottery.

I do think that NHS England is too large an organisation. I was not intending to talk about this, but I was hopeful about health and social care devolution in Greater Manchester. The Mayor could have taken that up and championed it, but he has not made a single speech on the subject—he has not touched it. Having seen the failure of that devolution, the Government are now looking at other mechanisms to champion the cause of better accountability—

**Margaret Greenwood** *rose*—

**Chris Green:** I am sorry, I have very little time—where local leaders may be able to champion the cause of better delivery, with organisations in a sufficiently large

area in which they can make a difference, but which are close enough to people that local needs can be respected and identified. Different areas are often so very different.

About 5.5 million people are on hospital waiting lists. That is an extraordinary figure. However, there have been about 7 million fewer GP to hospital referrals during the pandemic. If we extrapolate from those figures, we have roughly 13 million people on the hospital waiting list. We need to get the GP service sorted out as soon as possible. It is appalling. I am disappointed in the British Medical Association for threatening strikes. The health system, the unions and the Government need to get together and deal with those problems as soon as possible.

I was concerned about the renewal of the Coronavirus Act 2020 because I know what that will symbolise to the civil service, the health system, the education system and wider society: that we have not and should not yet return to normal. As long as the Coronavirus Act is in place, I can see that the wider system of state, including GPs' surgeries, will not return to normal. That has to be changed and normal service must resume as soon as possible.

3.6 pm

**Simon Fell** (Barrow and Furness) (Con): It is a pleasure to serve under your chairmanship for the first time, Mr Robertson. I thank my hon. Friend the Member for Beaconsfield (Joy Morrissey) for securing the debate; if ever there was a timely debate, this is it. It is always a pleasure to follow my hon. Friend the Member for Bolton West (Chris Green), who often speaks sense. [*Laughter.*] And did so today, I should say! That was not a back-handed compliment.

About a month ago, I got an email from one of my constituents who is a nurse working in general practice. She was very angry and frustrated with what she sees day to day, dealing with the general public and some of the challenges there. One line from that email really stuck with me:

"We used to clap for our carers, but now it feels like we get a slap for our carers."

That really illustrates some of the challenges that those working on the frontlines in primary care are facing. It is a very difficult environment, and no one working in public service should have to be in that sort of environment day in, day out.

Many hon. Members have talked about the frustrations faced by constituents trying to access services; my constituents are in exactly the same boat. My inbox is not exactly quiet on that issue. I have experienced it personally, too: calling the surgery at 8 o'clock in the morning and not getting an appointment; being told through various messaging campaigns to send photos in and get diagnoses that way, but with no clear route of access for how to do that. That drives frustration. People are being told that they can go to the pharmacy and, for what it is worth, I think that is an excellent thing to be doing. We should be triaging people. However, we need better communication about why people should be going to the pharmacy, what symptoms they should be displaying and what questions they should have to go there instead of calling 111 or going to their GP.

The work that GPs and those in general practice are doing is just phenomenal. We should not forget that they are delivering not only a programme to work

through a backlog of people trying to access services, but the vaccination programme. In my constituency in Barrow and Furness, they are doing a phenomenal job. Their day job is packed and stressful; delivering the vaccination programme before or after hours to get through those essential numbers as well is really difficult.

I held a roundtable with some GPs with my constituency neighbour, the hon. Member for Westmorland and Lonsdale (Tim Farron). I met four GPs from my constituency there, and spoke to another two beforehand. They all talked about having the same issues. After the meeting, one of my GPs sent me an email, and I want to put on record a quote about some of the challenges they are facing:

"During the pandemic we continued to provide face to face appointments despite any personal risk or even PPE in the early days...I have a memory of wearing a bin bag and a visor from B&Q for an early visit! We triaged all contacts as advised...we saw patients in a portacabin in the car park to protect staff... We are aware that not enough patients are being examined, and although we still do phone appointments first, my conversion rate to a face to face...within few days is about 40%...Our workload has increased by about 30% in the last few months. All the patients that 'stayed at home to protect the NHS' are now out in force and demanding to be seen, and some are really quite unwell, having suffered from self-imposed medical neglect for many months. Mental health crises dominate every day. Cancers and heart disease are presenting late. And there is a huge bottle neck in the system, as we cannot get anyone seen in secondary care as the waiting lists are so huge...This is a perfect storm".

Another GP got in touch with me. He is now edging towards retirement. He is contracted to work three days a week, so he is only paid for three days, but he is turning up for six while also delivering the vaccine programme. His concern is not just getting through the waiting list but also the challenge of finding new GPs to backfill afterwards. If we do not get a grip of this crisis, that will be the next problem that we face.

The GP who wrote to me continued:

"If face to face is mandatory, there will be a four to five week wait for an appointment. Is that really the policy outcome anyone wants?"

Those are the challenges that we must lean into, and I would be interested to hear from the Minister what the Government plan to do about them. I know that they have announced money for general practice and the NHS, but we cannot magic up people and resources.

To my mind, we must look at improving access through technology, looking at challenges around phone calls and patient access systems, and easing information flows between GP practices and secondary care. Yesterday in the Chamber, my hon. Friend the Member for Bosworth (Dr Evans) said that 10% of GP time is spent chasing up appointments and medical records. We should be able to use technology to get that out of the way.

However, the crucial point is about communications and signposting. Pharmacies and 111 are fantastic resources, but we must make it clear to people why, under what circumstances and how they need to use those routes. We are not there yet. That responsibility falls on both Government and general practice. Something in the comms space is really important.

If we do not tackle this now, I fear that we are building up a problem for the future and that the recruitment issue is going to come back and bite us. I am interested in the Minister's views on how we tackle that perfect storm. What we need now is a considered and coherent route out of it; otherwise, we will face a similar debate in six or 12 months' time.

3.12 pm

**Peter Aldous** (Waveney) (Con): It is a pleasure to serve with you in the Chair, Mr Robertson. I congratulate my hon. Friend the Member for Beaconsfield (Joy Morrissey) on securing this debate and on her graphic and very personal assessment of the current position.

Over the past two to three months, I have received a great deal of correspondence on this issue, with constituents very upset that they have not been able to secure face-to-face appointments with their GPs. Late last month, I had a virtual meeting with GPs practising across the Waveney area, who themselves are very upset at the abuse that they have been receiving—something that they and their staff should not have to put up with.

There is clearly a major problem, and, at a time when the pressures on the NHS are growing at an exponential rate, there is a need to work together to find a solution. In the Norfolk and Waveney clinical commissioning group area, notwithstanding the enormous demand for GP services, the position with regard to appointments is positive, although it is recognised that more needs to be done. In August 2019, there were 478,160 GP appointments, and this August that figure increased to 482,993. The proportion of patients being seen face to face is increasing. This August it was 69%, compared to 67% in July and 66% in June. More patients are being seen face to face in Norfolk and Waveney than in other parts of the country: the August figure of 69% compares with a national average of 58%.

That said, it is recognised that a lot of people are very distressed, and in many cases very worried, that they have not been able to see their GP. The pandemic has meant that there is now an enormous increase in demand for GP services, with people on growing waiting lists needing support, and with those who were unable to see their GP during the pandemic wanting an appointment in order to highlight something that is causing them a lot of worry and distress.

The increase in demand for GP services has been happening for some time, but there are severe capacity constraints on the number of patients who can be seen face to face. The current infection, prevention and control measures that are needed to keep patients and staff safe mean that in-person appointments take much longer. Social distancing means that, at practices with smaller waiting rooms, people have to wait in their cars and staff have to go and get them when it is time for their appointment. Additional cleaning arrangements are also required between patients. There is a need to improve and standardise the way that remote appointments are operated and to adopt a whole-team approach, as there are many cases where a patient does not always need to see their GP and can often be cared for better by a physio or pharmacist.

**Margaret Greenwood:** The hon. Member is making some very interesting points. Does he agree that it is important that the Government review the outcomes of patients who have been consulted remotely? I have heard harrowing stories from my constituents. One woman thought she had a very minor ailment—she did not get seen by a GP, and she ended up with life-changing surgery. She will never be the same again. It is important that there is a national review of what has happened to such patients, rather than assuming that everything is all right because a patient does not come back.

**Peter Aldous:** I am most grateful to the hon. Member for that intervention, and I agree wholeheartedly with her. The more evidence we have, the more we can get remote forms of working to operate much better.

I previously mentioned the abuse that GPs and their staff receive. I should emphasise that it comes from only a small number of patients, but it is nevertheless making general practice a less attractive, and often quite unpleasant, place to work. That risks making GPs and practice staff harder to recruit and causing existing staff to retire early, to choose to work elsewhere in the NHS or even to leave the health service altogether.

The Government's plan for improving access for patients and supporting general practice is largely to be welcomed, but there needs to be an emphasis on collaboration and working right across the NHS, which is something that the integrated care systems will hopefully achieve. It is also vital for the Government to see through our manifesto pledge to increase the number of GPs and other primary care professionals. There will be an increased emphasis on information technology, and the necessary investment in that infrastructure must take place right across the country in a way that is easy to operate and, most importantly, straightforward for all patients to access.

3.18 pm

**James Sunderland** (Bracknell) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate my hon. Friend the Member for Beaconsfield (Joy Morrissey) on securing the debate. I listened to the speech by my hon. Friend the Member for Waveney (Peter Aldous)—I am sure he was looking over my shoulder when I wrote mine, because some of the themes are quite similar.

I find myself in the curious situation of raising the issue of NHS services in east Berkshire. Why is that curious? Because we are pretty well served, actually. The NHS is pretty good locally. We have three fantastic hospitals on the doorstep. The Frimley ICS is one of the best-performing care systems in the country and recently had a reprieve from the new Health Secretary, who had looked at breaking it up. We are in a pretty good place, and I do not tend to get letters from constituents about the healthcare that they receive, which is very good. In this case, however, I have been receiving letters, and I am quite concerned about it.

What is the perception, and what are people saying to me? Under the current policy, GP practices must now ensure that they offer face-to-face appointments. Only 57% of appointments across the UK are currently face to face, versus 79% before the pandemic, so there is an issue. There is also a perception that it is difficult to get through to practices on the phone, and that there is low availability of appointments and a lack of face-to-face care. Constituents are never wrong, my constituents are not wrong, and if they are writing to me repeatedly about these issues, clearly it is incumbent upon me as their MP to raise them.

What is the good news? Nationally, the narrative is actually very positive. If we look at the current statistics from the Care Quality Commission, the scores on GP access are the highest they have ever been, with a 67% satisfaction rate now, compared with 63% last year. Same-day appointments have gone up. People are satisfied with what they are getting from their GP, with an



88.7% satisfaction rating of “good” or “very good”. As of August 2021, 23.9 million GP appointments were offered and recorded, compared with 23.4 million two years ago, so things are getting better. Things are going up. That is in addition to the 1.5 million covid-19 vaccination appointments delivered in August 2021 by GP surgeries. The service, statistically, is improving. It is good news.

However, the data appears to contrast with what I am hearing locally. I agree with what my hon. Friend the Member for Bolton West (Chris Green) said earlier about how there could be a postcode lottery, or it could be related to the service provider at individual constituency surgeries. Demand is clearly outstripping supply, so Houston, we’ve got a problem.

As an example, one constituent spent 45 minutes on the phone to a particular surgery, tried 159 times to get through and was then offered a telephone consultation for a lump on her neck, which is not great. Constituents have dialled 111 and been advised to contact their GP, then after being unable to get through, they phone 111. We have had multiple complaints from certain constituents in a certain part of my constituency—it would not be fair for me to say where—informing me that the practice has 20,000 patients and only two doctors. The figures do not work. Telephone triage is being used instead of an immediate face-to-face. For flu vaccinations, one particular group practice is advising constituents to travel to the central hub in Bracknell, which causes issues for those less able to get there. We have a capacity problem.

However, it is unacceptable that staff are working under challenging circumstances and facing levels of abuse not previously seen. GPs and staff are working harder than ever before. Retention and staff satisfaction are an issue. Therefore, MPs like me must do more to help to redress that balance, and to balance the narrative. By the same token, GP surgeries also need to take the inquiries that we raise with them more seriously. The GP is not the enemy, and nor is the MP.

My general advice to GP surgeries is this: I think that there are things we can do. We need more staff. Let us do more to recruit staff, particularly receptionist and telephone staff. We need to reassure patients a bit more; they want some TLC after the pandemic, and it is right that they get it. We need to sort out the phone lines. We need to improve electronic referral systems. In Bracknell, we have the new primary care network phone system, whereby calls that cannot be answered by a particular surgery will be rerouted to another, which is quite exciting. We also need communication between surgeries and their patients: tell the constituents what is going on and explain to them why their calls are going unanswered. MPs need to visit surgeries, as I am next week. Basically, let us improve customer service.

I have three points to conclude with. First, care providers in East Berkshire and across the country are working miracles, but are accountable to their customers. I would urge GP surgeries to think about what their customers are saying to them, and to do what they can to reassure them. My second point is addressed to the Minister. The new IPC guidance is forthcoming. When will it be published, and when will GP surgeries get more guidance on what it means? Lastly, I urge everyone listening to this to watch the language being used. We are all in the same space and working hard; doctors and

staff are working really hard. Let us please tone it down. All of us are part of the problem, but we are also all part of the solution.

**Mr Laurence Robertson (in the Chair):** We now come to Front-Bench speeches. I would like to leave a couple of minutes at the end for the mover of the motion to wind up.

3.24 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Robertson, and I am grateful to the hon. Member for Beaconsfield (Joy Morrissey) for securing this debate. She gave a good summary of the issue and I am grateful for her personal testimony. I think all our communities have experienced different levels of satisfaction or otherwise with GP services.

Let me start by paying tribute to the work done by GPs and primary care staff, who, along with their colleagues throughout the NHS, have performed admirably and heroically throughout the pandemic. It would be completely wrong for anyone to claim otherwise. Incidents of harassment of GPs and medical staff—such as the Watford incident, where staff were locked into a consulting room until they agreed to carry out a face-to-face consultation, and an attack in Manchester that left a GP with a fractured skull and other staff with deep lacerations—are unacceptable and should be condemned. I trust that the Minister and every MP will join me in that condemnation.

I cannot help but fear, however, that the UK Government’s harmful rhetoric, including their threat to shame GPs for not returning to face-to-face appointments, may have played a part in such shameful behaviour. The Government must support GPs and not threaten and shame them. While the pandemic remains, it is safer for medical staff and patients to continue hybrid screening and appointments—I stress hybrid. Forcing face-to-face appointments too soon is unsafe and may harm patient care.

For many patients, the choice of using e-health and telehealth solutions to contact their GPs initially has been convenient, but clearly it is not appropriate for all. Some individuals and certain conditions would benefit from a face-to-face appointment and it is important that we get that balance right. However, forcing an immediate return to face-to-face appointments will not necessarily benefit the patients and it may harm efficiency of care.

GPs in England have overwhelmingly rejected the DHSC England plan for forced face-to-face appointments, with more than 90% saying they would increase workload and therefore decrease the amount of time caring for patients. The Royal College of GPs in Scotland said last month:

“We believe that there is a key role in modern general practice for remote consultations and would oppose any moves to deny patients this option of accessing care by reinstating pre-pandemic ways of working”.

It went on to say:

“Instead of arbitrary targets which we feel would not benefit either patients or the wider health service, we need to see concerted and urgent action in a range of areas that would improve general practice and ultimately the standards of care that patients that receive ... Key to this is the need for credible workforce planning to ensure that we have an appropriately staffed service”.

[Martyn Day]

That is an absolutely fundamental point. It may be worth mentioning that GP training recruitment in Scotland this year has been the most successful year of any of the last five, with 99% of GP training posts filled so far and with one recruitment round remaining. Already Scotland has a record number of GPs, with more per 100,000 of the population than the rest of the UK. We are on track to increase that number by a further 800 posts by the end of 2027. For comparative purposes, that is currently 94 for every 100,000 people, compared with 76 in England, 75 in Wales and 72 in Northern Ireland.

The BMA said on 15 September:

“Any arbitrary timetables or targets for face-to-face patient consultations would be both unrealistic, demoralising and potentially counterproductive, leaving those desperately in need of appointments waiting even longer”.

I am pleased that the Scottish Government will not be pressuring GPs into unsafe early reopening, just because some politicians and some sections of the press want to insist on it.

In conclusion, the UK Government should match the Scottish Government’s stance and insist on a safety and efficiency-first position, not bow to demands of the right-wing press, which will sacrifice patient and staff safety without providing any benefits to our patients. The key to this issue is getting the balance right in terms of the hybrid approach, which of course requires adequate recruitment levels, which are absolutely fundamental.

3.29 pm

**Dr Rosena Allin-Khan** (Tooting) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I thank all hon. Members for their contributions this afternoon and the hon. Member for Beaconsfield (Joy Morrissey) for securing this debate on an extremely important issue as we recover from the pandemic. This issue is close to all our hearts and to the hearts of the people whom we service.

GPs play an essential role in our communities. They are often the first port of call for people accessing a wide variety of health services, and their hard work and dedication to serving their communities ensure that we can always obtain advice, medicine and referral to other services.

When we discuss GPs, it is important to remember that they are more than just nameless public servants doing a job. They do not just serve communities; they are an integral part of them. I myself have had the same GP for my whole life, if people can believe that. I am slightly giving my age away to say that she has been my GP for over 40 years.

GPs are the foundations of our national health service, and without access to them our whole health system would collapse. Chronic illnesses would not be caught in time, mental illnesses would go unchecked and life-saving medication would simply not be prescribed. From our birth to our death, a GP is there for us all, and everyone in this country should have access to their GP.

However, like much of the NHS, GPs are overstretched and under-resourced. Even prior to the pandemic, GP surgeries had to contend with a double hit of fewer doctors in the workforce and a rising ageing population. Demand simply outweighs supply. We need more GPs,

pharmacists, physiotherapists and community health workers. But instead of supporting GPs during this challenging time, the Government prefer to blame them, making their jobs even more difficult at the time of greatest pressure for our NHS.

We have looked for virtual solutions so often during this pandemic, and for the most part their effectiveness cannot be disputed. They have allowed our economy to keep going and our public services to continue functioning, and also allowed a small degree of normality in what has been an extremely challenging and turbulent 20 months. I know from my own experience on the A&E frontline, especially early on in the pandemic, that infection protocols and social distancing made many elements of delivering compassionate care very challenging.

Digital solutions have worked well, but we know that they are not appropriate in every setting and they do not work for everyone; we have heard ample example of that today in this debate. However, we need to be careful not to conflate two separate issues. Digital solutions in practices were not just necessary for infection control. The sheer demand for appointments is through the roof. GPs have been offering telephone consultations and online appointments for some time now, even prior to covid. There were 2.2 million more appointments in August this year compared with August 2019. The percentage of appointments being delivered face to face is also rising. That shows that GPs are striving to see as many patients as they can, but to increase that number even further they need more support from the Government.

The Conservatives have promised more GPs in every one of their manifestos since 2015. However, we have approximately 2,000 fewer GPs now than we had in 2015. It seems like a simple fix for Government—deliver on manifesto commitments and expand the GP workforce. That will allow for even more appointments and it will help to reduce the burden on existing staff, leading to less burnout and less fatigue.

The British Medical Association conducted a survey of GPs in July. Half the respondents said that they are currently suffering from depression, anxiety, stress, burnout, emotional distress or other mental health conditions. I repeat—half the respondents said that. That is a huge percentage. Around the same proportion of respondents said they now plan to work fewer hours after the pandemic. When a workforce are supported, their absence rates come down and their productivity goes up; it is pretty basic. Ensuring that staff are supported not only benefits the workforce but the patients, through more effective and timely care. It is a virtuous cycle, which surely even the cynics would support, as it ultimately leads to more patients being seen and better care being provided.

We have heard about the trickle-down effect of not being able to see GPs and the knock-on impact that has on the rest of the NHS. Yet instead of delivering on their manifesto pledges, this Government would rather stoke the flames of division, by attempting to shift the blame to GPs and encouraging local residents to vent their frustrations at them rather than at the Government. The Health and Social Care Secretary has resorted to attempts to name and shame GP practices that were unable to guarantee face-to-face appointments. The Government will then deny additional essential funding to the practices they deem to be performing poorly. That provocation does nothing to improve patient care;

it serves only to deflect anger away from the Government and towards the health service. I know from colleagues in GP surgeries across England that it has already resulted in abuse both online and in person. That leaves so many practitioners considering their career choices, and will lead only to further shortages in future.

Fundamentally, the Government need to make good on their manifesto pledge of an additional 6,000 GPs. Without that, there will be a detrimental impact on the workforce and, crucially, on patient care. That has a knock-on impact on how much time GPs are able to spend with patients. Patients are understandably frustrated, as the backlog of care due to covid continues to pile up, with a knock-on impact on waiting times throughout the NHS. At a time when case numbers are soaring again and the booster programme is faltering due to Government inaction, people are anxious about their health and the health of their local community.

**Chris Green:** Will the hon. Lady give way?

**Dr Allin-Khan:** No; I want to make some progress. The imminent arrival of winter is also a great cause for concern. Winter is always an extremely challenging time for the health service. GPs will be the first point of contact for the majority suffering from winter respiratory illnesses. However, GP surgeries cannot be blamed for being unable to fill vacancies as a result of wider workforce and funding issues. It is simply not acceptable. The Government are purposefully turning communities against one another, risking the health and wellbeing of patients and staff simply because they are unwilling to put forward a sustainable plan to support GPs to manage their workloads. GPs' needs and patients' needs are one and the same. It is a failure of Government that has led us here.

**Chris Green:** The Labour party voted against compulsory vaccination in the care setting, presumably because they sensed that it would have an impact on carers and their ability to carry on in the sector. Does the hon. Lady think that it would also have an impact on the NHS, with perhaps up to 100,000 people leaving, and GP surgeries?

**Dr Allin-Khan:** That is beyond the scope of this debate, but I am very happy to have a discussion with the hon. Gentleman afterwards. I do not believe it is appropriate to mandate vaccinations for NHS staff, forcing them to leave their jobs if they do not accept vaccination, as I put forward in the Labour party's position on the care sector.

Let us be clear: GPs are being scapegoated for a failure of this Government to act and put people's health first. The war against GPs that is being propagated by the Government does nothing to serve patient needs or to serve GPs, who are exhausted and unable to fulfil the commitments that they trained hard to carry out, because of a failure of this Government. I see that the hon. Gentleman feels rather pleased with himself for his intervention on me. Forcing people to have vaccinations in the communities that have been hardest hit, for whom trust has been completely eroded by this Government, does nothing to serve our collective aim, which is to ensure that the communities that we all serve have the treatment that they need and timely and respectful surgeries and appointments. That is the very thing that will keep our communities alive and well this winter.

Will the Minister, whom I welcome to her place, please outline what steps the Government will take to tackle the workforce shortages in GP surgeries? Will she outline what resources will be provided to ease the intense workload that GPs are already contending with? Will she outline why additional funding is all directed to secondary care, while our primary services are left to crumble?

I thank all the GPs out there serving our communities. I hope that the Government have listened to our points on the support that GPs, patients and communities need.

3.40 pm

**The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield):** It is a pleasure to serve under your chairmanship, Mr Robertson. I thank the hon. Member for Beaconsfield (Joy Morrissey) for bringing forward the debate. As we have heard from MPs from across the political parties, their postbags show that this is a big issue from the perspective both of constituents, who are trying to access appointments, and of GPs, who are reaching out to their local MPs to highlight the pressures and difficulties that they have faced recently.

I want to start off by thanking general practice teams and GPs in particular. It is disappointing to hear what the shadow Minister, the hon. Member for Tooting (Dr Allin-Khan), had to say. There is no war on GPs. We are all in this together, including GPs, reception staff and nurses. On 14 October the Secretary of State announced a GP support package precisely to support GPs in supporting their patients. We have been listening long and hard to the difficulties faced in primary care. The range of measures I will talk about are there to help GPs as much as patients. If we do not support GPs, the patients will struggle.

I wish to put on the record my thanks to all in general practice during the pandemic. They have gone above and beyond—and often under the radar—by continuing to see patients during the crisis. They have also helped support and in many cases run vaccination programmes in their local areas, and have been a key factor in supporting community teams to help patients be discharged from hospital more quickly and to prevent readmission. That was key during the crisis. Without their hard work and dedication, much of that would not have happened.

There is, however, an issue. We all know that there are problems with accessing GP appointments, but there is also some good news. My hon. Friend the Member for Barrow and Furness (Simon Fell) described the situation perfectly when he called it a perfect storm. So many patients did not come forward during the pandemic, as advised in the main, and many issues, symptoms, conditions and worries are now coming to the fore. The pent-up demand is such that GPs are overwhelmed by the number of people who now need to be seen, often with symptoms and conditions that are far worse than if they had been able to come forward at an earlier stage.

The physical set-up of many GP practices—infection control measures had to be put in place to protect GPs and their staff and patients—means that they have struggled to see patients. My hon. Friend the Member for Bracknell (James Sunderland) asked about those measures. They have been relaxed: social distancing has been reduced from 2 metres to 1 metre. Face masks are



[*Maria Caulfield*]

still required, but it is now safer for GPs to open their doors and get more patients into their waiting and consulting rooms. Some infection control measures have been relaxed and we should see an improvement.

Appointment numbers are returning to pre-pandemic levels. In August the average number of general practice appointments per working day was 1.14 million, which represented a 2.2% increase on August 2019. As GPs will tell us, they are seeing more patients. The proportion of face-to-face appointments is also increasing. Since August, nearly 60% of appointments have been face to face. That shows that things are starting to return to pre-pandemic levels, but the sheer scale of people who now need to be seen means that it often does not feel like that for patients.

I will give my hon. Friend the Member for Beaconsfield some specific figures for Buckinghamshire. In August, practices arranged a total of more than 200,000 appointments with patients, which is an increase of more than 3,000 from August 2019. In addition, practices in Buckinghamshire helped deliver more than 786,000 vaccines. I take her point that there are specific issues with certain practices that are struggling. My advice to her—and I am happy to meet her and discuss this more fully—is to try to broker a meeting between the GPs and the clinical commissioning group, because often additional support can be given locally to those practices that are really struggling. Sometimes GPs are so overwhelmed that they do not have the space to ask for help and support, even though that is what they need.

Many colleagues, including my hon. Friends the Members for Bolton West (Chris Green), for Beaconsfield and for Barrow and Furness, have raised the issue of telephone access. Much of the problem that patients face is that they cannot get through in the first place, whether that is to make a face-to-face appointment, have a telephone consultation or make a virtual appointment. That is an issue. GPs have historically devised their own telephone systems. They may have gone in with primary care networks or the CCG, and many have their own set-up. Given the sheer scale of the numbers, there is a real issue in having two or three receptionists tackle 300 or 400 calls on a Monday morning, most of which will be complex calls rather than quick, five-minute calls to book an appointment.

That is why part of the GP support package that the Secretary of State announced on 14 October will provide telephone support through a cloud-based system, which will do a number of things. First, it will increase capacity so that patients can get through much quicker. Secondly, it will provide an automated queuing system. I know from my own constituency that patients can be 29th in the queue and have to wait for a long time, so providing that extra capacity will take the pressure off GPs. It will also provide an insight into how much admin support GPs actually need. That valuable data will allow us to provide them with support for the long term.

There are a number of other measures in the GP support package and we are working hard on this matter. There is a £250 million winter access package, aimed at helping GPs open up their surgeries for more face-to-face appointments because this is not an either/or situation. Many Members, including the hon. Member

for Batley and Spen (Kim Leadbeater), pointed out that many patients like telephone consultations and the virtual appointments, and we are not going back to pre-pandemic face-to-face-only appointments. We need to embrace the changes that technology has brought. It is far more beneficial for busy people who are working or juggling childcare to be able to speak to a GP rather than have to trundle down to the surgery, but there is a place for face-to-face appointments as well.

The access package of £250 million can be used in a number of ways by GP practices. It can be used to take on locum staff if they are available, to take on other healthcare professionals to see patients, to extend opening times, or even to change the layout of a surgery so that it can accommodate more patients. It is for local commissioners and GPs to decide how they would like to use that fund.

There are also significant moves to reduce bureaucracy for GPs. They are often the only people who can sign fit notes or Driver and Vehicle Licensing Agency requests. As has been said, there are other healthcare professionals who are equally qualified to do that. Some of it may need legislative changes, which we are working at pace to introduce, but we want to take that bureaucratic burden off GPs so that they are free to see patients when they need to.

There are also a number of other measures in terms of increasing the general practice workforce. As the hon. Member for Barrow and Furness said, communications is a crucial point because it is not always the GP that patients will see in face-to-face appointments. They might see a nurse, a pharmacist or a physio. We need to get that message out at a general practice level, but also at a national level.

**Chris Green:** On compulsory vaccinations in the care sector, I have concerns about compulsory vaccination on the NHS sector. Would the Minister do what she can to ensure that there is an impact assessment before this is done on the NHS, if it is done in the future?

**Maria Caulfield:** My hon. Friend is certainly persistent in his questioning on that issue. It is a decision for the Secretary of State, who is looking at such factors. The vast majority of NHS staff have been vaccinated, for their own protection as much as anything else. I want to highlight that we are increasing the number of primary healthcare professionals across the board, aiming to replicate the model used in hospitals, where a consultant leads a team of multi-disciplinary professionals who will help see a patient and are, sometimes, more expert in dealing with certain clinical situation than GPs themselves.

**Margaret Greenwood:** I have had GPs talk to me, somewhat frustratedly, about not having sufficient GPs in their surgery and having physician associates who do not have the same level of training. There is a concern that this is a backing-away from the Government's commitment of 6,000 extra GPs. Could the Minister confirm whether the Government are still committed to 6,000 extra fully qualified, trained GPs?

**Maria Caulfield:** We are committed to increasing GP numbers, as in our manifesto commitment. However, that does not stop us increasing the numbers of other healthcare professionals. We need to get the message

out to patients that seeing a nurse, physio or paramedic at the GP surgery is not second best. These are highly qualified, experienced and educated professionals who often are better placed—though I do not want to upset the shadow Minister—to see a patient than a doctor. They can make a considerable difference, but very often patients feel they are being fobbed off or seeing the second best. We need to do a lot of work to reassure patients on that.

We have already recruited 10,000 of the additional 26,000 staff we stated in our manifesto would be working in general practice by the end of 2023-24. We are strengthening our plans to increase the number of doctors in general practice. To reassure Members, so far we have filled a record number of GP speciality training places this year, with the latest data showing that there are already 1,200 more full-time equivalent doctors in general practice than two years ago. It is a challenge; I am not going to say it is not, but we are making progress.

I feel particularly passionate about the use of community pharmacists. In many other countries, the pharmacist is the first port of call for minor ailments. They are highly qualified professionals with over five years of clinical training who are able to assist patients. Over 800 practices have already signed up to participate in the community pharmacist consultation service, which enables patients to see a pharmacist, on the same day in many cases, to deal with minor conditions. That will not only help patients, but it will free GPs up to see the patients that really need to see them for clinical conditions.

**Rachael Maskell:** Will the Minister also ensure that the funding goes into community pharmacies in the right way if they are to be utilised? Likewise, with the voluntary sector involved in providing support for people through different forms of wider health support, will she ensure that it too gets proper funding?

**Maria Caulfield:** I thank the hon. Lady. The spending review tomorrow may have further updates on that, so I will not comment on the funding for now. NHS England and the Department of Health and Social Care have asked the Royal College of General Practitioners to provide GPs with more guidance on how to blend face-to-face with virtual appointments. We do need a mix of both going forward, and the comms, as has been said so much this afternoon, will make a difference, so that patients know where to go, what is available and who they can see for their particular condition.

The issue of abuse has featured heavily this afternoon. The hon. Members for Batley and Spen and for Linlithgow and East Falkirk (Martyn Day), my hon. Friend the Member for Bracknell and for Waveney (Peter Aldous) and others have mentioned the impact of abuse. When patients have been waiting a long time to see a GP, cannot get through on the phone and are feeling unwell in very distressing situations, they often take it out on practice staff. It is unacceptable, and we all have a role in this place to say that we have zero tolerance for that.

We know as MPs what it is like to face a torrent of abuse. If it is not acceptable for us, it is certainly not acceptable for them. My message to general practice

staff is that we are four-square behind them on this and will support them. As part of the winter support package, there is £5 million to facilitate extra security, be that CCTV, extra screens or door entry systems—whatever practices feel will make their staff more secure, that funding is available to them. That is not the only solution, and they should not face abuse in the first place, but we are taking it extremely seriously.

In the few minutes that I have left, I want to say that there are two main issues here. There is the short-term covid issue, which has seen a tsunami of patients whom we need to support as we come out of the covid period. There is the £250 million winter package, and there is support around opening up community pharmacies and enabling other healthcare professionals to see patients, which will take some of the bureaucracy away from GPs while we support them to get through the period. However, there are some longer-term solutions as well. General practice and primary care were creaking before covid, and we need to ensure that they are supported in the long term going forward.

I thank my hon. Friend the Member for Beaconsfield for securing this afternoon's debate. She has raised some really important points. On Thursday, I am holding a cross-party call for MPs to raise some of their constituency GP issues. I urge them to feed back to me as the Minister where it is working well, because there are some brilliant examples out there. Where it is not working so well, it is not the fault of GPs. There are some fundamental solutions that we can help them with, but it is important that we hear about the problems so that we can support them. If Members have specific issues from their constituencies, they should join the call. We are hoping to hold such calls on a regular basis, if that is needed by colleagues, and I am keen to work with everyone across the House to support general practice, because that is the only way we will support patients in the end.

3.56 pm

**Joy Morrissey:** I thank hon. Members from across the House for their contributions. I thank the Minister for a very nuanced and positive response, and for taking so much time to explain the measures that the Government are taking. I think many of the GPs in my constituency would welcome those things. GPs need additional support and have perhaps not been able to ask for it because they are so overwhelmed with the backlog, so it is a wonderful and really positive step. I look forward to bringing more constituency issues directly to the Minister, and I thank her for opening up that pathway. Many of my constituents have never contacted their Member of Parliament before, and they just felt desperate. I know that many GPs are doing all that they can, but having additional support from the Government is very welcome indeed.

*Question put and agreed to.*

*Resolved,*

That this House has considered GP appointment availability.

3.58 pm

*Sitting suspended.*

## Investment Industry Exposure to Modern Slavery

4 pm

**Mr Laurence Robertson (in the Chair):** Before we begin, I encourage Members to wear masks when they are not speaking, in line with current Government guidance and that of the House of Commons Commission, and to also give each other and members of staff space when seated and when entering and leaving the room.

4.1 pm

**Gareth Davies (Grantham and Stamford) (Con):** I beg to move,

That this House has considered investment industry exposure to modern slavery.

Modern slavery is one of the most prevalent and egregious violations of human rights in the world today.

It is great to see you in the chair, Mr Robertson, for what is my first ever Westminster Hall debate. Hopefully my performance will not mean that it is my last. I welcome the Minister to her new, important role. I know she will carry out her brief superbly in one of the most important jobs in Government—safeguarding our most vulnerable people.

I think we can all agree that the shameful existence of modern slavery has no place in a civilised world. It is an issue that should concern every person who believes in the integrity of common humanity, and should be a concern for every business, because it distorts markets and undermines ethical business practices. As an international community, we have rightly taken collective responsibility for defending human rights around the world. Organisations, such as the United Nations working group on contemporary slavery, have drawn increased attention to the issue and made significant strides in defining and identifying this covert and highly complex crime.

That being said, there is a great deal more work to do. Human exploitation continues to pervade every major nation on earth. Almost half the countries in the world have yet to criminalise slavery. In the UK alone, it is estimated that 136,000 people are currently victims of this awful crime. However, we are here today to specifically discuss the role that the investment industry can play in tackling modern slavery because, as it currently stands, financial services are not considered part of the solution in public policy. I want to do my little bit to try to change that.

We must first acknowledge the great work that this Government, and previous Conservative Governments, have done in tackling this issue, thanks to the leadership of my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), together with, of course, our late friend and colleague James Brokenshire, the Security Minister at the time, who passed the Modern Slavery Act 2015. The vision for that legislation was truly world-leading, and the UK became the first country in the world to require businesses to identify and address modern slavery risks in their operations and supply chains. It is an Act that we, in this country, should be incredibly proud of, for it has highlighted that modern slavery exists in the private economy. It has also paved the way for legislation in other countries—in Australia, France and the Netherlands.

However, while we reflect on what the 2015 Act has achieved, we must also acknowledge the need for evolution. All legislation requires continual review to keep pace with developing risks, and the Government have therefore, rightly, announced that they plan to strengthen the Act in response to consultation in 2019.

**Jim Shannon (Strangford) (DUP):** I congratulate the hon. Gentleman on bringing this forward. I spoke to him outside, so he knows what my thoughts are. Does he not agree that it is important that for girls in particular, we need to understand that investment portfolios should show mindfulness on human slavery? It is not enough to say that if we do not use modern slavery in our businesses, our hands are clean. Would the hon. Member agree that we must be cognisant of how investment portfolios gain interest? This can only be done, as the hon. Gentleman says, through legislation and legislative change.

**Gareth Davies:** I am grateful to the hon. Gentleman for his intervention, which is a great honour. That is another first for me, so I feel like I am really making it now. I completely agree that young girls and young people—all people, actually—who have investments, savings or a retirement pot, need to know and have confidence that those who invest that money on their behalf are doing so prudently and are putting in place the checks to ensure that there is no inadvertent risk of modern slavery. The Government should do everything they can, as I will come on to in a minute.

The Government's commitment to amend section 54(5) is intended to make it more prescriptive for investment funds. I completely agree with that, but even with those changes, that section would remain entirely focused on internal business structures and supply chains, not where their investments are made. The good news is that an increasing number of responsible companies are holding themselves to a higher standard. Many investors are already assessing modern slavery risks as part of their robust environmental, social and governance strategies or choosing to report their alignment with the United Nations' guiding principles on business and human rights.

Yesterday, I met a group of investors, and this year alone, I have met 24 separate financial services companies in preparation for today's debate. I found that they already have robust measures in place to tackle modern slavery. On the whole, however, the sector has not integrated modern slavery risks into investment processes to the same extent that it has adopted environmental risks. Some 795 financial organisations published modern slavery statements under the Act last year, but of 79 asset managers who submitted a statement, only 27% disclosed that they had conducted due diligence on modern slavery risks.

That is clearly a problem, but I believe that there are three solutions. First, the Government could broaden section 54 of the Act and consult on including a requirement that investment portfolios are included, as they are in Australia. Secondly, the Government could issue specific statutory guidance on how investors can assess modern slavery risks—again, as they do in Australia—so they are equipped with knowledge on that assessment. Thirdly, as it is a global problem that needs a global solution, we should work with our global allies to establish a taskforce, modelled on the taskforce on climate-related disclosures. Although the issue is different, the approach can be the same.



As it stands, financial services firms are a £9 trillion lever that we are not yet pulling in our fight against modern slavery. The UK is the largest net exporter of financial services in the world and the law change that I have proposed could make a difference in eradicating that horrendous crime. It would also protect and promote our democratic values at home and abroad. British savers and investors should never be used to support profit from human slavery. It matters for global Britain, as our leadership in this space will create prosperity at home and help to promote our values abroad. The situation that we walk past is the situation that we accept. It is an issue hidden in plain sight. We need to pull every lever we can to end it once and for all.

4.9 pm

**Anthony Mangnall** (Totnes) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate my hon. Friend the Member for Grantham and Stamford (Gareth Davies) on securing the debate. He and I have been discussing the issue for some time and he has led admirably on assessing the requirements that are needed to address it, bringing his background and experience in the private sector to this place. What a speech that was.

I also thank the Human Trafficking Foundation, with which I believe my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley) also has a relationship, whose work has been extraordinary in highlighting and identifying the issue around modern slavery and human trafficking. My predecessor Anthony Steen played a large role in that and continues to perform those duties in a meaningful and effective manner.

I am conscious that there is a limited amount of time, and I do not want to interrupt those Members who will follow me or the Minister's response, but I want to make a few points about what we understand from the Modern Slavery Act 2015. It was a landmark piece of legislation. All too often in this place we say that a Bill is a landmark piece of legislation—this really was. It was unique in the world, and it has been followed by legislation in Australia, France and the Netherlands, as has already been said. In that Act we committed to bring perpetrators to justice, we ensured that businesses were brought in line with transparency reports, we enhanced protections for victims, we ensured that there were supply chain statements and we appointed the Independent Anti-Slavery Commissioner. Those were all integral and important points, but we also have to assess their effectiveness in delivering, and make sure that businesses are following suit and not just going through the rigamarole of ticking boxes to say that they have complied with the requirement to publish statements. The Act has to have teeth. This is where the opportunity comes. The UK shows global leadership and has global power in being able to set up initiatives like this.

I will go briefly off topic and talk about the illegal wildlife trade. In 2013-14 the UK launched a transportation taskforce in which we brought together private, public and charitable organisations to disrupt the illegal wildlife trade network. We then began to bring in financial networks to look at data analysis and see where we could disrupt those chains across the world. This is what we should be doing in this area. There is huge potential for doing it, and there are similar models that we can replicate in this country.

My last point is what was raised in the Independent Anti-Slavery Commissioner's report at the end of this year. It said there were two points we needed to look at. The first one relates to data analysis. It is a huge benefit to be able to bring in financial institutions; to be able to pinpoint and identify beyond the supply chains and businesses' internal structures; to look at where money is being transferred; to look at where money is being invested and to take account of that; and to make sure that we can be reassured about where our investments are being put. Secondly, slavery is generating somewhere in the region of \$150 billion a year. The report goes on to encourage the exploration of opportunities to partner with financial institutions.

We set up the Independent Anti-Slavery Commissioner to make sure that we listen to these recommendations. These recommendations have come out in the report; we would do very well to listen to them. As my hon. Friend the Member for Grantham and Stamford has said, it is the situation that one walks past and cannot ignore. We cannot, in this day and age, look at the crisis and the egregious crime that is human trafficking. We cannot accept it in the 21st century. We have the opportunity to bring those financial institutions together—with the City of London and the power we have as the fifth biggest economy in the world—and it is time for us to take the action, take the lead and provide that leadership. I hope the Minister will listen to these words, and the words of my hon. Friend the Member for Grantham and Stamford, and take the appropriate action.

4.13 pm

**Karen Bradley** (Staffordshire Moorlands) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. If I can refer to my entry in the register of interests, the Human Trafficking Foundation appears as I am a trustee. I welcome the Minister; this is the first time that I have participated in a debate that she is responding to in her new role. I can assure her, as someone who fulfilled that role for over two years, that it is a fantastic place to be; the change you can make to people's lives as a Minister in the Home Office with responsibility for this area is absolutely breath taking. It is a difficult job, it is a tough job, but it is also one of the most rewarding jobs in Government. I welcome her to the role and know she will do a fantastic job. I also congratulate my hon. Friend the Member for Grantham and Stamford (Gareth Davies) on securing this debate and delivering what I know will not be the last contribution he makes to a Westminster Hall debate. It was an excellent contribution, and it set out so succinctly and well the point that he is campaigning hard on. I am also grateful for his willingness to accept contributions from other Members in this very short, half-hour debate.

My hon. Friend raised, very well, the risks and the opportunities there are for investment businesses in ensuring they are making the ethical investments their customers and consumers want. People want to know that their money is being invested in a way that is not funding crime—be that drug crime, gang-related crime or, in particular, the economic crime against people that is human trafficking and modern slavery. Let us be clear: this is an economic crime. It is so often confused with crimes of immigration, but it is not an immigration crime. It is an economic crime: one human being is prepared to make financial gain from another human being. We must all work to stamp that out.

[Karen Bradley]

The numbers are shocking. The latest estimate is that around 40 million people globally are victims of modern slavery, of which 25 million are victims of forced labour and 15 million are involved in forced marriage or other forms of exploitation. Some 25 million people globally are victims of forced labour. We must remember that number and work hard to do what we can.

My hon. Friend the Member for Grantham and Stamford is right. My hon. Friend the Member for Totnes (Anthony Mangnall) made the point as well. My hon. Friend the Member for Totnes has big shoes to fill in taking over from the wonderful Anthony Steen, who is an absolute hero; without him, we simply would not be where we are today with the Modern Slavery Act 2015.

When I took the Modern Slavery Bill through Parliament, the hon. Member for Strangford (Jim Shannon) was very involved on Report, and tabled amendments constantly, including on supply chains. Section 54 was not in the Bill when we started. The Bill had gone through prelegislative scrutiny by a Committee chaired by Frank Field, now of the other place. I am going to call him by name. I know that we would normally refer to him as the noble Lord Field, but everyone will have seen the news that he made public last week, and our thoughts go to him. He is another of the founding fathers of the Act. Without Frank, and without the noble Baroness Butler-Sloss, Anthony Steen, the noble Lord Randall and many others, we simply would not have achieved it. That prelegislative scrutiny Committee wanted to see transparency measures for supply chains, but Government do not always listen to everything that prelegislative scrutiny Committees or others suggest. A lot of work was needed to persuade Government of what those of us in the Home Office could see was a very good idea, but about which others in Government had not been so convinced.

Section 54 was undoubtedly revolutionary, but that does not mean that it is not evolutionary. It does need to evolve. Now, six years along, there are undoubtedly things that can be improved, and I welcome what the Home Office has said about changes that must be made. It does need to be strengthened. It must be expanded to more businesses. The points that my hon. Friend the Member for Grantham and Stamford made about what we could do on investments are really interesting, and I urge the Minister to take those points to her colleagues in Government at the earliest opportunity so that they can remove their reasons for opposing them as quickly as possible. This is something that customers want. Consumers want to know that their money is properly invested.

I will make two very quick points before I sit down. The first is that I have tabled a private Member's Bill that replicates section 54 on climate change. My hon. Friend the Member for Grantham and Stamford said that this was something that people wanted to see. I would like to see that transparency in supply chains on climate change as well, and I hope that hon. Members will support the Bill. Second, I join my hon. Friend in pleading that we ask the United Nations to make human trafficking and modern slavery a focus of the next General Assembly in September 2022. If we could work together to do that and to get global recognition of this issue, we would go a long way to tackling this heinous crime.

4.18 pm

**The Parliamentary Under-Secretary of State for the Home Department (Rachel Maclean):** It is a huge pleasure to be here serving under your chairmanship, Mr Robertson. I very much thank my hon. Friend the Member for Grantham and Stamford (Gareth Davies) for securing this vital debate and for bringing with him a wealth of experience from his distinguished career in the investment industry, which informs us all and helps us all to move further.

I also thank my predecessor, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley). I really do feel that I have very big footsteps to follow in. I thank her for all her work in bringing the world-leading and groundbreaking Modern Slavery Act 2015 on to the statue book. Without her work, I certainly would not be here today talking about this subject, and it is absolutely right that we are. Thanks to her work, and that of others, last week we were able to mark Anti-Slavery Day and reflect on the trauma that victims suffer, the cruelty of those who exploit them and the bravery of survivors attempting to rebuild their lives. That was also a moment to reaffirm our commitment to confronting the evils of modern slavery, wherever and whenever they occur. They are utterly appalling crimes that have no place in our society. I very much welcome the interest shown by my friends today, including the hon. Member for Strangford (Jim Shannon), so that we can stamp out these crimes.

It is nice to pause and reflect on what we have already done as a Government. We have taken some very important strides forward in recent years, but of course there is more to do. These crimes continue to evolve and we must continue to evolve. As my friends have said, modern slavery is a global problem. We continue to provide global leadership to tackle it. During our G7 presidency, G7 members agreed to joint action on forced labour in global supply chains, and reaffirmed their commitment to upholding human rights and international labour standards. That is why we continue to invest heavily in tackling modern slavery. We have funded a new five-year modern slavery victim care contract to support victims to rebuild their lives. That new contract is worth £379 million over five years and will deliver a much-needed service that is based on need and better aligned to the requirements of individual victims. As we know, victims present with incredibly complex needs, and it is right that we have the support tailored for them.

The Home Office has invested a further £1.4 million this year to support the police's response to modern slavery, bringing the total investment in policing to £15 million since 2016. That funding in the round has helped us to pursue perpetrators and drive an increase in modern slavery investigations and operations. Following our recognition that the nature of modern slavery has evolved over the years, the Home Secretary announced a review of the 2014 modern slavery strategy, which builds on the considerable progress, by adapting our approach and maintaining our position as an international leader in this area.

We will publish a new strategy next spring, which will set the strategic direction for years to come. Through the Modern Slavery Act 2015, the UK became the first country in the world to require businesses to report on the action they were taking to address modern slavery risk in their operations and supply chains. That legislation

acts as a call to action for businesses, investors and the international human rights community—no doubt the businesses that my hon. Friends were involved in before they brought their expertise to this place.

Following the recommendations of the independent review of the Modern Slavery Act and a consultation, the Government committed to introduce an ambitious package of measures to strengthen our world-leading legislation on transparency in supply chains. We will extend the reporting requirements to public bodies, to leverage public procurement and address risks in public supply chains.

We will mandate specific reporting topics that statements must cover, set a single deadline for reporting, require organisations to publish their statements to a new Government registry for modern slavery statements, and introduce financial penalties for organisations that fail to meet their reporting obligations. Those changes require legislation, but I want to reassure colleagues that this Government remain committed to legislating on modern slavery and will implement the measures as soon as parliamentary time allows.

In addition to the changes we have already committed to make, we will consider our future approach to transparency in supply chains, as part of our modern slavery strategy review, including how we can best utilise the unique power—and pockets—of the financial sector, to tackle modern slavery.

Let me now turn to some of the specific points referenced in the debate. Individual organisations must focus on preventing harm in their practices. We do not believe that physical remoteness or being several steps away from the supply chain is an excuse. Investors do need to hold their organisations to account, as my hon. Friends so eloquently set out. People who are saving for their pensions or retirement should not be exposed to criminal activity.

I am grateful for all the work done by my hon. Friends the Member for Grantham and Stamford and for Totnes (Anthony Mangnall). Through their convening power, they have brought together financial institutions and organisations. I am also grateful for the work of the Independent Anti-slavery Commissioner, highlighting the role that the financial services sector has to play. It is clear that there is more to do, but investors can help to drive this change by fully harnessing their leverage. I highlighted that message this week at a meeting jointly hosted by the Home Office and CCLA, a fund manager, to discuss how Government, businesses and investors can work in partnership to tackle modern slavery. There are some really good examples of investor-led initiatives, with investors taking collective action, such as the CCLA-led Find It, Fix It, Prevent It and Rathbone's Votes Against Slavery project.

However, we know that there is more to do here. While I am encouraged by the positive initiatives already under way, we need to make sure that we continue on the right track and that investors scrutinise their investment portfolios to engage and challenge companies on their response to modern slavery.

As hon. Members have said, when it comes to those environmental, social and governance issues, we know that businesses and investors have responded well to the environmental challenges they face. As we look to accelerate

progress on tackling modern slavery, the Home Office is working with investors to understand what more we can do to encourage and incentivise businesses and investors to place the same emphasis on social issues. This issue is now, rightly, rising up the agenda.

**Jim Shannon:** I thank the Minister for her excellent response. Minister, last week in the press over a hundred MPs had signed a petition and a letter of concern about investment in Chinese companies, some of which are using Uyghur Muslims as slave labour. Is the hon. Lady able to give us any guidance on how we can take that further to try to make that stop?

**Rachel Maclean:** I thank the hon. Gentleman for that. It is an egregious example of abuse of human rights; just because it is happening overseas does not mean that we should turn a blind eye to it. We in the Home Office are looking closely at all of these issues as part of our review of the modern slavery strategy. I would be very happy to continue in discussion with the hon. Gentleman to provide further reassurances on what can be done. However, I want to make very clear from this Dispatch Box that companies have a responsibility to their consumers and shareholders to do the right thing and not enable slavery in the pursuit of profit.

As we look to accelerate progress on tackling modern slavery, it does seem very challenging. However, we do know that the business and investor community has taken huge strides, and it has succeeded in making better, more informed green choices. We should hold and demand those same expectations for modern slavery. We should not walk by. We should not ignore the crimes that are hiding in plain sight.

My hon. Friend the Member for Grantham and Stamford called for the legislation to be extended to financial services so that they address modern slavery in their investment portfolios. I have taken close note of that. Legislation is important, but it is not the only factor driving responsible behaviour. Many organisations already report voluntarily under the Modern Slavery Act and publish modern slavery statements. I would strongly encourage any responsible organisation to do the same, and I would encourage shareholders and consumers to ask those questions about where they are putting their money and their investment.

I have noted very carefully the points that my right hon. Friend the Member for Staffordshire Moorlands and my hon. Friend the Member for Totnes made. I reassure them that we will consider extending the scope of section 54 as part of our strategy review.

In closing, let me once again express my thanks to my hon. Friend the Member for Grantham and Stamford for securing this debate on such an important subject. It is a real tribute to him to have brought forward a debate on a topic that is sometimes hidden, but should not be. I thank him for shining a light on all the work that the Government, many NGOs, my right hon. Friend the Member for Staffordshire Moorlands, the Anti-Slavery Commissioner and many others are doing. Modern slavery is utterly abhorrent, and I can assure hon. Members that this Government remain steadfast in our determination to root out such crimes, protect the vulnerable and support victims.

*Question put and agreed to.*



## Motorcycling: Government Support

4.30 pm

**Bill Wiggin** (North Herefordshire) (Con): I beg to move,

That this House has considered Government support for motorcycling.

In the UK, 1.4 million people use motorcycles, scooters and mopeds. Those 1.4 million people travel approximately 4.4 billion miles a year. There has been a 131% increase in the number of motorcyclists registered in the last 20 years, although they still comprise only a small percentage of overall traffic. However, motorcycles clearly play an active part in UK transport and I want to put on record my thanks to Barbara Alam and Craig Carey-Clinch, who support the all-party parliamentary group on motorcycling, and to the National Motorcyclists Council, or NMC, for their support in my initiating the debate. The NMC has representatives drawn from a wide range of stakeholder groups, including the Auto-Cycle Union, the British Motorcyclists Federation, IAM RoadSmart and the Motorcycle Action Group—I am a member of both—the National Motorcycle Dealers Association, and the Trail Riders Fellowship. What an august body it is. I thank all those organisations for their part in helping motorcyclists. They have identified and addressed the many issues and challenges that motorcyclists face in this country, and their work is very much appreciated.

The Department for Transport has estimated that over half of motorcycle use is for commuting, education or other practical purposes. The Government can and should do more to promote this efficient, low-polluting and very practical mode of transport. The DFT's national travel survey has estimated that from 2002 to 2016 more than half of motorcycle trips were for commuting or business, a significantly higher proportion than the 19% of such trips for other modes combined. Yes, motorcycling is a vulnerable mode of transport, but so is bicycling or using e-scooters, both of which are promoted by the Government as modes of transport. It is vital that safety is improved, but that will not be achieved unless motorcycling is accepted and supported as part of UK transport networks.

**Jim Shannon** (Strangford) (DUP): Whenever I see motorcycling being debated, I have to be there, because my brother raced motorbikes. Unfortunately, some 19 years ago he had a very severe accident and ended up with brain injuries. The hon. Gentleman has outlined exactly the importance of motorcycling, but does he agree that motorcycle theft is a major issue in the UK? Secure rails to secure motorcycles to are few and far between, but if we can provide them for bicycles we should do so for motorcycles as well, and such locations should be made easier to access. If motorbike thefts are high, the means of securing them must be in place.

**Bill Wiggin**: I am grateful to the hon. Gentleman for that intervention. First of all, I am sorry to hear about his brother. Falling off a motorcycle is extremely frightening—I have done that. Unfortunately, I have also had my motorcycle stolen, so I absolutely agree about the need for proper security. Of course, everybody benefits if things are not stolen, because our insurance stays lower. So yes, I completely agree with the hon. Gentleman, and I will discuss the casualty element in just a moment.

The Vision Zero approach to safety, namely that road deaths and injuries are unacceptable and preventable, should be applied proportionately to motorcycling, which would bring it alongside walking and cycle safety in transport safety policy matters. It is my hope that the debate will start a conversation about how we can begin to incorporate motorcycling more widely into the UK's transportation mainstream and promote its uptake as a safe mode of transport.

Sadly, every 22 minutes, someone is killed or seriously injured on UK roads. The number of road deaths in the UK plateaued from 2012 to 2019 at around 1,850 deaths a year—the equivalent of five a day, on average. According to Brake, the road safety charity, motorcyclists accounted for 20% of road deaths in 2019, while cyclists and pedestrians accounted for 10% and 24% respectively. Cycling, which had similar casualty rates to motorcycling, has experienced active public support through policy in recent years, which has led to a reduction in casualties. If the Government supported motorcycling as a recognised form of alternative transport alongside walking and cycling, those death figures would decrease. In 2017, the Government spent £300 million in dedicated funding for cycling and walking. They have announced £2 billion in additional funding for walking and cycling over the next five years. That is a sixfold increase. If even a fraction of that was spent on motorcycling, the benefits would far outweigh any negatives.

Spending on national and local roads has increased year on year since 2013-14. Locally, that funding is largely spent and implemented by local authorities. One of the biggest issues for both motorcycle riders and bicyclists is poor surface quality, with potholes and low-grip manhole covers being the most threatening. Government strategy must ensure that road environment design never compromises motorcyclists' safety and entitlement to ride. I have experienced that myself, particularly after there has been flooding. If the pebbles are all washed into the middle of the road, it is virtually impossible to ride safely. If I ride on the bit that has been swept, I am too close to the edge; if I ride too far across, I am too close to the oncoming traffic; if I ride in the middle, over the pebbles, it is very frightening and skiddy. We must therefore do all we can to make sure that the road is safe.

**Sammy Wilson** (East Antrim) (DUP): Does the hon. Gentleman accept that wire barriers in the middle of roads are extremely dangerous for motorcyclists and that, although there is now a policy that no new wire barriers will be put in place, the existing ones need to be replaced?

**Bill Wiggin**: They garotte the bicyclists. Motorcycling is not particularly dangerous. When a motorcyclist falls off, they bounce along the road—it is what they hit that kills them. That is why the right hon. Gentleman is absolutely right. It is the impact against an oncoming vehicle or anything they meet in the roadway that does the damage. A wire is lethal. The new concrete barriers we are seeing on UK motorways are very welcome, and we need to see that across Government as things progress. It is that lack of thought that is the essence of the debate.

Analysis conducted by the Motorcycle Action Group in 2020 concluded that poor road surface was a contributory factor in four motorcyclist fatalities and 70 serious

injuries every year. In 2020-21, the Government spent £5.46 billion on local roads and £6.26 billion on national roads, while the Department for Transport allocated more than £1.5 billion for local highway maintenance. Between 2020 and 2022, Herefordshire Council—my local authority—will receive more than £33 million for road maintenance. That is welcome. However, how is it being spent?

In response to a written question I submitted recently about potholes, the Secretary of State for Transport stated that,

“there is no specific requirement for Councils such as Herefordshire to demonstrate how they spend their share of funding, including the Pothole Action Fund.”

I believe that the Government should begin to require that. It would not only demonstrate to taxpayers that their money is being spent wisely, but give the Government a clear indication of where they should request that local authorities target their investment.

In another written question to the Department for Transport, I asked how the pothole action fund was spent. I was told:

“The Department endorses ‘Well-managed highway infrastructure: A Code of Practice’ by the UK Roads Liaison Group.”

In its 256 pages, how many times was motorcycling mentioned? Once. Therein lies the issue. The Government’s guidebook on how to fund road and infrastructure construction and repair ignores motorcycling. I recognise and appreciate the recent announcement for additional funding to tackle the pothole issue. Herefordshire Council has squandered its road funds and our local road network remains woefully inadequate. The Department for Transport must therefore issue guidance to councils on how they prioritise repairs in locations where motorcyclists’ safety is most likely to be compromised. That can happen only when motorcycling is recognised properly as an alternative transport mode.

Another issue with the current model of alternative transport is how rural settings are largely forgotten. It must be remembered that in isolated and rural areas, bus services are infrequent, to put it mildly. Motorcyclists in the most rural areas travel some 5,200 miles a year, on average, compared with 4,000 in other areas. Walking and cycling are most often not an option for people in very rural areas. They are left with little option but to use private powered transport, such as motorcycles or mopeds. This is the case in my constituency, North Herefordshire, one of the most rural in the country.

The future of transport rural strategy will need fully to encompass this mode of transport as part of the aim to secure improvements in rural transport accessibility and resilience. If the local authority is given express instructions to fund motorcycle-specific repairs to roads, overall accidents and death figures can be significantly reduced. In 2018, there were 39,996 road traffic accidents in rural areas across the UK—109 a day. In my county of Herefordshire, 440 road accidents were reported that year. Of those, only 42 included a pedestrian, 41 a pedal cycle and 40 a motorcycle; 302 of the 440 involved a car. Those figures clearly indicate that motorcycling should be treated in a similar way to walking and cycling and that funding should be made available to promote the uptake and safety of motorcyclists on our infrastructure networks. That will be possible only with a clear Government strategy for motorcycling and I hope that the Department will outline that in its response today.

Walking, cycling and public transport have key roles to play in transforming travel and transport. However, they fail to offer the flexibility and practicality that a notable proportion of vehicle users need and rightly demand from their transport choices.

Motorcycling offers a desirable, low-congesting and low-polluting alternative that is already well developed and regulated, but has never been properly considered as a transport mode in its own right. Now is the time for motorcycling to experience proper policy support. It is a free, exciting and wonderful mode of transport. It has its drawbacks, many thanks to other road users and the road conditions. I believe that should the Government include and promote motorcycle uptake, roads in the UK would become a safer place. That cannot happen until there is a fundamental change of thinking. Motorcycling is here to stay. Instead of motorcycling being cast aside as a fringe element of road use, the Government should do much more to support and promote its uptake.

4.43 pm

**Ian Paisley** (North Antrim) (DUP): It is an honour to serve under your chairmanship today, Mr Robertson. I congratulate the hon. Member for North Herefordshire (Bill Wiggin) on putting this important matter on our agenda. I want to speak on three points about motorcycling: sport, support and safety. I also want to add to the hon. Gentleman’s point on strategy, which is very important.

I declare an interest as an office holder of the all-party parliamentary motorcycling group. It is the most collegiate APPG in the House. We never discuss Brexit or remain, Scottish nationalism or Ulster Unionism; we discuss our favourite subject, motorcycling, and what we can do to promote, enhance and encourage it. I encourage any Member who wants to learn about proper collegiate activity in Parliament to join the motorcycling APPG to get a fresh view of people’s attitude to politics. It is very refreshing. I am also a member of MAG, which was mentioned by the hon. Gentleman, and I will comment on it in a moment.

Motorcycle sport contributes very significantly to our culture and identity. Too often, it is ignored when we think of the activities of some of our most spectacular sporting heroes, whether that is Carl Fogarty from GB or Jonathan Rea from Northern Ireland, who has dominated world superbikes more than anyone in the history of that sport. That is incredible and we should take a moment to pay tribute to those people.

My constituency is synonymous with road racing, with the Dunlop brothers and their nephews, William and Michael. They made a considerable contribution to people’s understanding of comradeship, sport, prowess and athleticism right at the pinnacle of motorcycle sport. These people have led and controlled it.

**Sammy Wilson:** Does my hon. Friend accept that while this country, especially Northern Ireland, has produced some world-renowned motorcyclists, the sport attracts hundreds of thousands of adherents and supporters? It is not only good for local economies but for tourism.

**Ian Paisley:** My right hon. Friend has obviously been reading my notes, which is very unfair of him—do not read them any more. Sporting tourism is huge in Northern Ireland. He talked about people visiting sporting races. Almost 40,000 people go to an average round of the

[*Ian Paisley*]

British superbikes and in some cases more, depending on the size of the track. In the North West 200, just outside my constituency in East Londonderry, over 100,000 spectators will visit in a week in May. It will contribute £12 million to the economy of Northern Ireland. The Ulster grand prix attracts tens of thousands of people and contributes about £7 million to the economy. Those are not insignificant figures for the economy. The hotels and cafes could not do without them. Those events are a significant driver of tourism.

Our sporting heroes need to be properly recognised. It disheartens me year on year when I see the achievements of people like Jonathan Rea not honoured by the BBC in its sporting pinnacle programme about celebrities in sport and its main sporting achievement award. That insults what these gladiators on two wheels achieve, because they put their lives at risk. They do it for our enjoyment because we enjoy the spectacle, but it is an incredibly dangerous sport, though it is obviously very well managed. We must ensure that the sport is supported and that young people are encouraged through motocross into the other, faster rounds of motorcycle sport.

May I turn briefly to support for motorcycling? The hon. Member for North Herefordshire talked of the need for a national strategy. I agree but the state of our roads is key in this. Bikers are voters. Those millions of people who take to motorcycling or ride scooters or whatever else are ultimately voters. We should ensure that the roads that they use are safe and properly tarmacked and that the barriers are not lethal but designed to cope not only with motor cars but with motorcyclists. It is essential that we have proper support in place for those riders.

We must also look at the issue of tech and tech support. British motorcycling and motorcycles have had a number of boom years. Consider the Triumph company over the past 20 years. It was started up again after years in the doldrums and is now one of the most successful brands in motorcycling. I am fortunate to own a Triumph motorcycle, as I have for tens of years. It is a fantastic bike. The brand itself is now incredibly desirable. It says Britishness around the world. It is a marketing tool that can be used around the world for superb engineering. The company is now developing electric scooters and cycles. That may not be something we necessarily look forward to—the smell of petrol is in our blood. However, we could be world leaders in the area of new tech and driving electric bikes if we make sure there is proper investment, encouragement and support from the Government. Of course, there are many other brands of British bike that Members can also use.

The third matter that I want to speak about briefly is safety, which has been touched on brilliantly by the hon. Member for North Herefordshire. Motorcyclists, I believe, are much more alert to this issue than car drivers. A young person on a motorcycle who is taught to drive it safely will be a much more alert car driver when they eventually get behind the wheel of one: they are much more alert to the traffic around them, because they are used to constantly looking around them and being aware. They are also alert to the fact that if they come off a motorcycle and hit concrete or tarmac, it hurts. Therefore, they do not want to be in a situation where they either put people into tarmac or concrete, or crash their car.

While we cannot make motorcycling compulsory, we should look at encouraging young people to get on a motorcycle, to understand how it is used and to be much more aware of the openness of being on the road, which will have an impact on their insurance premium and encourage them to be much wiser and skilful car drivers. Motorcycling is a gateway into safer driving generally, and we should work on that and encourage it in some way; I think that should be in the strategy.

**Sammy Wilson:** Does my hon. Friend also accept that motorcycling is one of the cheaper ways for young people to gain mobility at an early age? For some, it releases them to be able to gain wider employment opportunities. For others, it means more recreational opportunities as well. It is the first and the cheapest way for a young person to gain mobility, and for that reason it should be encouraged. Does my hon. Friend agree it is significant that the delays in the testing regime put people off?

**Ian Paisley:** I thank my right hon. Friend for his intervention. It is absolutely true if people decide to get on to a motorcycle, we should make sure they are encouraged to ride it safely, and if they want to get their test and move up the grades of motorcycle, there should be no impediment placed in their way: they should be encouraged to do so.

My happiest moments as a kid were spent on the back of my brother-in-law's motorcycle, going to places, enjoying the freedom that that offered and the opportunities that were available to us. Those happy moments are shared across this nation by many people who have got on a motorcycle at a young age and never looked back. I hope that this House can do more to encourage motorcycling—to encourage safety on motorcycles, sporting prowess, and support for biking.

4.53 pm

**Mr Steve Baker (Wycombe) (Con):** I am extremely grateful for the opportunity to speak in this debate, Mr Robertson, and I congratulate my hon. Friend the Member for North Herefordshire (Bill Wiggin) on having secured it. As I listened to the hon. Member for North Antrim (Ian Paisley), I was reminded of a magnificent film called “Why We Ride”, which I am sure people will be able to find on the internet. It is about the joy and fulfilment that comes from riding a motorcycle and riding it well—people want to ride their motorcycles well, because it is a question of risk management and responsibility as well as personal freedom. Of course, there are some people who do not ride their motorcycles well, and I lament that, but overall, we motorcyclists know that we have a responsibility and a duty to ride safely and well. It is a real joy to have listened to the hon. Gentleman speak about his passion for motorcycling.

Like my hon. Friend the Member for North Herefordshire, I am a member of Motorcycle Action Group. In fact, I have just received their latest excellent edition of *The Road* magazine, and if it does not contain at least one letter from my father, I will be extremely surprised—it usually does. I am also a member of the British Motorcyclists Federation, but I think I might have let my Trail Riders Fellowship membership lapse since I sold my off-road motorcycle. However, my main bike is downstairs in the car park, and I commute daily, so I am a very keen motorcyclist, as generously



highlighted by *The Times* today. I was shocked to discover that I am now so old that I have been riding for 34 years; it is very hard to credit. I love my bike. Scarcely anything is more important—perhaps family, friends, and so on, although I admit that only reluctantly. Bikes really matter to those of us who ride. I want to frame my remarks around three themes—the three themes of road safety—engineering, enforcement and education.

On engineering, I particularly welcomed the article *The Road* magazine about saying goodbye to wires, on the beginning of the end for wire rope barriers in Northern Ireland, and the hope that this would be extended to the whole of the UK. I implore the Minister to look at getting rid of wire rope barriers. As a motorcyclist, when I am out there, perhaps on a windy day, riding through the dales, and there is a wire rope barrier to my side, it is not a happy thought. We do have to accept that accidents happen, sometimes as a consequence of other people's actions, so it is not a happy thing, as a motorcyclist, to see wire rope barriers. I very much hope that they might be removed.

On bus lanes, I really think that they should be open to motorcyclists everywhere. We do not take up much space and, were a motorcycle to need to stop in a bus lane, it could easily be out of the way of any emergency vehicle anywhere. It really is time to open bus lanes anywhere. I also think we should be realistic about filtering. Clearly, motorcyclists have a responsibility to filter safely and considerately, but there is a case for having sufficient lane width to make it possible for motorcyclists to filter at a sensible speed.

On enforcement, I am afraid that I will say something that I do not think motorcyclists will like very much: we really need to ensure that we enforce the law on noisy exhaust pipes, as it stands. I know that many of my fellow motorcyclists like a noisy engine, but it really is not fair on other people, and it does not do any good whatsoever for us motorcyclists when somebody—I will not call them names—goes through with their bike screaming. Barely anything else harms the reputation of motorcycling as much as someone with a noisy exhaust pipe. I would implore motorcyclists to, for goodness' sake, fit legal pipes.

**Sammy Wilson:** Will the hon. Member not accept that the growl of a Harley Davidson, especially going through a tunnel, is something to be experienced?

**Mr Baker:** Of course I will. I will not pretend to the right hon. Member that I have never taken the baffles out of my KTM, with its magnificent V-twin engine, but the point is that I put the baffles back in when I actually went out on the road. I would implore anyone to ensure that they keep the baffles in and keep lawful exhausts on their bikes, however much we might all enjoy that sound.

On that point, I will briefly turn to electric vehicles. On my YouTube channel, there is a test of an Agility Saitta electric motorcycle. It is an amazing bike to ride. In terms of performance and the ability to enjoy motorcycling, we have nothing to fear from electric-powered two wheelers. However, like—I suspect—the right hon. Member for East Antrim, I will really miss, in due course, the sound of petrol being burnt. I must say, that is why I keep an old KTM 950 Supermoto. In the future, when nobody really knows what petrol is, I will

certainly seek to ensure that that is the last motorcycle I ever ride, although I do look forward to electric-powered two wheelers.

I also want to pay tribute to the police. Their BikeSafe courses are excellent, and I enjoyed mine enormously. Police officers are extremely pragmatic and sensible in how they train motorcyclists to ride better, and I hope the Minister will feel able to join me in paying tribute to the police, and in encouraging motorcyclists to take part in those courses. It is important, perhaps especially for those riders who do not ride all year round, that they take part in those courses and learn to ride well.

Finally, on education, we need to educate people that motorcycling is a good, responsible, safe, and indeed environmentally friendly way of getting about. Only a small modal shift to motorcycling has been shown to dramatically reduce congestion and therefore air quality, and so on. The more bikes there are on the road, the more that other road users are aware of bikes and adjust their behaviour to ensure that we avoid those SMIDSYs—“Sorry mate, I didn't see you”.

We can drive up road safety, drive up air quality and drive down congestion through quite small modal shifts to motorcycles. I really implore my hon. Friend the Minister to adopt policies to do just that, because there is joy and fulfilment to be had in motorcycling and, more than that, there is the practice of personal responsibility and risk management—all wonderful, good things that we Conservatives should stand for. Therefore, I commend motorcycling to her.

4.59 pm

**Stewart Hosie (Dundee East) (SNP):** It is a pleasure to serve under your chairmanship, Mr Robertson. Can I start with a declaration of sorts? I am a biker. I am proud to ride with YesBikers for Scottish independence and, like almost every other speaker, I am very happy to support many of the campaigns run by the Motorcycle Action Group, which I particularly thank for its help preparing for today.

I congratulate the hon. Member for North Herefordshire (Bill Wiggin) on securing this debate, which is important and not just for those who ride bikes. I agree with much that has been said on parking, theft, safety, dedicated spending on motorcycles and the condition of roads. The economic value of racing has also been mentioned—it is important and not spoken about often enough.

I do not want to concentrate too much on safety, but when I bring my motorbike to England and I see the removal of the hard shoulder on motorways in an attempt to create “smart” motorways, I do worry. If a motorcyclist breaks down—these things do happen—they are not given the protection of a car. The removal of the hard shoulder is something that will have to be very carefully monitored over the next few years in relation to injury and death when motorcyclists break down.

We are in the middle of a climate emergency. The stated policy of many Governments to move to net zero and cap the increase in the temperature of the planet is the right, indeed only, thing to do. Part of the solution will be to reduce carbon emissions from transport, which will include motorcycles. The determination to remove the need for new petrol and diesel vehicles from the 2030s onwards is the right course of action. Motorcycles already contribute significantly to reduced carbon emissions and improved air quality. Their contribution to tackling

[*Stewart Hosie*]

these issues will increase if innovation and engineering are supported to progress. A few electric motorbikes are available right now, but they are limited in number and actual range and are disproportionately expensive, and there is little or no second-hand market that would make them affordable for most people.

Given that motorcycles already contribute significantly to reduced carbon emissions, surely the Government should be supporting a modal shift from cars to motorcycles. The Leuven report alluded to by the hon. Member for Wycombe (Mr Baker) suggested that a 10% modal shift from cars to motorcycles reduces congestion for all road users by 40%, resulting in a 7.5% reduction in CO<sub>2</sub>, a 5.5% reduction in nitrogen oxide, a reduction in exhaust particulate matter and a 16% reduction in non-exhaust particulate matter—mainly brakes and tires.

The recent Oxford Economics report commissioned by ACEM said that

“the average emission factor for a European motorcycle (up to 250cc) is 64g/km of CO<sub>2</sub> emissions”.

That is equivalent to around one third the emissions of a car. Given that smaller motorcycles, including mopeds, account for 62% of the 22 million two-wheel vehicles on the whole of Europe’s roads, one can see the potential of even a modest modal shift from cars to motorcycles. Even larger bikes have a weighted CO<sub>2</sub> emission that is markedly lower than both petrol and diesel cars. As part of our carbon reduction strategy, even before the widespread introduction of electric bikes, the UK Government should be encouraging a move from cars to bikes. I ask the Minister, what precisely is being done to support that?

Turning to the support the Government should provide for safety, the Minister will know there is a great deal of commercial research into automated vehicles. It is shocking that it has taken five years to ensure that Euro NCAP testing of those systems will even test the ability to detect and react to motorcycles. More worryingly, one of the problems is that car sensors can fail to detect a motorcycle if it is barely a metre or so off-centre from the sensing vehicle. For the safety of bikers, and for road safety generally, I ask the Government never to introduce autonomous vehicles to roads here until we are certain that motorcycles can and will be detected.

On safety, pedal cyclists are rightly provided with segregated lanes and, as has been said, they are routinely allowed to use bus lanes. Yet there is no routine access for motorbikes to many bus lanes, which has always struck me as illogical. I ask the Government: what possible logic is there in not supporting bikers by allowing them access to bus lanes, particularly when pedal cyclists can routinely use them? If I can go further than what has been said, if we accept, as I believe we and the Government do, that a critical mass of pedal cyclists makes it safer for them because other road users, mainly car drivers, are used to seeing them and adjust their driving accordingly, surely to goodness the same applies for motorcyclists.

**Sammy Wilson:** Does the right hon. Gentleman agree that it also causes confusion when people move from one area where they can drive in bus lanes to another where they cannot? That confusion is unfair on motorcyclists.

**Stewart Hosie:** I agree that is unfair. If there was a presumption that one could use a bus lane, except on the odd occasion where one could not, that would be a far more logical approach.

Finally, I turn to the Department for Transport consultation on vehicle regulation, which includes anti-tampering laws. It says:

“Specifically, we would look to create”—

among other things—

“a specific offence for removing, reducing the effectiveness of, or rendering inoperative a system, part or component for a vehicle...and advertising such services”.

Many people modify their bike for aesthetic or performance reasons. I can think of at least one common modification that would breach that new offence. Were one to change the petcock and carburettors on an old motorbike to replace a vacuum system with a gravity-feed system, one would be required to cap off the vacuum system—self-evidently. That would, at a stroke,

“bypass, defeat, reduce the effectiveness of or render inoperative a system, part or component”,

which is one of the proposed new offences. I gently ask the Minister what kind of madness is it that would see changing the carburettor on a motorbike become a criminal offence. That needs an awful lot of rethinking. In short, the Government should support the rights of bikers to work on their own machines, and not turn that perfectly normal activity into a crime.

5.8 pm

**Kerry McCarthy (Bristol East) (Lab):** It is a pleasure to see you in the Chair, Mr Robertson. I congratulate the hon. Member for North Herefordshire (Bill Wiggin) on securing the debate. We have heard a lot of enthusiasm from the bikers in this room; it is clearly something that they feel strongly about. I confess that I have never had the opportunity to ride a motorbike.

**Bill Wiggin:** We can put that right.

**Kerry McCarthy:** I have been invited to Motorcycle Live in December in Birmingham to have the opportunity to ride some of the new electric bikes, so I may decide to do that. Former Member Hazel Blears, who I think is 4 feet 10 inches—I am not tall, but she is considerably shorter than me—was a keen biker, which shows that it can be done. Perhaps I should take up the challenge.

I will flag up a number of issues. The hon. Member for North Herefordshire talked about road repairs and presented a rather rosy picture of the amount of funding. It is important for motorcyclists that we keep roads in a good condition, but the money has been cut. The Government promised £1.5 billion to repair damage on roads across the country in the financial year 2020-21, but that was cut to £1.125 billion in the following financial year. Pothole funding was due to be cut by an average 23%, and overall total spending on roads maintenance would drop by an average 22%.

We can compare that with the massive Government road-building programme. It is important that we should not just be looking at building new roads, but at making sure the roads we have are kept in good condition. The insurance industry has raised that point with me. The vast majority of the claims it pays out are caused not by driver error but by the condition of the roads.

As it stands, it will take 11 years and £11 billion to clear the backlog of potholes. On National Pothole Day in January this year, the Chancellor tweeted, “enjoy #NationalPotholeDay before they’re all gone...”

He was boasting about how much money is going into addressing the problem, but we could be marking National Pothole Day for quite some time to come at the current rate. Perhaps we will get some good news about road repair funding tomorrow.

I agree with the hon. Member for North Herefordshire that safety is incredibly important. The hon. Member for North Antrim (Ian Paisley) spoke about electric motorbikes, which I will come to a bit later. He also spoke about the smell of petrol and his colleague, the right hon. Member for East Antrim (Sammy Wilson), mentioned the noise. Those things are part of the thrill, as motorcycle organisations have said to me. I totally get that, but when a cyclist is in that little space in front of the cars at the traffic lights, sometimes people on motorbikes do not act as responsibly as they could and are not aware that bike users are more vulnerable than them. For the cyclist, they have a bigger vehicle pushing in front of them, and the smell is not great. The sooner we can move to cleaner vehicles the better.

**Ian Paisley:** The hon. Member makes an important point. Once electric bikes become the fastest bikes, whether that is for motocross or as a track bike, that will become the pinnacle of the sport and that is where people will ultimately move. Encouraging tech design will create safety and environmental change.

**Kerry McCarthy:** I thank the hon. Gentleman for his intervention.

On the points made by the hon. Member for Wycombe (Mr Baker), there is a really interesting discussion to be had. The modal shift is important. Why have we not moved to moped use in the way that, say, France or Italy has? It is not as commonplace in this country—perhaps it is the weather. There is an interesting debate about road space and how we use it. We are starting to see e-scooters on our roads, there are more people cycling and a lot of town planning wants priority bus lanes. All of that raises questions about who gets to use priority lanes, whether we have segregation, who is entitled to use the segregated lanes and what that means for cars—what road space is left for cars? I think we will be addressing those points more and more in the years to come.

Finally, I want to talk about the need to decarbonise—an issue that the industry has contacted me about. Support for the industry so far, in terms of decarbonisation, has been pretty limited. The plug-in motorcycle grant, which helps support the sale of low-emission bikes, is £1,500 at the moment—less than for cars. The funding is guaranteed only up to March 2023. I was going to ask the Minister whether the Government plan to keep the grant beyond that date or, as is the case with the car plug-in grant, to reduce it year on year, but as we have the Budget tomorrow, I suspect I know what her answer would be. Could she answer this question instead? In the transport decarbonisation plan, the Government promised an action plan for zero-emission light-powered vehicles by the end of the year. We have not seen any sign of that yet. Will it be published before the end of the year?

The 2030 ban on new petrol and diesel vehicles was announced back in November 2020. We are still waiting for the publication of the promised consultation on a

2035 ban on petrol motorbikes. There are also currently no Government targets for regulating the CO<sub>2</sub> produced by motorbikes, unlike for cars and vans. That raises a few questions. Why are the Government allowing polluting petrol motorbikes to be sold until 2035, when there is a 2030 date for petrol cars? Will the Minister give an update on when those consultations and so on will be published?

It is really important that the transition to zero-emission vehicles is smooth. I welcome the Government’s recent announcement that they will introduce a zero-emissions vehicle mandate, but there was no mention of motorcycle manufacturers in the summary, despite the 2035 commitment to banning new petrol motorbikes and the suggestion that plug-in grant support may end sooner than that, in 2023. Will the Minister explain whether the Government want to offer the same support to motorcycle manufacturers as they are to EV car manufacturers, through the electric car mandate, which will encourage them to make the shift to producing cleaner vehicles sooner? If not, why are motorcycle manufacturers being left out?

I will conclude on that point because I am keen to hear from the Minister. It has been good to hear people’s enthusiasm today. We certainly want motorcycles to continue on our roads, but they do need to move with the times. I hope the Minister will tell us more about how they can do that.

5.15 pm

**The Parliamentary Under-Secretary of State for Transport (Trudy Harrison):** It is a pleasure to serve under your chairmanship, Mr Robertson. It is also a real pleasure to speak on this subject.

I congratulate my hon. Friend the Member for North Herefordshire (Bill Wiggin) on securing the debate. It has taken me back to when I was 16. Dad took me to the garage and unveiled my first motorbike, as I thought, though it was probably a moped—a 50 cc bright blue Honda Camino. I have since had many enjoyable days out riding pillion on bikes from a Honda 900 CBR Fireblade, through to my dad’s last bike, which was a Yamaha FZR1000. There were many conversations around the kitchen table about Royal Enfields, BSAs, Triumphs, Nortons and many great British bikes.

It is wonderful to hear of the enthusiasm for motorbikes. While being proud of the past, we are energised for the future and looking ahead to the decarbonisation of bikes and the continuance of sport, recreation and commuting. I have listened carefully to the valuable and thorough contributions to today’s debate, and it is a pleasure to be closing it.

One of the first things my hon. Friend asked for was confidence that motorbikes are appreciated. They certainly will be by me. We have not had long this afternoon, but I have heard a lot. I agree with Members about the importance of road safety for motorcycle users, and the key role that motorcycling can play in meeting our current mobility needs. There was a request for an acceptance of motorbikes. I assure my hon. Friends and other Members that they have my personal advocacy.

Before I go into detail on plans, I want to acknowledge some important challenges faced by motorcyclists. As has been pointed out, motorcycles make up an important and sizeable vehicle population on UK roads, with 1.4 million licensed in 2020. I am aware of the greater



[Trudy Harrison]

level of risk that motorcyclists face on our roads, compared with other road users. Although they make up just 1% of total road traffic, they account for 19% of all road user deaths. I mentioned the Honda 900 CBR Fireblade. It was owned by a good friend, who was sadly killed on his motorbike.

There were many references to the Motorcycle Action Group, which does a great deal of good both in lobbying for policy change and with its charitable work. I have had the pleasure of seeing that for myself in Copeland. That group's work, along with that of other charitable organisations, is superb. Another example is the Nationwide Association of Blood Bikes, which transports blood, vaccines, plasma, platelets, samples, donor breast milk and other urgently required medical items to hospitals and healthcare sites. That is a life-saving service, which is provided completely free of charge by valiant volunteers, who offer their time for no pay or reward, allowing the NHS to divert funds where they are needed most.

Motorcyclists save our lives every day, and we must ensure the safety of theirs. Reducing the numbers of those needlessly killed and injured on our roads, especially vulnerable road users, is a key priority for the Department. That was evident in our road safety statement published in July 2019, which focused on the Department's four priority road user groups: young road users, rural road users, motorcyclists and older vulnerable road users.

The statement described many actions that will contribute towards making our roads safer for all. Some of the actions that focused on motorcyclists included the promotion of the Driving and Vehicle Standards Agency's enhanced rider scheme to increase the uptake of post-test motorcycle training. It was interesting to hear from my hon. Friend the Member for Wycombe (Mr Baker), who I agree with on the good work that the police do in encouraging that advanced test—I was pleased to learn more about that. Other actions included the development of a training framework to encourage riders who complete compulsory basic training—CBT—to take full test training, and working with the motorcycle industry to encourage the use of protective equipment to reduce post-crash collision severity.

The way we move is changing, as is the way we live. The rise of the gig economy, and new apps that mean we can have anything delivered to our door in minutes, has increased the role of powered light vehicles. It is welcome that powered light vehicles, which are often a more affordable option than cars, can help people fill these jobs and satisfy this demand, but they must be able to do so safely. That is why, through the road safety statement, we commissioned research into the use of powered two-wheelers to better understand how we can reduce the safety risks encountered by these drivers and riders.

The Department remains committed to ensuring that motorcyclists are equipped with the specialist skills needed to stay safe on the road. The Department's THINK! public awareness campaign has a motorcycle strategy that aims to create greater understanding between car drivers and motorcyclists. It also raises awareness about the steps that both parties can take to avoid collisions.

While I hope all of that reassures Members about how important motorcycle safety is to the Department, the work does not stop there—there is much more

to do. We will shortly publish a new road safety strategic framework to improve our understanding of the risks and concerns of those who choose to ride. We have set out an ambitious future of transport programme, which aims to deliver significant advances for society, the environment and the economy. For vehicle standards we are conducting a regulatory review, which will help us enforce appropriate safety, security and environmental requirements. It will protect consumers, road users and the environment. There are three key ambitions for the review: first, we want to enable the introduction of safer, cleaner and more technologically advanced vehicles. Secondly, we want to ensure that swift remedial action can be taken if vehicle parts or safety related equipment placed on the UK market are found to be unsafe or non-compliant. Thirdly, we want to better prevent tampering with critical hardware or software where it negatively impacts on safety or the environment. I welcome the comments from my hon. Friend the Member for Wycombe on that.

I see many opportunities for the role of motorcycles. Road vehicles are responsible for 91% of the UK's annual domestic gas emissions from the transport sector. L-category vehicles are responsible for just 0.4% of that total. However, that does not mean that they should not be cleaned up, because decarbonising brings many associated benefits, in particular improving air quality and reducing the noise pollution that blights so many. That is why we have committed to delivering an action plan this year, through the Motorcycle Industry Association and Zemo Partnership, to build new UK opportunities for zero-emission light powered vehicles. We look forward to the launch of the action plan at Motorcycle Live in early December—an event I have heard much about in today's debate and that I very much hope I can attend.

**Stewart Hosie:** I am glad the Minister has given some attention to the vehicle regulation review. I listened to what she said: it is to avoid tampering with safety equipment. That is perfectly reasonable at face value. If somebody removes the rear seat from a motorcycle, and with it the grab rails that are a safety feature on the rear fender, will they have committed an offence if the wording of the legislation ends up the same as in the consultation?

**Trudy Harrison:** The hon. Member asks a particularly technical question, the answer to which will be sent to him in writing.

**Mr Steve Baker:** I think the point is that many motorcycle parts are safety-critical, but we actually want to get on with routine and ordinary maintenance of our motorcycles. I know that the Minister will not want to answer now, but I will just make that point—we want to fix our own bikes.

**Trudy Harrison:** I hear what Members are saying about proportionality, and I am sure that will be registered and acknowledged in forthcoming strategies.

The action plan will cover the innovation in urban logistics and personal mobility, while setting out the steps needed to build new opportunities for powered light vehicle industries. One such opportunity is reforming last mile deliveries, which has the potential to create healthier and more liveable places by removing toxic fumes from the most congested areas. We are committed to transforming the last mile into an efficient and

sustainable delivery system, and we will work with industry, academia and other stakeholders to understand how innovation in the L-category sector can benefit the UK delivery market. That will include publishing a toolkit later this year to support local authorities in reducing carbon emissions from transport, recognising the important role that local areas will play.

I feel that the greatest impact will be achieved by committing to phase-out dates, just as we have done for polluting cars. That is why we have committed to consult this year on a phase-out date of 2035, or earlier if a faster transition appears feasible for the sale of new non-zero-emission-powered two and three-wheelers and other L-category vehicles. I recognise that the L-category sector encompasses a wide range of vehicle types and uses, so we will aim to find the most appropriate regulatory solution for each one—it will not be one size fits all. Any proposed phase-out dates for the sale of new non-zero-emission L-category vehicles will reflect both on what is needed to hit net zero by 2050, and on the technology currently available in the sector, but we will be ambitious.

It is right that Britain shows global leadership when it comes to L-category decarbonisation. By consulting on and deciding phase-out dates as soon as possible, we are clarifying the direction of travel for the L-category industry in the UK, giving vehicle manufacturers and consumers time to adapt.

**Kerry McCarthy:** Will the Minister give way?

**Trudy Harrison:** I am afraid that I will not, simply because of time.

I am particularly proud of this country's motorcycling heritage, which has been mentioned, and how we have pioneered the way for great motorcycle manufacturing. Our motorcycling legacy lives on and continues to evolve in the 21st century. One example is Project Triumph TE-1, which is leading the way in creating electric motorcycling capability. The project is supported and co-funded by the UK Government, and I am proud of Triumph and

other British businesses for driving innovation and enhancing the credibility and profile of great British industry and design.

In conclusion, I am once again very grateful for the opportunity to speak positively about motorbikes, motorcyclists and the history and heritage of the industry. I look forward to the future, including the decarbonisation of that vital transport sector, and I thank my hon. Friend the Member for North Herefordshire for the opportunity to speak in this debate.

5.28 pm

**Bill Wiggin:** I thank all Members who have contributed to the debate. We have seen enthusiasm from MPs representing wonderful parts of Northern Ireland, including the hon. Member for North Antrim (Ian Paisley). My hon. Friend the Member for Wycombe (Mr Baker) made the most important point of all, which was about safety. Many years ago, I introduced a ten-minute rule Bill to allow motorcycles into bus lanes. The evidence that followed proved that if we put motorcycles in bus lanes, pedestrians are more careful and the number of people killed and seriously injured drops. It does not seem intuitive, but that is how people behave. It is quite extraordinary, but it really works. If Members take away just one thing from today's debate, it should be safety, safety, safety. Motorcyclists are environmentally friendly, independent and doing the right things. Their bikes are getting better and they are well behaved, but the one figure that is out of kilter is the number of people killed and seriously injured.

I congratulate the Minister on this outing, which must be one of her earlier ones—there will be many more. Anything that she can do in her new role to keep people safe and alive has to be worth it. To that end, I welcome the intention of the hon. Member for Bristol East (Kerry McCarthy) to take a leap of faith by riding a motorcycle in the coming months. It is the right thing to do. I thank everybody for their contributions, and I thank you, Mr Robertson.

5.30 pm

*Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).*





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