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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Monday 6 June 2022

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

WORK AND PENSIONS

The Secretary of State was asked—

Pension Auto-enrolment

1. **David Johnston** (Wantage) (Con): How many people have been auto-enrolled in workplace pensions in Wantage constituency since 2012. [900273]

14. **Felicity Buchan** (Kensington) (Con): How many people have been auto-enrolled in workplace pensions in Kensington constituency since 2012. [900286]

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Since 2012, in the Wantage constituency, 14,000 local men and women have been automatically enrolled into a workplace pension. We thank the 2,410 local employers who are helping these employees to save from 8% of their earnings.

David Johnston: Auto-enrolment has been one of the most successful Government policies for the workplace in decades, but my hon. Friend will know that contributions are often not yet at the levels needed for people to have a secure retirement. What steps is he taking to encourage an increase in contribution levels?

Guy Opperman: We keep all policies under review, and auto-enrolment got to 8% only in 2019. We will proceed with the 2017 auto-enrolment review by lowering the eligibility age and making it from the first £1 earned in due course. We will also look at all matters in terms of contribution rates on a longer-term basis as time moves on.

Felicity Buchan: I understand that 36,000 people in Kensington have been signed up through auto-enrolment, which is great news. What can my hon. Friend do to ensure that even more people in Kensington are signed up?

Guy Opperman: Where Kensington leads, the rest of the country follows. There is no doubt that 36,000 is a phenomenal number of employees who are saving the 8% through auto-enrolment. My hon. Friend will be aware that, in her community and in this country, less than 40% of women were saving in a workplace pension prior to 2012, and it is now 86%. Less than 24% of young people were saving in a workplace pension, and it is now 84%. This is a game-changing policy developed under successive Governments but pioneered by this Conservative Government.

Pensioners: Cost of Living

2. **Elliot Colburn** (Carshalton and Wallington) (Con): What steps she is taking to help support pensioners with the cost of living. [900274]

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): The Government have provided a generous package for those most in need with a one-off cost of living payment of £650, including to those in receipt of pension credit. In addition, all pensioner households will receive an extra £300 to help cover the rising cost of energy this winter.

Elliot Colburn: I welcome the measures the Government have taken to support pensioners with the rising cost of living. Many pensioners in Carshalton and Wallington who are eligible for pension credit still do not know that they are entitled to it, so they are not claiming. Will my hon. Friend set out what steps the Government are taking to increase the uptake of pension credit? Will he join me at an older persons fair in my constituency later in the year to promote it?

Guy Opperman: I will be delighted to join my hon. Friend at his older persons fair, which is one example of how we want to promote the take-up of pension credit. I was pleased today to meet a group of stakeholders, ranging from Citizens Advice to Independent Age, the BBC, ITV, local authorities and utility companies, all of which are trying to work collectively to promote pension credit take-up. As we know, pension credit is a £3,000-plus benefit to the most venerable in our society, and it is particularly important that they claim it this winter.

Mr Speaker: I call Sir Stephen Timms, Chairman of the Select Committee, whom I congratulate on his knighthood.

Sir Stephen Timms (East Ham) (Lab): Thank you very much, Mr Speaker. I welcome the efforts on pension credit take-up. The Chancellor's additional payments are very welcome, but the need for them highlights the failings of the current pensions and benefits uprating system. The Select Committee will be looking at this, but does the Minister agree that now is the time to review how we uprate pensions and benefits each year and the level at which they are set?

Guy Opperman: You got there first, Mr Speaker, but I also congratulate the former Pensions Minister, the Chair of the Select Committee, on his knighthood, which is genuinely deserved. The whole House wishes him well when he goes to meet the Queen for his investiture.

The right hon. Gentleman is a former Pensions Minister and will recall that the present uprating policy started in April 1987 and has continued under successive Governments, including the 13 years of Labour Government. I will, of course, come to the Select Committee to listen to its suggestions, but the same process has been in place for the best part of 35 years. The level is set between September and November, and the uprating takes place thereafter.

Mr Richard Holden (North West Durham) (Con): Pension credit is important, and I have been pushing take-up in my North West Durham constituency. The Minister will understand that ensuring better pension

savings is the most important thing in the long term. I backed the 2019 manifesto, and I back the Prime Minister who delivered it. Will my hon. Friend the Minister implement the auto-enrolment review, and will he back my private Member's Bill to deliver it as soon as possible?

Guy Opperman: Answer that one! The truth is that, in respect of the 2017 auto-enrolment review and the changes that my hon. Friend sought in his outstanding ten-minute rule Bill and the private Member's Bill we did not get to debate before the close of the last parliamentary Session, he knows he has my full support. The matter will be brought before the House as soon as possible.

Mr Speaker: I call the shadow Minister, Matt Rodda.

Matt Rodda (Reading East) (Lab): The cost of living crisis is leaving families and pensioners wondering how on earth they will make ends meet. Inflation is running at 11% for everyday goods, and petrol is now nearly £2 a litre, yet the Government's response has favoured the wealthier while failing those in greatest need. Will the Minister explain why second home owners were offered extra help while at the very same time the Government have yet to drive up the take-up of pension credit? Will he also now publish the advice he received from his own civil servants that warned of the effect of this deeply unfair policy?

Guy Opperman: I do not believe that £37 billion of support should be sneered at. The Chancellor set out £22 billion of support in the spring and a further £15 billion of support last month; that includes £650 on top of the pension credit from July, and the winter fuel payment of £300 going to 8.2 million households. I strongly believe that shows that the Government are taking serious action to support the most vulnerable.

Mr Speaker: I call the SNP spokesperson, Alan Brown.

Alan Brown (Kilmarnock and Loudoun) (SNP): The removal of the triple lock is costing pensioners £500 this year alone, and come October energy bills will have risen by £1,700 compared with April 2021. The £300 winter fuel payment does not come close to plugging that gap, let alone addressing the other inflationary pressures that pensioners are dealing with. Then we have the WASPI women, who have been struggling for years. Following the findings of the parliamentary and health service ombudsman, surely now—this time of crisis—is the time for the Government to agree fair and fast compensation for the WASPI women.

Guy Opperman: There was a lot in that question. In respect of the full package of support, most pensioner households will receive £850 via the additional winter fuel payment, the council tax rebate and the energy bills support scheme. Pensioners who receive means-tested benefits and are most in need of support will receive £1,500, including payments in July and September.

The hon. Gentleman will be aware that the matter of the WASPI women is a subject of and decision for the Court of Appeal, where the matter was decided in favour of successive Governments—this and the previous Labour Government—and that the ombudsman process is an ongoing one, on which we do not comment.

Benefits Recipients: Effect of Inflation

3. **Dame Diana Johnson** (Kingston upon Hull North) (Lab): What assessment she has made of the effect of inflation on households in receipt of social security benefits. [900275]

20. **Alex Cunningham** (Stockton North) (Lab): What assessment she has made of the effect of inflation on households in receipt of social security benefits. [900293]

The Secretary of State for Work and Pensions (Dr Thérèse Coffey): The right hon. Member for Kingston upon Hull North (Dame Diana Johnson) will be aware that, in recognition of the cost of living challenge, we have announced a new £15 billion support package that is targeted at those who are most in need, bringing the total cost of living support to £37 billion. The extra support should cover every household, but is particularly targeted at helping more than 8 million households in receipt of means-tested benefits. The household support fund, which is delivered through councils, is another way that constituents can access help.

Dame Diana Johnson: I must say to the Secretary of State that the £20 cut to universal credit seems even meaner now. Even the package of measures that she mentioned is not stopping what the Trussell Trust has announced: an increasing number of people turning up to get food parcels. In my own constituency, Unity in Community and St John's church, Bransholme, are seeing soaring demand for food packages while their stocks are diminishing. I know that Ministers are occupied with party games today, but when will the Secretary of State get a grip of these benefits and set them at a level that means that people can pay for their everyday essentials?

Dr Coffey: The Government have always been clear that getting into work and getting on in work is an important way to lift people's prosperity. That is why we lifted the national living wage from April; why last December we quickly put in place a change in the taper rate so that people keep more of what they earn, while still getting support and benefits; and why we have stepped in with a substantial package of support to help people with this particular challenge of global inflation—caused not only by supply chain challenges after covid, but by Putin's invasion of Ukraine, which has done a lot to damage to energy costs.

Alex Cunningham: As well as being impacted by the soaring cost of living, two thirds of the near 50,000 children in the Tees valley and families on universal credit are affected by the punitive impact of deductions. That is because most of them are paying back the Department for Work and Pensions advance that is needed to survive the five-week wait for their first universal credit payment. Will the Secretary of State accept that every pound clawed back is a pound not available for families to spend on food and other essential costs? Will she change this cruel policy now, and make a real difference to children and families already living in poverty?

Dr Coffey: The hon. Gentleman forgets that the advance is there to spread the payment that people are entitled to over a year into 13 payments. We have also

enabled people in effect to have that payment spread over two years, with 25 payments. It is about a phasing of how we put into families' pockets the benefits to which they are entitled, and nothing else.

Dame Caroline Dinenage (Gosport) (Con): Among those worst impacted by the cost of living rising is the army of unpaid carers who do so much not only to support their friends and loved ones but to ease the pressure on the NHS. I know that my right hon. Friend understands and appreciates that. This is Carers Week; what thought has she given to increasing unpaid carers allowance to support them and reflect their hard work, sacrifice and need?

Dr Coffey: The whole House would unite with my hon. Friend in thanking carers, and I am sure we all have lived experiences as well. I think it is fair to say that carers allowance is not intended to be a replacement salary or anything like that; it is a contribution, and a modest contribution, I accept. As with all benefits, we consider the uplift annually, and I will continue to do so.

Low-income Households: Cost of Living

5. **Liz Twist** (Blaydon) (Lab): What assessment she has made of the effectiveness of the delivery of support to low-income households with the cost of living. [900277]

6. **Catherine West** (Hornsey and Wood Green) (Lab): What assessment she has made of the adequacy of benefits rates in the context of the rise in the level of inflation. [900278]

9. **Richard Thomson** (Gordon) (SNP): What recent assessment she has made of the adequacy of universal credit payment levels in the context of the rise in the cost of living. [900281]

The Parliamentary Under-Secretary of State for Work and Pensions (David Rutley): We have announced £15 billion in further cost of living support, bringing our total package to £37 billion this year. Through the Government's recent interventions, we are targeting those most in need. Our package equates to at least £1,200 for almost 8 million of the most vulnerable households, at a challenging time for many people.

Liz Twist: Earlier today, Carers Trust Tyne and Wear, which is based in my Blaydon constituency, launched its report on the experiences of unpaid carers during the pandemic and made the point that they are the unsung heroes of the pandemic. As we have heard, carers allowance is the lowest benefit of its kind, yet those who receive it will get no cost of living support. Does the Minister really believe that carers allowance is adequate in the face of the current cost of living crisis?

David Rutley: I echo what my right hon. Friend the Secretary of State has already said. I also highlight the fact that households that pay energy bills will receive the £400 cash grant to support them, and that if somebody with a disability lives in a household, there will be further funding with the £150 disability cost of living payment.

Catherine West: My constituent, who is severely sight impaired and has learning difficulties, lives with his mother, who is basically supplementing his day-to-day living from her own pensioner poverty pot, because of the relentless increase of inflation. What action will the Minister take urgently to address this terrible injustice, with one person who is already in poverty having to try to help her severely disabled son? Will he step in to assist in this terrible cost of living crisis?

David Rutley: I do not know the exact details of that case, but there may be opportunities in that household to explore pension credits. Of course, the Chancellor, with support from my right hon. Friend the Secretary of State, recently announced that the household support fund has also been increased by a further £500 million, until April next year.

Richard Thomson: The Scottish Government have doubled their game-changing Scottish child payment to £20 per child per week and will increase that to £25 by the end of the year, thereby supporting more than 100,000 children. Why will the UK Government not commit to increasing universal credit by an equivalent amount over the same timescale, and match that for and extend it to those on legacy benefits as well?

David Rutley: As we have highlighted, we have just set out a really significant increase in benefits payments as part of the package that is now worth £37 billion. As a result of the work we are doing not just to provide support but to enable people to get into work, there are now 200,000 fewer children in the UK who are in absolute poverty before housing costs.

Mr Speaker: I call the shadow Minister, Karen Buck.

Ms Karen Buck (Westminster North) (Lab): The Government have been scrabbling to catch up with the escalating cost of living crisis. Any and all help for lower-income families is very welcome, but the fact is that the protection of those on universal credit and other benefits from the worst impacts of inflation depends on their having adequate and predictable levels of income. How is it acceptable, then, that 42% of universal credit claimants face deductions of, on average, £61 a month? What is the Minister going to do about that?

David Rutley: We have already set out our cost of living payments, which will benefit 8 million households in the UK. They are significant and much needed as we face these current cost of living challenges. It is also important to highlight that, over the past couple of years, we have seen the maximum amount that can be taken in deductions from benefits fall from 40% to 30% and now down to 25%.

Unemployment: Rother Valley

7. **Alexander Stafford** (Rother Valley) (Con): What steps she is taking to tackle unemployment in Rother Valley constituency. [900279]

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): Is that me? I am sorry, Mr Speaker, it has been a long weekend. *[Interruption.]* The jubilee, Mr Speaker, that is exactly why.

The Government want everyone—whoever they are and wherever they live—to be able to find a job, progress in work and thrive in the labour market. Through Restart and the Way to Work scheme, we are working closely with employers to help claimants into jobs. I am delighted to hear that my hon. Friend recently worked in partnership with our Jobcentre Plus and local employers to bring two job fairs to his constituents of the Rother Valley.

Alexander Stafford: I congratulate the Minister and the whole Government on the success of the Way to Work campaign, which is getting people into jobs up and down our country. The surest way out of this cost of living crisis is getting people into jobs. As my hon. Friend mentioned, I have held several job fairs in my constituency to help people get back into work. As the Way to Work campaign enters its final weeks, will she say what is available for those people who are not yet in work in Rother Valley?

Mims Davies: Through the Way to Work campaign, we will continue to bring employers and claimants together in our jobcentres, and we know that that is what changes lives and fills vacancies faster. In the local jobcentre in Rother Valley, we are offering sector-based work academy programme swaps in those priority vacancy sectors, such as health and social care, warehousing, construction and security to support people to get quickly into the labour market.

Kickstart Scheme Closure

8. **Laura Trott** (Sevenoaks) (Con): What steps she plans to take to support young people into work following the closure of the Kickstart scheme. [900280]

19. **Jane Stevenson** (Wolverhampton North East) (Con): What steps she plans to take to support young people into work following the closure of the Kickstart scheme. [900292]

21. **Caroline Ansell** (Eastbourne) (Con): What steps she plans to take to support young people into work following the closure of the Kickstart scheme. [900294]

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): Following the success of Kickstart, which has seen over 162,600 young people start their new roles, the DWP youth offer will continue to support our young people. I have observed at first hand how our new youth hubs and our extended Jobcentre Plus network have helped to move young people into those local opportunities more quickly. That includes recent visits to Eastbourne's Hospitality Rocks and the Wolverhampton College's electric vehicle and green technologies centre.

Laura Trott: In Sevenoaks and Swanley, the Kickstart scheme was welcomed with open arms. It is used by many brilliant local employees, including Go-Coach and the Mount Vineyard in Shoreham. Will my hon. Friend ensure that the Way to Work scheme focuses particularly on helping younger people in this way, and on helping specific sectors that are struggling to recruit, such as social care?

Mims Davies: My hon. Friend is right. The scheme has transformed how we recruit everybody, including our young people. Our DWP employment advisers are working closely with employers to meet that local demand, including for HGV drivers and care workers. Way to Work has offered a unique opportunity to ramp up that activity, expand the approach, and maximise quicker employment into new sectors, with Kickstart leading the way.

Jane Stevenson: Last month, I had the great pleasure of hosting an apprenticeship showcase on behalf of the aerospace and defence industry in Parliament. I met a constituent, Tianna, who is currently an apprentice at Collins Aerospace in my constituency. Tianna got the opportunity to showcase her enthusiasm and her skills to Collins through the Kickstart scheme. Can the Minister reassure me that other young people in Wolverhampton will have equal opportunity to showcase their own talents and ambitions in the future?

Mims Davies: I can reassure my hon. Friend on that. In Wolverhampton, our jobcentres host an employers' zone, which allows local businesses with vacancies and key training providers to meet claimants and enable those swaps and job-matching sessions. In the new Wolverhampton youth hub located in The Way, the youth zone directly supports young people furthest away from the labour market to find training and employment and, currently, exciting opportunities in the summer's Commonwealth games, too.

Caroline Ansell: I thank my hon. Friend for her visit to Eastbourne and the great energy and commitment she has shown to raising local aspiration. The kickstart scheme has been a huge success locally. Now hundreds of young people are in employment and building their careers—notably in Sussex NHS, where there are hundreds of new entrants. We are still working hard in hospitality and care, other sectors where there are opportunities as yet unfilled. What work is there coming down the line to connect young people with some of those opportunities, including in the digital and creative sector, where it is also important for us to build?

Mims Davies: My hon. Friend rightly highlights the success of the kickstart scheme. I know she has had personal involvement in supporting young people in her constituency. Building on that success is an important question. The Way to Work initiative is building on those key links with local employers, such as the Sussex NHS, that offer good-quality opportunities for young people. Meanwhile, our work coaches continue to support jobseekers of all ages in accessing those vacancies and opportunities that she mentions in all those in-demand sectors.

Steve McCabe (Birmingham, Selly Oak) (Lab): The kickstart scheme was supposed to generate 600,000 placements. In reality, it generated around 235,000, and of those 80,000 were unfilled at the time that it closed. Does the Minister really think we should describe that as a success? Would not most people be asking what went wrong?

Mims Davies: I will happily write to the hon. Gentleman with the correct numbers on this. Some 162,600 lives have been transformed at the most challenging time,

with well over 200,000 vacancies created by employers who would never have looked at this way of recruiting and bringing young people into the labour market before. It is clear that many employers thought they were doing a favour by getting a young person in for six months. The scheme has transformed recruitment, young lives and opportunities, and employers have found that they are the ones who have had that favour done for them.

Benefits Rates: People with Disabilities

11. **Christine Jardine** (Edinburgh West) (LD): What assessment she has made of the adequacy of benefits rates for people with disabilities. [900283]

The Minister of State, Department for Work and Pensions (Chloe Smith): We will spend more than £64 billion this year on benefits to support disabled people and people with health conditions. Claimants will also get one-off support worth up to £1,200 this year, including the new £650 cost of living payment for people on means-tested benefits and £150 for people on disability benefits, to help with additional costs.

Christine Jardine: The cost of living crisis is disproportionately affecting disabled people. More than half of those living in poverty in this country are either disabled themselves, or in a household where there is a disabled person. My constituents in that situation regularly come to me and say that the help they are receiving from the Government is not enough, even with that welcome increase. Will the Government consider specifically targeted further help to help alleviate the pressures they face?

Chloe Smith: I share the hon. Lady's passion for this issue and her concern on behalf of her constituents. That is exactly why the Government have already acted: we have provided generous support in seeking to level up opportunity and improve the everyday experience for people with disabilities. What we have just been discussing comes on top of the package already announced, worth more than £22 billion, from the spring statement. We are clear that delivering this important additional support is an absolute priority; the DWP disability cost of living payments will accordingly be made by September, and other payments sooner than that, because we recognise the need here. However, I would take a step back and look at the overall approach, noting for example the agreement from the Resolution Foundation that this approach is the right one.

Mr Speaker: We now come to the shadow Minister, Vicky Foxcroft.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Thousands of disabled people are due to lose £150 because the Government are removing their eligibility for the warm home discount. The Chancellor has announced that they will receive an additional £150 in his cost of living emergency package, but robbing Peter to pay Paul merely puts disabled people back where they started. How does the Minister think this does anything to address their cost of living crisis?

Chloe Smith: The shadow Minister needs to look at this in the round, because we have a set of cost of living payments designed to support the households with the lowest incomes. That is the right approach, as I have cited from the Resolution Foundation, and the Joseph Rowntree Foundation also says that this is a very welcome way of doing it because it targets support to where it is most needed. In addition, we are recognising how disabled people do have further costs, and that is why we are also putting in place the £150 that is targeted on those with the means-tested lowest incomes.

Vicky Foxcroft: I am really not sure that the Minister heard my question; maybe she has been rather distracted. Some disabled people will not be better off. The Government's disability strategy was declared unlawful by the High Court, and NatCen Social Research's report on health and disability benefits clearly showed the poverty that many disabled people are living in. Does the Minister not think it is time to finally start listening to disabled people and addressing their cost of living crisis?

Chloe Smith: We are. It is unfortunate that the hon. Lady cannot engage with the wider point that I am making around the nature of means-tested benefits—for example, the many on unemployment and support allowance or universal credit who are also disabled and who will benefit from the approach we are taking.

In-work Poverty: Cost of Living

12. **Chris Stephens** (Glasgow South West) (SNP): What discussions she has had with Cabinet colleagues on steps to tackle in-work poverty in the context of the rise in the cost of living. [900284]

15. **Kirsten Oswald** (East Renfrewshire) (SNP): What discussions she has had with Cabinet colleagues on steps to tackle in-work poverty in the context of the rise in the cost of living. [900287]

The Secretary of State for Work and Pensions (Dr Thérèse Coffey): This Government have taken decisive action to make work pay, giving 1.7 million families an extra £1,000 per year, on average, through changes to the universal credit taper, work allowances, and increasing the national living wage to £9.50 an hour. Some extra support is coming in through the packages we have already mentioned today. It is also important to make the House aware that we extend help to people already on universal credit who are working to see what we can do to help them to progress in work and to take up other opportunities, such as making sure that they know about things like childcare support.

Chris Stephens: So grants rather than loans are the solution after all. Evidence from Feeding Britain and Good Food Scotland shows, for example, that people who work in a supermarket cannot afford to shop there, with fridges being switched off and lightbulbs being removed at home, and more pawning, borrowing and reliance on credit. Now that the principle is that grants are preferable to loans, will the Secretary of State apply the same principle to universal credit advance payments, as argued for by the Work and Pensions Committee?

Dr Coffey: This is the second time I have discussed this particular topic today. People can choose to get an extra payment of universal credit earlier, and then we spread that over the entire year, so, in effect, they get 13 payments instead of 12. That is what the advance is about. A number of people who move across from legacy benefits get some run-ons of different benefits to try to help with the cash transition when they are used to getting cash on that more regular basis. We will continue to make sure, though, that our top priority is to help people to get into work and to progress in work.

Kirsten Oswald: Having a child is one of the tipping points that can plunge families into poverty. Each year, thousands of claimants are excluded from statutory maternity pay by arbitrary rules that disadvantage people in low-paid and insecure employment. These claimants are forced to rely on maternity allowance, which is offset against any universal credit they receive, leaving them thousands of pounds worse off than those on statutory maternity pay. When will the UK Government tackle this manifest injustice rooted in their policies?

Dr Coffey: The two benefits are completely different, recognising the situations that people find themselves in, so they will be treated differently. The hon. Lady should of course be aware that this was challenged in court and the court did not go with the person who challenged it, recognising that they are completely different benefits.

Disabled People in Work

13. **Justin Tomlinson** (North Swindon) (Con): What progress the Government have made on increasing the number of disabled people in work by 1 million between 2017 and 2027. [900285]

The Minister of State, Department for Work and Pensions (Chloe Smith): The latest figures released on 17 May show that between the first quarter of 2017 and the second quarter of this year, the number of disabled people in employment increased by 1.3 million, meaning that that goal—that manifesto commitment from the Conservative party—has been exceeded after five years.

Justin Tomlinson: The Government can be rightly proud of unlocking the potential of 1.3 million more disabled people, but the majority of people with disabilities or long-term health conditions will develop those while of working age. What more can the Government do to support employers with their changing workforce?

Chloe Smith: My hon. Friend has a great deal of experience and wisdom here, and he is absolutely right. It is why we are committed to supporting disabled people to remain in work through, in particular, our Access to Work and Disability Confident schemes. Access to Work in particular is a really important grant that supports the recruitment and retention of disabled people by contributing to the extra costs they can face in the workplace. I would also like the message to go out loud and clear from here that Disability Confident is critical and can help employers and employees and have disabled people's talents included in economic growth.

Closure of Seaham DWP Office

17. **Grahame Morris** (Easington) (Lab): If she will publish the individual site assessment on the closure of her Department's office in Seaham. [900290]

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): An overarching equality assessment has been completed, which considers the impact on all DWP colleagues. This has been made available for the House in the Library, and I am also arranging for the site-specific equality assessment for Seaham to be shared with the hon. Member.

Grahame Morris: I thank the Minister for that response, but previously when I have raised the issue of the Seaham site, I have been assured or reassured that DWP employees at that office would be relocated to other offices within the region. Is she aware that the private bus operator Go North East is proposing cuts and changes to 80 regional bus services, many affecting my area? Does that not show that the DWP planning assumptions are rather precarious? Many of the DWP closures, including the one in Seaham, are in areas of economic deprivation that can ill afford to lose good-quality public sector jobs.

Mims Davies: This network design change is to reshape how the Department works, resulting in a smaller, greener and better-quality estate for our colleagues. Many of these buildings across the land offer back-of-house functions, and they are just not good-quality buildings for our colleagues. I absolutely understand the point. Where colleagues are being offered new opportunities to go to the Wear View House site in Sunderland, which is approximately 7.5 miles away, there will be individual one-to-one conversations with them about what is right for them and how they can stay with DWP and continue in a role that works for them.

Child Poverty: Future Trends

18. **Matthew Pennycook** (Greenwich and Woolwich) (Lab): What assessment she has made of future trends in the level of child poverty. [900291]

The Parliamentary Under-Secretary of State for Work and Pensions (David Rutley): The latest official statistics show that 200,000 fewer children were on absolute low income before housing costs in 2020-21, compared with 2019-20. This Government take the cost of living very seriously, and that is why we have announced a new £15 billion support package targeted at those most in need, bringing the total cost of living support to £37 billion this year.

Matthew Pennycook: The Department's own data makes it clear that rates of absolute child poverty after housing costs in families with three or more children rose by 300,000 between 2016-17 and 2019-20. With the situation for children in these families having worsened significantly, and with inflation biting, will the Government now finally reconsider their pernicious two-child policy?

David Rutley: The two-child policy plays an important role in balancing fairness between those receiving benefits and those who are not. However, as we have already

said through much of the questioning today, we have put a huge package on the table, which will benefit families of all sizes. With a vibrant employment market, there are big opportunities for people not just to get into work, but to progress in work as well.

Household Support Fund Allocation

22. **Simon Jupp** (East Devon) (Con): What recent progress her Department has made on allocating the household support fund to local authorities. [900295]

The Parliamentary Under-Secretary of State for Work and Pensions (David Rutley): Local authorities in England have already received their allocations for the household support fund for April to September, and those have been published online. The Government recently announced a further £421 million increase for the household support fund, extending it from October to March 2023. Devolved Administrations will also receive a further £79 million to help households with the cost of essentials, bringing the total funding for this support to £1.5 billion across the United Kingdom.

Simon Jupp: Devon has been allocated a further £5 million to help households in the county with the cost of living crisis. What has the Secretary of State done to ensure that that money is directed at the right places in Devon to make sure that the support really helps?

David Rutley: Local authorities, with their local ties and knowledge, are best placed to identify those most in need. To assist local authorities with identifying those who may be in need of additional discretionary support, the DWP has introduced data shares with local authorities, which enables them to proactively identify individuals in need, as well as the supporting guidance for the scheme.

Ruth Cadbury (Brentford and Isleworth) (Lab): The Government were able to switch on, and then switch off, the £20 universal credit uplift quite easily and efficiently. What conversations did the Minister have with Treasury colleagues about doing the same again for those on universal credit in the latest package of measures, rather than imposing another bureaucratic headache on already overstretched councils?

David Rutley: We have important guidance in place to support local authorities, but they are best placed to provide support for people in their individual localities. That is why the household support fund has been designed with that in mind.

State Pension: Deferring Entitlement

24. **Mhairi Black** (Paisley and Renfrewshire South) (SNP): What (a) information and (b) financial advice her Department provides to people approaching state pension age on deferring their entitlement to the state pension. [900297]

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Information regarding deferral is published on gov.uk and provided in the state pension claim invitation letter and through the "Check your State Pension" forecast service, or someone can speak to the Pension Service direct. Deferring a state pension is a personal choice, and whether deferring a claim to the new state pension is the right decision will depend on a range of factors that are relevant to the personal circumstances of the individual, but no specific financial advice is given.

Mhairi Black: The DWP wrote to my constituent encouraging him to defer his pension. Unfortunately, he passed away last year, but the DWP told his wife Caroline that she was entitled to a £30,000 lump sum and £100 a week. After weeks of being passed from pillar to post, the DWP is now saying that Caroline is entitled to nothing, but it will give her £50 for the emotional distress and incorrect information. All the correspondence that she has from the DWP contains conflicting information and no warning of the risks of deferring a pension. Will the Minister meet me to rectify the situation and ensure that it does not happen to anyone else?

Guy Opperman: If the hon. Lady sends me the correspondence, I will make sure that it is looked into within a matter of days.

Topical Questions

T1. [900298] **Carolyn Harris** (Swansea East) (Lab): If she will make a statement on her departmental responsibilities.

The Secretary of State for Work and Pensions (Dr Thérèse Coffey): What a marvellous weekend the country enjoyed. I am grateful to everybody who was doing that, including my civil servants who were working over the jubilee weekend, as we are working hard to make sure that we can deliver the cost of living payments to people next month. I continue to congratulate not only them but work coaches up and down the land who are helping people to get into work. I am pleased to say that we had a record number of claimants getting into work in March, and we had more than 100,000 in April as well, so we are well on our way to achieving our ambition of half a million extra people. I referred to the cost of living payments that we intend to deploy, and in the next couple of weeks, on 15 June, we will have our pension credit day of action. I encourage all Members of Parliament to make their constituents aware of that opportunity to claim benefits.

Carolyn Harris: Everyone Deserves a Christmas is a Swansea project that supports struggling families to enjoy a few treats at Christmas. It starts taking referrals in November, but this year, worried families are already requesting hampers, because they are struggling to pay their bills and feed their kids now. What hope can the Government give to struggling yet working families that they will be able to provide for their children's needs as the cost of living crisis deepens?

Dr Coffey: The poverty statistics—admittedly, they are statistics rather than individual experiences; I accept that—show that, where both parents are working full time, fewer than 3% of people are effectively in poverty. I want to extend the help that we can give through our local jobcentres to help that particular family to perhaps extend their work or get on in work. It will be those measures, as well as the extra cost of living payments that we are making, that will help people with the challenges they face now.

T2. [900299] **Laura Trott** (Sevenoaks) (Con): Parents across Sevenoaks and Swanley are facing rising childcare costs. I know that there is a huge amount of support available, so can the Secretary of State update the House on what she is doing to simplify the system so that it is clearer to people what they are entitled to and easier for people to claim?

The Parliamentary Under-Secretary of State for Work and Pensions (David Rutley): The Department is promoting the generous universal credit childcare costs offer as part of a wider national advertising campaign, and it is also working across Government to promote the full range of childcare support through the "Childcare Choices" website and by putting new guidance in place for our work coaches.

Mr Speaker: I call the shadow Secretary of State.

Jonathan Ashworth (Leicester South) (Lab/Co-op): I join the Secretary of State in congratulating all those who worked over the weekend, and in saying that it was a fabulous platinum jubilee weekend. May I congratulate her on her sung prayer that she shared on Twitter yesterday, which shows that it is not just at karaoke where her singing excels?

Work should be the best defence from the rising cost of living, yet millions in work are in poverty. The numbers in overall employment are down by 500,000 since before the pandemic, and there are 3 million people on out-of-work benefits not looking for work. Sheffield Hallam University estimates that about 800,000 of those people on out-of-work benefits, often in places such as Wakefield, could be helped back into work with the right support and a plan. The Secretary of State promised to help the economically inactive find work. Why is she failing?

Dr Coffey: Well, I do not have the voice of an angel, and nor do I claim to have the pathway to heaven in this regard, but I am very conscious of the people of Wakefield, as I am of those right across the country. On people who are economically inactive, I have been consistent in saying that my priority is those who are currently on benefits and receiving financial support. They will always be my top priority, but I am working across Government to see what we can do, particularly working with employers, to ensure that the economically inactive come back into the workplace.

Jonathan Ashworth: The number on out-of-work benefits has increased by 1 million since the pandemic. We have the highest level of worklessness due to ill health for 20 years. Increasing numbers of over-50s are leaving the labour market who might stay in it if there was flexible work. More parents are leaving the labour market because they cannot afford childcare. And this is at a time of 1.3 million vacancies. We need to increase the supply of workers to get inflation down, so why does the Secretary of State not have a plan to deliver that?

Dr Coffey: There clearly is a plan. That is why there are actually more people on payroll than prior to the pandemic. I am very conscious of the challenges for the self-employed, and also that some people have currently chosen to leave the labour market. That is what we are working on across Government, as well as with the activity on childcare. We will continue to make sure that it is in everybody's interests to work, because they will be better off in work than not working, unless they cannot work.

T3. [900300] **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): I congratulate the Minister on his campaign to increase the uptake of pension credit, which is a vital way of ensuring that our most vulnerable pensioner households get everything they are entitled to. Although more than 2,000 people in my constituency are already claiming pension credit, following recent announcements on cost of living support, where does my hon. Friend suggest that people look to check whether they are getting everything they are entitled to?

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Obviously, there is the Government site—gov.uk—and the phone number 0800 99 1234. More particularly, I today met Citizens Advice, Age UK and various other pensioner charities that would be very keen to assist on an ongoing basis. I must very strongly recommend my hon. Friend to get behind the pension credit awareness day, which takes place on Wednesday 15 June. Obviously his local authority, Essex County Council, has a role to play, as do all local authorities, because it has the data that can identify specific individuals who could apply for but do not have pension credit.

Mr Speaker: I call the SNP spokesperson.

Kirsty Blackman (Aberdeen North) (SNP): People across the UK are dying younger as a result of UK Government austerity. A new Glasgow University and Glasgow Centre for Population Health report has found:

> "Austerity is highly likely to be the most substantial causal contributor to the stalled mortality trends seen in Scotland and across the UK".

Will the Secretary of State acknowledge the tragic human cost of the cruel Westminster austerity agenda and urge the UK Government to change course?

Dr Coffey: I am afraid I just do not recognise the situation that the hon. Member mentions, and I do not know the basis of the academic report. What I do know is that we are getting more people into work. I do not know the status of health in Glasgow specifically, but I do know that it is part of the levelling-up mission of this Government to ensure that we reduce health inequality. In particular, I encourage her to continue to work with her public health authority to ensure that people are well prepared to go into work, but can also stay in work through occupational health services.

T4. [900302] **Claire Coutinho** (East Surrey) (Con): Many of my poorest households in East Surrey will be anxious about their energy bills and about what our cost of living package will mean for them. Now that we have had the Ofgem forecast, will the Minister confirm that the expected average increase in energy bills this year will be about £1,200 and that our package of support for anyone on means-tested benefits will mean that they receive £1,200?

David Rutley: It was vital that the Chancellor, the Cabinet and the Government looked at all the cost pressures arising in the economy. Once we knew what was happening with the energy price cap, it was possible

for the Chancellor to start looking at what the options might be. We also needed to look at what payment mechanisms could be used to get the funding out to people. It is therefore entirely right that this package was put together and that it should have the impact that my hon. Friend has so clearly set out.

T5. [900303] **Ruth Cadbury** (Brentford and Isleworth) (Lab): My constituent is a paramedic and was on the frontline throughout the pandemic. He told me how much he was struggling with the cost of living crisis and how he feels cheated out of the household dream that if people worked hard, they could enjoy a good quality of life. He speaks for millions of NHS staff and many others. Does the Minister still think it was a good idea to raise taxes for working people this year?

Dr Coffey: As the hon. Lady knows, the levy that was introduced is there to support the NHS, particularly in tackling backlogs, but also to support adult social care, and I am sure her constituent could benefit from the outcomes of both. The hon. Lady should also be aware that next month the threshold for national insurance will rise, which will mean that 70% of working households will see a cut in the amount they pay in tax and national insurance.

T8. [900306] **Mr David Davis** (Haltemprice and Howden) (Con): This year Government receipts are at a record high, and billions of pounds have rightly been announced in cost of living support. However, for those most in need—people on means-tested benefits—the support is somewhere between £1,000 and £1,200, which is roughly what they lost when the £20 universal credit uplift was withdrawn. The Joseph Rowntree Foundation has said that withdrawing the uplift would put half a million people into poverty. Citizens Advice has estimated that it has caused 2.3 million people to fall into debt. Times were tough during the covid crisis, but they are going to get tougher this year, so will the Minister look at the £20 that has been taken from universal credit, with a view to returning it by the time of the financial statement in the autumn?

David Rutley: I understand my right hon. Friend's point, but it is important to highlight that the £20 uplift to universal credit was only ever a temporary measure to deal with the immediate impact of coronavirus. Since then we have been monitoring the situation and providing the support that is required at particular times, and that has led to the latest package, which totals £37 billion. As I said in other responses, it is vital to highlight that, at a time of record vacancies, there is a responsibility and requirement to help people to tackle poverty by being able to get into the workplace and to progress in employment as well.

T6. [900304] **Ian Byrne** (Liverpool, West Derby) (Lab): Almost a fifth of pensioners are living in poverty under this Government. With the abandonment of the triple lock, a real-terms cut to their state pension—already one of the lowest in Europe, at around £500—bills rising by £1,000 and food costs spiralling, will the Minister acknowledge that the measures announced by the Chancellor will not stop many pensioners in West Derby being plunged into poverty over the coming months?

Guy Opperman: The reality is that the Chancellor has announced two packages, worth £37 billion. Those will see a £650 uplift in pension credit from July this year, as well as a £300 increase in the winter fuel payment, which goes to 8.2 million households. There are also the council tax rebate, the energy bill support scheme and the disability cost of living payment, on top of other matters that have been set out.

T9. [900307] **Robert Halfon** (Harlow) (Con): As colleagues on both sides of the House will know from personal experience or from their constituents, it is often smaller things, rather than big Government schemes, that help those with a disability to get by. I will soon be presenting my disability charter to Harlow Council to ensure that Harlow is a disabled-friendly town. That includes measures such as enforcing parking restrictions for disabled bays, using CCTV cameras to prevent people from taking up disabled parking spaces, and making sure that clean and accessible toilets are available. What is the Minister doing to ensure that appropriate fines or penalty measures are actioned when people who do not have a disability are found to be breaking the rules and parking in disabled spaces in public or private areas?

The Minister of State, Department for Work and Pensions (Chloe Smith): I congratulate my right hon. Friend on his campaigning zeal and vigour on this issue, which is well placed. I look forward to seeing his charter just as much as I hope that Harlow Council will. He will know that local councils have the enforcement responsibility so it is for them to best address his question, but I confirm that parking in a disabled space without a valid disabled person's badge is defined as a higher-level parking contravention in the relevant regulations. I hope that helps him and me to work together to get the best for disabled people in Harlow in the future.

T7. [900305] **Mohammad Yasin** (Bedford) (Lab): I welcome the DWP's campaign to encourage the take-up of pension credit with its awareness day on 15 June, but given that more than three quarters of a million pensioner households—including the most vulnerable in Bedford and Kempston—are missing out on that crucial help, what plans does the Minister have to improve benefit take-up in the longer term?

Guy Opperman: We met a whole host of organisations, from Citizens Advice to Age UK, BBC and ITV as well as utilities, banks and local authorities, all of whom will try to assist with the process over and above what the Government are already doing. But, much as I said to my hon. Friend the Member for South Basildon and East Thurrock (Stephen Metcalfe), there is a role for Bedfordshire county council to play, which I believe is the hon. Member's local authority—*[Interruption.]*. Well, his local authority can play a role in identifying and supporting people from the local area and getting them to claim.

Chris Bryant (Rhondda) (Lab): Fruit is going unpicked, there are long delays at airports because there are not enough baggage-handlers, flights are being cancelled because there are not enough people to work in the airline industry and lots of bars and restaurants cannot open at all because they simply have not got enough staff. Where will we find the additional workers to ensure that the economy grows?

Dr Coffey: We are working with a number of employers in a number of ways to try to help them fill their vacancies. We learnt a lot from the kickstart scheme, such as bringing employers into jobcentres to undertake interviews. We are also working with employers on the descriptions they put into job requirements and what is really needed to fill a job. I am conscious that there are lots of vacancies—it is a fortunate position in which the UK finds itself—and we are working hard to ensure that people get and stay in those jobs.

Stephen Flynn (Aberdeen South) (SNP): In Scotland, in the last year alone some 15,000 people were sanctioned by the Secretary of State. Given that she is such a stickler for rules, surely she will show the same resolve this evening and place a sanction on her party leader.

Mr Speaker: Order. That is not relevant. Carry on.

Dr Coffey: Mr Speaker, I was going to say that when we share taxpayers' money with people looking for work, it is important that they honour their side of the bargain. When they do not, there often have to be consequences. That is not something that we seek to do—we try to work with people—but it is really important that people do their bit of the bargain when they look for work.

Helen Morgan (North Shropshire) (LD): I am troubled by the number of constituents who have recently come to me because either they have been overpaid in error by the DWP or they are struggling to receive their first payment because of administrative difficulties, when they are already really struggling. What steps is the Department taking to ensure that errors and disputes can be resolved satisfactorily and in a timely way so that those repayments will not push them over the edge and into poverty?

Guy Opperman: If the hon. Lady writes to the Department, whether to me or to the Secretary of State direct, we will look into those specific examples, ensure that they are addressed and get a decent answer to her on the specific problems. However, I cannot give a generic answer today.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): According to the Child Poverty Action Group, each month some 4,300 households in my constituency are receiving an average of £57 less than they are entitled to because of automatic deductions from their universal credit, and that affects about 3,700 children. What action is the Department taking to reform the deduction system so that innocent children are not disadvantaged?

David Rutley: As I said earlier, we put forward policies that have reduced deductions from 40% to 30% and now to 25%. Those policies and the support available for families are designed to help tackle child poverty, along with enabling people to get into work and to progress in employment.

Mr Speaker: I call the Chair of the Work and Pensions Committee, Sir Stephen Timms.

Sir Stephen Timms (East Ham) (Lab): The household support fund now accounts for billions in public spending. What information is the Department collecting about how that fund is being used, who is benefiting from it, what their circumstances are and how much support they receive? What plans does the Department have to publish that information?

Dr Coffey: We issue funding based on grant conditions. We undertake a very light-touch approach with councils to make sure that they satisfy those conditions. We do not collect extensive information, but it is important that we allow councils to get on. They are close to the community, so they are well placed to make sure that that discretionary funding can go to the right people.

North Sea Oil and Gas Producers: Investment Allowances

3.30 pm

Rachel Reeves (Leeds West) (Lab) *(Urgent Question):* To ask the Chancellor of the Exchequer if he will make a statement on North sea oil and gas producers' use of investment allowances to minimise their liability under the energy profits levy.

The Financial Secretary to the Treasury (Lucy Frazer): Less than a fortnight ago, my right hon. Friend the Chancellor set out a series of measures to help British people at what we know is a difficult time. The oil and gas sector is making extraordinary profits, not as a result of recent changes to risk taking, innovation or efficiency, but as the result of surging global commodity prices, driven in part by Russia's war. The Chancellor reassured the House that the Government

"will make sure that the most vulnerable and the least well off get the support they need, and we will also turn this moment of difficulty into a springboard for economic renewal and growth."

He also made the point that it

"is possible to both tax extraordinary profits fairly and incentivise investment.".—[*Official Report*, 26 May 2022; Vol. 715, c. 449-450.]

That is why we have introduced the energy profits levy—a new 25% surcharge on the extraordinary profits that the oil and gas sector is making. At the same time, the new 80% investment allowance will mean that businesses will get a 91p tax saving for every pound that they invest, providing them with an additional, immediate incentive to invest. That nearly doubles the tax relief available, and means that the more investment a firm makes, the less tax it will pay.

The levy took effect from 26 May this year, and will be legislated for via a Bill to be introduced shortly. It will be phased out when oil and gas prices return to historically more normal levels, with a sunset clause written into the legislation. The levy will raise about £5 billion in revenue over the next year, so that we can help families with the cost of living in the shape of significant, targeted support to millions of the most vulnerable.

Rachel Reeves: I am here to talk about the cost of living crisis, but where are Tory MPs today? On 26 May, the Chancellor announced a welcome U-turn on his party's opposition to a windfall tax—a policy for which we had been calling since January. At the same time as that handbrake turn, however, he created a tax giveaway for oil and gas producers that undermined that tax. Only this morning, in a statement to shareholders, the head of Serica Energy said that these measures would offset a "large element" of the energy profits levy.

All in all, we calculate that a third or more of any revenue from the new levy might be handed straight back in tax breaks. This cashback policy is typical of the sleight of hand that we have come to expect from this Conservative Government, so can I ask the Minister how much these tax breaks will cost? When will the Government have the courtesy of sharing that analysis with the House? How can the Minister be sure how much this new levy will raise when the Chancellor has added this gigantic get-out clause? Why are the Government incentivising investment in fossil fuels over investment in home-grown renewables, which do not benefit from the tax breaks in this announcement? Have the Government even bothered to check what this means for our country's net zero target and climate commitments?

It is not just the cashback to oil and gas producers. Can the Minister confirm that someone who owns three homes will receive £1,200 of support for their energy bills —more than a low-income family will get? This incoherent policy package was born from Conservative chaos and also from the Chancellor's embarrassment and stubbornness. Rather than simply admitting that a windfall tax was the right idea all along, he has introduced one with a great big, costly, gaping hole in the middle of it.

Lucy Frazer: The hon. Lady mentions that Labour has been calling for this levy since January. She will know that January was not the right time to introduce it because we did not know then what the price cap would be. Ofgem estimated that in the week when this announcement was made. She will also know that in January, inflation was not at 9%. The Chancellor has taken this decision carefully, considering the circumstances and not just making policy on the basis of ideology.

I am sure the hon. Lady will know that Labour has made £100 billion of spending commitments, with less than £10 billion fully funded. That would almost double our current borrowing. We Conservative Members are aiming to ensure that we are fiscally responsible with taxpayers' money.

Let me respond to two other points that the hon. Lady made. First, she will remember that when the policy was announced, we said we had estimated that it would raise £5 billion for the package of measures that we had put forward to support people with the cost of living—as she said, that is what we are talking about today. Secondly, she mentioned the importance of reaching our net zero targets. She will know that the UK, under this Government, has already decarbonised faster than any G7 economy, and that there are many other tax levers for green energy, including the super deduction and research and development tax reliefs. She will know that we are consulting on broadening the emissions trading scheme and that we have committed £1 billion to a carbon capture and storage infrastructure fund, as well as £140 million to the industrial decarbonisation and hydrogen revenue support fund. We are ensuring that we tax extraordinary profits at the same time as protecting those who are struggling with the cost of living.

Alun Cairns (Vale of Glamorgan) (Con): Two weeks ago, my right hon. Friend the Chancellor announced a package of support that is far more generous than what the Labour party ever proposed. It is focused on the immediate pressures that families are facing up and down the country. It is also funded by the energy profits levy, which focuses on and offers support and relief for future investment. Does my right hon. and learned Friend agree that we need not to only provide support in the immediate term, as the Chancellor demonstrated, but to look to the future energy security needs of the United Kingdom?

Lucy Frazer: My right hon. Friend makes an important point, and that is one reason why we set out the Prime Minister's energy security strategy recently. My right hon. Friend also makes the important point that our package is more generous to those who are vulnerable.

[Lucy Frazer]

Under our package, the lowest-income households will receive double what Labour was proposing—£1,200, compared with £600. Hard-working families will receive £550 under our proposal compared with the £200 that they would have received under Labour's proposal.

Mr Speaker: I call the Scottish National party spokesperson, Peter Grant.

Peter Grant (Glenrothes) (SNP): I welcome the acknowledgement from the Government yet again of the vast wealth that currently lies under the waters of Scotland. Oddly enough, in 2014, it had run out, but there still seems to be an awful lot of wealth to be got from the North sea just now.

Will the Minister explain why the windfall tax was only ever applied to the energy producers? Why was it not applied to other companies that, just through good luck, became mega-rich almost overnight? I am talking about the big multinational tech firms, online retailers and the importers of shoddy, useless personal protective equipment that cost the public billions of pounds. Why are they not facing a windfall tax, at the very least?

If an investment allowance is appropriate, why is it not being restricted to investments in technologies that will reduce the carbon footprint of the North sea? Why is it not being restricted to helping to transform Scotland's and the UK's oil production away from carbon-based fuels to other methods? Why is it being used effectively to give an incentive to continue the exploitation of our carbon resources?

The Minister said that the Government expect to get £5 billion from the windfall tax. What would the amount have been if they had not applied the investment allowance? How much are the oil companies saving as a result? The National Audit Office and the Public Accounts Committee have expressed concerns about the lack of reliable detail to show that tax reliefs have had the result intended. How will the Government know that they have? What steps will they take to prevent fraudulent claims?

Lucy Frazer: The hon. Gentleman makes a large number of points. The reason we are taxing this sector is that these are extraordinary profits that have been made not as a result of anything that the companies have done, but because of the price of gas. The Chancellor also said that he would look at electricity generation, because that is riding on the back of gas prices.

On the hon. Gentleman's point about decarbonisation and the oil and gas sector, I point out that capital allowances will be available for capital expenditure from the oil and gas sector that makes the production of oil and gas less carbon-intensive, which could include electrification.

Peter Aldous (Waveney) (Con): Ongoing investment in the North sea is vital to the transition to a low-carbon economy and to the creation of long-term jobs in emerging industries such as offshore wind, hydrogen and carbon capture and storage, which are very important in coastal communities such as the one that I represent. Can my right hon. and learned Friend give an assurance that the levy will not imperil that ongoing investment?

Lucy Frazer: The points that my hon. Friend makes are set out in the energy security strategy, because we recognise that the North sea will still be a foundation of our energy security. It is right that we continue to encourage investment in oil and gas as we transition to renewables. My hon. Friend is right that the sector, along with many others, provides important jobs for people in the areas where generation is taking place.

Richard Burgon (Leeds East) (Lab): The additional tax breaks given to oil and gas firms mean that the Government are handing billions over to the very companies that are driving up people's bills and fuelling climate change. That is money that could have been used to insulate 2 million homes, saving each household £340 every year. Are these tax breaks for more fossil fuel producers not the very opposite of what is needed to protect the planet, end our reliance on expensive gas and, crucially, invest in insulation that could get bills down?

Lucy Frazer: With the greatest respect, I think that the hon. Member misunderstands the policy. What we are introducing is a significant tax on the oil and gas sector that will fund the most vulnerable, so it is the firms handing money over, as he puts it, to us. We have said that we recognise that companies should invest, because it is good for jobs, good for investment, good for our competitive industries and good for our energy security for the future. We have recognised that we will give tax reliefs if that investment is made.

Caroline Lucas (Brighton, Pavilion) (Green): Just six short months ago, the UK hosted COP26, and it remains its president—not that we would know that from this appalling policy from this Government. The Glasgow climate pact, which the UK signed, commits to the

"phase-out of inefficient fossil fuel subsidies",

so can the Financial Secretary explain on what grounds handing an 80% tax break to the dirty, dangerous and outdated energy of the past could possibly be considered efficient, especially when new fossil fuel production will do nothing to help with energy security or affordability? It will simply be sold at global prices on international markets. How is that climate leadership?

Lucy Frazer: The hon. Lady will know that we need to ensure energy security. At the moment, oil and gas account for 50% of our domestic energy. It is important that we transition, but that we transition safely, as well as securing domestic energy security.

The hon. Lady makes a very important point about our leadership at COP. We led the world. We were the first country to introduce net zero targets; many others followed. The Chancellor set out packages to ensure private sector investment and Government support for transitioning, and that is what this Government are doing.

Clive Efford (Eltham) (Lab): I welcome the fact that the Government have adopted Labour's policy and introduced a windfall tax on these profits. They have had to be dragged kicking and screaming—*[Interruption.]* I am sorry; should I give way to the Minister for Energy, Clean Growth and Climate Change?

Hon. Members: Yes!

Mr Speaker: Hang on a minute. I think I will decide. Carry on, Clive. Come on! You look like a person who never heckles himself.

Clive Efford (Eltham) (Lab): I am the soul of discretion, Mr Speaker. I feel wounded—deeply wounded!

As I was saying, the Government have had to be dragged kicking and screaming to accept a policy that they previously described as unnecessary and undeliverable. However, I fail to see how it is an efficient use of taxpayers' money, given that it will incentivise the companies to offset the tax. Would it not have been better to invest the money in insulating homes and ensuring that people's bills were brought down on a more permanent basis? Would that not have been a much more effective policy?

Lucy Frazer: The hon. Member will know, because I have said it this afternoon, that according to our estimate we will be receiving £5 billion from the oil and gas sector. Given that he mentioned insulation, he may be interested to learn that the Government have committed £3 billion over this Parliament to installing energy-efficiency measures in up to 500,000 homes, saving low-income households hundreds of pounds a year on their bills.

Darren Jones (Bristol North West) (Lab): Clearly any additional tax cuts for the oil and gas sector should have been targeted at renewable energy generation rather than further drilling for fossil fuels. The Minister will know that the Government intend to introduce a climate compatibility checkpoint to ensure that all future decisions are in line with our climate change commitments. Can she confirm that if there is an overlap with the ongoing tax break for investment in fossil fuel drilling, it will be checked against the compatibility checkpoint?

Lucy Frazer: As the hon. Gentleman will know, a consultation is ongoing, and the Government will be responding to it in due course. I am sure that he will read the report of our response with some interest.

Christine Jardine (Edinburgh West) (LD): The Institute for Fiscal Studies—which, I am sure, understands the policy—has been critical of it, saying that the windfall tax is too generous and that

> "It is hard to see why the government should provide such huge tax subsidies and thereby incentivise even economically unviable projects."

Why are the Government providing incentives for projects of that sort rather than raising the money that would help out desperate families, and help them to feed their children?

Lucy Frazer: What we have proposed is a windfall tax that will recover more than what Labour proposes would recover. That money—£5 billion—will support those who are the most vulnerable, which is why we have introduced the measure.

Alan Brown (Kilmarnock and Loudoun) (SNP): This policy confirms that we are seeing more take, take, take from Scotland's North sea oil and gas. The Government are taking resources and taking money. Norway has the biggest sovereign wealth fund in the world, but Westminster squandered all the income from oil and gas from the North sea. At the very least, will the Government reverse their decision and support the Scottish carbon capture and storage cluster and make it a track 1 cluster, and will they consider matching the Scottish Government's £500 million just transition fund?

Lucy Frazer: I think the hon. Member is aware that the Scottish CCS is a reserve. *[Interruption.]* I am grateful to the hon. Member for confirming that he is aware of that.

Sir Stephen Timms (East Ham) (Lab): It has been reported that this concession will deliver an additional subsidy of £200 million to Shell for its development of the Jackdaw field, which was going to go ahead anyway. How can that be justified?

Lucy Frazer: The investment relief should not be available for investments that are deadweight. It should be for new investments. However, I am happy to look into the point that the right hon. Member has made.

Stephen Flynn (Aberdeen South) (SNP): Jeremy Cresswell, the emeritus editor of *Energy Voice* in the north-east of Scotland, highlighted his concerns that the investment allowances put in place by the UK Government as part of the windfall tax are directly for big oil, as opposed to for big renewables too. Can the Minister clarify an earlier point made in response to my hon. Friend the Member for Glenrothes (Peter Grant)? She said that electrification could be part of the programme: surely it must be part of it.

Lucy Frazer: Yes, it could be, and I am sure that HMRC will consider those reliefs when they are made. I hope that it is a should, but the position is that it could. The tax will be paid by the largest companies, to reiterate a point I made previously.

Champions League Final: Paris

3.51 pm

Ian Byrne (Liverpool, West Derby) (Lab) *(Urgent Question)*: To ask the Minister for Digital, Culture, Media and Sport if he will make a statement on the significant problems arising at the champions league final on 28 May in Paris.

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston): On 28 May, Liverpool football club played Real Madrid in the final of the champions league. The fixture was held at the Stade de France in Paris, and on this occasion Real Madrid won the match 1-0. It is not the result that makes the fixture worthy of debate, but the spectator experience.

The start of the fixture was delayed due to a number of crowd safety issues outside the ground. Those issues prevented safe and timely access to the stadium for many thousands of Liverpool fans. Members across the House will, like me, have been appalled to hear of the terrifying and potentially dangerous conditions experienced by many Liverpool fans. In fact, we all saw the visuals on social media. What should have been a celebration of the pinnacle of European club football will be remembered for all the wrong reasons. I am shocked and concerned by what has come to light.

I welcome the fact that, as the Secretary of State and I—and many hon. Members—requested, UEFA has commissioned an independent investigation, and issued an apology to fans who attended the final. The French Sports Minister has also commissioned a review of the delivery of the event, and I will be discussing that with her later this week. The French Government will also be supporting the UEFA investigation. They have called for sanctions against any police officers who misused tear gas and confirmed that they will pursue compensation for fans who had a valid ticket but were unable to enter the stadium.

UEFA has confirmed that it will launch a new complaints procedure for fans to present evidence, and Liverpool FC is collating fan experiences, via its website, to contribute to the UEFA investigation. I urge fans to send accounts of their experiences to the club. The Department for Digital, Culture, Media and Sport will continue to work closely with the relevant authorities and Liverpool FC.

The footage and accounts from Liverpool fans and the media on their entry to the Stade de France on 28 May have been deeply upsetting. Thousands of Liverpool fans travelled to Paris in good time to support their team in one of the biggest matches of the season, and we are hugely disappointed by how they were treated. Fans deserve to know what happened, and it is absolutely right that the relevant authorities are now fully investigating the events. The investigations must establish the facts so that the authorities can learn lessons from the event and ensure that we do not see scenes like that ever again.

Ian Byrne: I was there last Saturday in Paris. I was also there at Hillsborough in 1989. I can say, without any shadow of doubt, that if it was not for the magnificent efforts of the Liverpool supporters last Saturday, we could have had a disaster worse than Hillsborough. Last Saturday in Paris, I witnessed first hand shambolic stadium management and the most hostile policing environment at a sporting event I have ever seen. I watched children getting pepper-sprayed, pensioners getting tear-gassed, and turnstiles and exits shut while thousands queued for hours waiting to attend the blue riband football occasion of the season. We were treated like animals for wanting to watch a game of football. Then, shamefully, the smears and lies, straight from the Hillsborough playbook, were used by the authorities to avoid accountability for the horrific events. Never, ever again should this be tolerated, in this country or around the globe. Enough is enough.

Will the Minister confirm whether the Government will make representations to UEFA, following the calls of Liverpool football club, Real Madrid football club and the Liverpool supporters trust, for a full and truly independent inquiry into the events at the Stade de France, which could easily have cost the lives of UK citizens? Will he also call on the French Government and UEFA to retract the attempts to smear Liverpool football club supporters without any verifiable evidence to substantiate the claims, and will he engage with his French counterpart to ensure that UK citizens, including many children, are never, ever treated with such brutality and force by French police for simply attending a football match?

Nigel Huddleston: I thank the hon. Member for raising all those points. I appreciate his dedication to all things football and his expertise in the area; I understand he was one of the founders of Spirit of Shankly and he speaks wisely on these issues—always in support of fans. I think the whole House will be making that point clear today.

We have regular dialogue with UEFA, including discussing the plans for the women's Euros this year; we also have a bid in for future events. Both I and officials will raise the issues outlined by the hon. Gentleman, including when I speak to the French Sports Minister this week. The immediate response from certain people was unfortunate. There seemed to be a bit of a knee-jerk reaction that was not necessarily based on the facts. Of course, what we have all seen is what appears to be considerably disproportionate behaviour on behalf of some people and entities of which we would expect more.

I am confident that there will be a thorough review, which must be transparent. I do not want to pre-empt its conclusions, but I hope that all the information will be gathered. I repeat: if any fans have evidence—experience, footage and so on—they should please send it to Liverpool FC. I look forward to seeing the results of the investigation. We will be keeping a close eye on developments, as, I am sure, will the whole House.

Lucy Powell (Manchester Central) (Lab/Co-op): I thank my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) for securing this urgent question and for his powerful testimony of his experience.

The champions league final last Saturday was chaotic, scary and atrociously managed. Before the match, huge queues formed, as most turnstiles were closed. Police tear-gassed and pepper-sprayed fans who were waiting patiently. Fans were targeted by local criminal gangs as police stood by. Many never even got in, or left for fear of their children's safety. To add insult to injury, the

authorities immediately blamed English fans; they said that Liverpool supporters turned up late with fake tickets. The crushing outside the ground and the response—blaming fans—brought back the trauma of Hillsborough. British supporters have been mistreated and wronged. It is up to the Government to establish the facts and ensure that lessons are learned.

This is now the third major UEFA event in less than two years to come close to an even more serious incident. Has the Minister established why UEFA got things so wrong and why it took until Friday to apologise? Questions also remain over UEFA's independent review, as the chair is a close friend of the president of UEFA. Will the Minister ensure that it gets to the truth and holds those responsible to account?

UEFA has now at least apologised, but the French authorities remain entrenched. What will the Minister do to get his counterpart to apologise and understand that they were in the wrong? France is due to host the rugby World cup and the Olympic games. Does the Minister agree that the French authorities' handling of the final puts in doubt their ability to host such events in the future?

Finally, what happened in Paris reminds us once again that justice and lessons learned from Hillsborough still have not happened. When will the Government enact the Hillsborough law and respond to Bishop James's report?

Nigel Huddleston: The hon. Lady is right that we all welcome the apology we have received from UEFA. I will be speaking to the French Sports Minister and will relay the messages from this House to her when I do, hopefully as early as tomorrow.

The hon. Lady is right: while there may have been, as is unfortunately often the case with football, some small incidents of bad behaviour by a really small number of fans, the reality that we have seen and all the evidence we have heard so far would suggest that the vast majority of the fans behaved impeccably and waited patiently outside the stadium to get in, and that many then did not even make it in.

There were clearly some logistical challenges that require explanation, but we have not seen any clear justification from UEFA or the French authorities for the scenes on the ground or the limited access to the stadium for Liverpool fans. In particular, we have seen the impact on the young and the elderly of being inexplicably attacked with tear gas and unable to get to watch the games. I am also particularly concerned about reports that some of the media were asked to delete footage of incidents they observed. That also requires explanation.

The hon. Lady raises many important questions; we do not have all the answers yet, but I am confident that the investigation will be thorough and transparent, and we will be keeping a very close eye on developments.

Maria Eagle (Garston and Halewood) (Lab): It is only because of the calmness and forbearance of Liverpool fans at the Stade de France that nobody was killed. Let us be clear about that. Does the Minister understand that the immediate resorting by UEFA and French authorities to old, baseless Hillsborough slurs—"Liverpool fans were late! They were ticketless!"—in conjunction with the disgustingly hostile policing has exacerbated trauma and brought back terrible memories for many of my constituents who have been in touch with me: both those who were caught in the crush, and those watching at home who have a connection to the Hillsborough disaster, as thousands of people in Liverpool do?

Does the Minister agree that official recognition by UEFA and the French Government of the truth of what happened, at the earliest possible moment, is essential to prevent that trauma from getting worse? Will he therefore use his good offices to insist that Liverpool fans' representatives have a role in the official inquiries that take place, to establish the truth and to stop cover-ups?

Nigel Huddleston: The hon. Lady speaks eloquently and passionately about the human impact that incidents such as this have. This brings back some terrible memories for many people. I think UEFA does understand that. She is also right to ensure that Liverpool fans have their say here. I encourage Liverpool fans to submit information to Liverpool FC, and I thank Liverpool FC for facilitating that information-gathering, which I understand will be passed on to the UEFA investigation.

Simultaneously, the French authorities are conducting an investigation. I repeat that the inappropriate behaviour of a few fans is as nothing compared with the huge impact on thousands of people who were behaving perfectly at the event and were treated abominably.

Dan Carden (Liverpool, Walton) (Lab): I commend my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) on securing this urgent question and on the way he has represented the fans over the last week.

We need an apology from UEFA and French authorities for the chillingly familiar, knee-jerk lies blaming Liverpool fans, and we need the investigations, but I want to share with the House a few emails and comments I have had from constituents. Anthony said:

"We were very close to a disaster on Saturday night...we were being crushed, pushed, intimidated and assaulted.

It felt like an act of intimidation to get a reaction from fans."

Suzanne said:

"I was crying and scared. My legs were like jelly. I was just in shock. For the first time in my life I felt old and vulnerable."

Jon said that the police were behaving like

"thugs looking for a fight".

Contrary to the narrative put out by French authorities, he believes that it was only

"the calm behaviour of the fans"

in not retaliating that

"saved events from turning fatal".

What can the Minister do to ensure that the promised investigations get to the truth?

Nigel Huddleston: I thank the hon. Member for his input and for sharing the harrowing experiences of some fans. Although I was not able to attend the event, I was, sadly, receiving live feeds of information from people texting me to tell me of really quite alarming experiences.

As I said, it is really important that we get to the truth and get to the bottom of what happened, and the French authorities and UEFA are committed to doing that. I join the hon. Member in thanking the fans who helped each other out. In particular, I understand that

[Nigel Huddleston]

there was a lot of activity to protect children, the elderly and the disabled; that speaks volumes about the friendship and camaraderie of Liverpool fans when at home or abroad. I agree with the hon. Member and will make it very clear that we expect to get the full and complete story of what happened so that it does not happen again.

Clive Efford (Eltham) (Lab): For too long, those at the head of football, whether it is FIFA, UEFA or the FA, have treated football fans as if they are the enemy—as if they are something that has to be tolerated but not to be worked with. If fans were involved in the organisation of the control of crowds around such matches and there was early intervention, with discussions about the issues among police from this country and fans' groups from this country, we might be able to create an environment that was much more safe and where the police did not react in such a violent way. There is no doubt that the way the police reacted to the crowd added to the problem, if it did not cause it in the first place.

Nigel Huddleston: I largely agree with the sentiments expressed by the hon. Gentleman, although it is slightly unfair to characterise it as if everybody in football treats fans as the enemy. Many entities and organisations try to bring fans on board to the greatest extent—of course, the fan-led review of football is trying to embed that to an even greater degree—and some clubs engage very carefully and closely with fans.

When any such investigation happens, it is important that we all learn lessons. We saw incidents at Wembley last year, and the Casey review highlighted some areas for improvement. Last week, particularly acute circumstances impacted fans in a really quite dramatic and drastic way, and the French authorities and UEFA have a responsibility to take the lead on that. We then all need to learn lessons, and that goes for individuals, clubs, Governments, the police and so on, internationally. As I said, I cannot pre-empt the conclusions of the review but we will keep a very close eye on it.

Paula Barker (Liverpool, Wavertree) (Lab): I, too, commend my good friend, my hon. Friend the Member for Liverpool, West Derby (Ian Byrne), for securing this urgent question and for the work he has done, and I commend the impeccable behaviour of the Liverpool fans.

I want to talk about my constituent Liam Griffiths. Like my hon. Friend the Member for Liverpool, Walton (Dan Carden), I have been contacted by many constituents who were in Paris. Liam and his son were there for the champions league final. Liam was struck by a brick thrown by a mob of local Parisian youths as the police lost all control of the situation and started indiscriminately to tear-gas peaceful fans. He recalls a mess of a situation from start to finish as the French police woefully failed to manage the event hours before kick-off and in the immediate aftermath.

As a club and a city, we have been here before, so collectively—I include the UK Government in this—we have a duty to nip smears and lies in the bud before they permeate. Liam and I want to know whether the British Government have already asked for clarity and evidence from our French counterparts on the claims of ticketless fans and ticket fraud. I have seen no evidence to date. Will the UK Government be demanding an apology from the French Government, who have doubled down on their own warped reality? Our fans must not be used as a political scapegoat for failed politicians who seek to save their own skin before French parliamentary elections in just a week's time.

Nigel Huddleston: I thank the hon. Lady for her comments and am sorry that her constituents had such a harrowing experience. Again, I encourage everybody who had such experiences to please feed that information into Liverpool FC so that it will be fed through to the investigation. I shall make the points raised here in the Chamber, and others, to the French Minister when I speak to her. Conversations are ongoing, both through officials and at ministerial level across multiple Departments.

The hon. Lady is right about how disappointing and frustrating this situation is, because sport should be something that brings us together. It should be a joy and something around which we can all unite. It is so disappointing and disheartening that fans have had to experience something so harrowing.

Kim Johnson (Liverpool, Riverside) (Lab): I also extend my thanks to my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) for securing this important urgent question. I want to put on the record my disgust and anger at how the fans were treated and at the responses from those in charge who pointed the finger of blame at Liverpool fans, which was far too reminiscent of Hillsborough. Like other hon. Members, I have received personal testimonies from my constituents, including from Olivia, who went to the match with her dad, a survivor of Hillsborough, who still suffers from post-traumatic stress disorder. She said:

> "Blaming fans for late arrival and causing crushes by the opening and closing of gates is a terrifying parallel to the Hillsborough disaster."

Will the Minister agree to recall the French ambassador and demand an independent inquiry and a full apology—not just for the violent and brutal policing, but for the lies told by Ministers when they blamed Liverpool fans for what happened?

Nigel Huddleston: As the hon. Lady has articulated, and as we are hearing again and again from colleagues in the Chamber today, the specific evidence just does not tally with some of the comments that we heard immediately following or during the match. The overwhelming evidence is of fans behaving incredibly well and in a civilised way. They are therefore blameless, but were treated then with a disproportionately aggressive response. I do not want to pre-empt the conclusions of the investigation, but what I have seen so far raises many questions, and we will be keeping an incredibly close eye on this, as I have said. I appreciate her comments.

Stephen Flynn (Aberdeen South) (SNP): Let us be clear: the events in Paris were utterly appalling, but they are all too emblematic of the complete and utter disdain with which football fans are treated, both at home and, indeed, abroad. Hopefully, this will be a simple question for the Minister. In the discussions that he has had with UEFA since, has it shown any remorse? Does it even care?

Nigel Huddleston: UEFA has apologised and, per the calls of many in this House—myself, the Secretary of State and many others—it has now launched an investigation, and we welcome that investigation. The hon. Gentleman is raising an important point about the central role of fans. As I have said repeatedly, fans should be at the centre—at the heart—of football and treated with respect. If it were not for the fans, football would not exist. Many people make a lot of money out of football, and they should never forget that they are only there because of the fans.

Ms Marie Rimmer (St Helens South and Whiston) (Lab): I thank my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) for securing this urgent question. The treatment of Liverpool fans in Paris was nothing short of shocking and an utter disgrace. It was going back to the dark days when football fans were treated as criminals.

Many constituents have got in touch with me about their awful experiences. It is not the first time that we have seen barbaric police treatment abroad. In future, will the Government make sure that they have spoken to their counterparts abroad, ahead of any upcoming football games—whether it be the champions league or the World cup—to make sure that British football fans are better protected and respected?

Nigel Huddleston: The hon. Lady makes some important points. The misbehaviour of a few fans should not taint the whole of football; she is absolutely right. We do co-ordinate regularly with UEFA, football authorities and other policing authorities. As I think I said in answer to an earlier question, we all need to make sure that we learn from any findings that come from the experience in Paris, in the same way, hopefully, as everybody will learn from what happened, unfortunately, in Wembley last year. It is important that we all share learnings from events such as this.

John McDonnell (Hayes and Harlington) (Lab): I declare an interest as a member of Spirit of Shankly supporters club. May I express my concern that we are talking about an investigation rather than a full, independent inquiry? Following on from what others have said, the most important voices to be heard in any investigation are those of the fans. Will the Government consider what support they can give to those fans' groups to make sure that they are properly represented at this inquiry? As with all inquiries now, they may well need legal representation and they will need resourcing for that.

Nigel Huddleston: I share the right hon. Gentleman's concern about making sure that the voice of the fans is clearly heard. However, I am confident about that it will be because I understand that a fair volume of information, data and video footage has already been sent to Liverpool FC, which will then be sent on to UEFA. As I have said, we will keep a close eye on that. If we have concerns that information or data are being missed, we will raise it with the appropriate authorities, because it is vital that this investigation is thorough and is seen to be thorough.

Mike Amesbury (Weaver Vale) (Lab): I commend my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) for securing this urgent question, and for speaking with such powerful insights. Many fans from my constituency—mums, dads, nans and grandads—went along with their children, as a once-in-a-lifetime opportunity, and never got into the game, as the Minister said. Then they were criminalised and blamed, as we have seen throughout recent history—not long-term history but recent history—for the bad organisation and the appalling police behaviour. What assurances can the Minister give on ensuring that the investigation—as my hon. Friend said, it is not an independent inquiry—is robust and independent? And yes, as the shadow Secretary of State said, we do need a Hillsborough law.

Nigel Huddleston: UEFA announced over the weekend the terms of reference of the review, which looks pretty comprehensive, but we will be keeping a close eye on it. I will share the points raised in the Chamber today with the French authorities when I speak to them. We will make sure that we keep a close eye on this so that it is thorough. It is really important that fans feel that their voice is heard. As I have said repeatedly: please, fans, do share information with the appropriate authorities. I echo the point that the hon. Gentleman raised about children, in particular, being impacted by this at an early stage of their life when we want them to become football fans. These kinds of experiences can put them off, and we really do not want that.

Zarah Sultana (Coventry South) (Lab): I commend my hon. Friend the Member for Liverpool, West Derby (Ian Byrne) for securing this important urgent question, and for his tireless representation of fans against these baseless smears. I too had the privilege of being in Paris with my dad on the night of the final, not at the stadium itself but at a nearby fan zone. Even there, fans were tear-gassed, while outside the stadium families were pepper-sprayed, with children brought to tears, and fans crammed together like cattle. I truly believe that, as other Members have said, were it not for the calmness of Liverpool fans, that night could have ended in real tragedy. That is what makes it so grotesque to see French politicians, UEFA and parts of the media lie and blame Liverpool fans for what happened, evoking traumatic memories of Hillsborough for so many. I saw absolutely no evidence of bad behaviour from Liverpool fans or fans in general. Will the Minister join me in calling for all these smears to be retracted and for a full apology from the French Government, and will he push for a full and genuinely independent inquiry into the night's events?

Nigel Huddleston: I share the hon. Lady's applauding of the behaviour of fans. She raises an important point as one of the people who arrived in Paris without a ticket, who are usually welcomed. That is usually a good thing where people can absorb the atmosphere. We welcome people coming to the UK for football events even if they have not got tickets, if they behave well and then spend money in pubs, bars, restaurants and hotels, which is good for the economy. These sporting events are really important. People do not always need an actual ticket to the event in order to experience it in the area, but that should happen well and smoothly, and it needs to be well organised. On all these things, as I said, we need some real, important lessons to be learned.

Christian Matheson (City of Chester) (Lab): My constituent Tom, who is a Liverpool-supporting journalist, was at the match working and was pepper-sprayed while he was undertaking an interview. My constituents Linda and Josh were part of a crowd that was tear-gassed after the game when they were moving away from the stadium. Part of Linda's group—her sister and husband—were robbed in their car. Locals smashed their windows and took her bag containing passports. Linda herself had her purse stolen from her bag. Harriet and Craig, also my constituents, turned up. Craig got his ticket grabbed off him by a local French thug and they had to wrestle it back. Liverpool fans were getting threats of assault from the thugs for protecting their own tickets. We have heard that the French Interior Minister has suggested that 40,000 Liverpool fans turned up without tickets, but there has been no evidence to back up that claim. Does the Minister agree that the French Interior Minister would do a lot better dealing with the real issues of crime and violence in his own backyard rather than trying to blame innocent football supporters?

Nigel Huddleston: Again, I thank the hon. Member for those comments. We are hearing harrowing evidence from several Members in the Chamber, which I hope will be fed into the investigations. It is important that that happens. What is also concerning about the evidence he has given is that it is about what happened not only around the stadium, but further afield, elsewhere in Paris. It is important that that is taken into account in the investigation. I can commit to making sure that I communicate all these messages to my opposite numbers in France.

Justin Madders (Ellesmere Port and Neston) (Lab): Chaotic organisation, overzealous policing and the fans getting the blame: that is happening far too often and we are all absolutely sick of it. We do not want it to be repeated. I know that the Minister has expressed confidence in the UEFA investigation; I have to say that I am not as confident as he is that it will be impartial, but it certainly needs to be thorough, it needs to have the fan's voice throughout and it needs to get to the truth, because if history tells us anything, it is that Liverpool fans will not give up until the truth is told. He must send that message to UEFA.

Nigel Huddleston: The hon. Gentleman has sent a clear message to me and I will pass it on. I am confident because, for the good of football, we all need to take these incidents incredibly seriously. We have had an apology from UEFA. I am hearing the points from colleagues today about their disappointment, which I share, in the tone that we initially got from some of the French authorities. I think we would like to see more. I hope that we will get to the bottom of the truth. As I say, I do not want to pre-empt the conclusions of the investigation, but the anecdotal evidence that we have heard today paints a pretty dark picture.

Alison Thewliss (Glasgow Central) (SNP): I thank the hon. Member for Liverpool, West Derby (Ian Byrne) for asking this UQ. My Liverpool-supporting constituent Amy Shimmin travelled to what was her third European football final and her 10th game abroad, and said that she has never been so scared for her safety and that of her fellow fans as she was last week. She particularly feared for fans with disabilities, who struggled to get into the stadium. Can the Minister tell me what specific conversations he has had with UEFA and his French counterparts regarding fan safety, particularly the use of pepper spray and tear gas in crowded areas, which was wholly inappropriate in the circumstances?

Nigel Huddleston: Again, I thank the hon. Lady, who has showcased the fact that Liverpool fans exist way beyond Liverpool—indeed, across the country and the world. We are having multiple conversations at official and ministerial level. The Home Office is having conversations with its counterparts and I will be having conversations with the Sports Minister of France and with UEFA. The day after the incident, I had conversations with the FA and the Premier League, which are also having conversations—there are lots of conversations going on. I think the whole House agrees that conversations are one thing, but we need to get to the bottom of the truth, we want to hear a bit more of an apology, and we want to learn lessons from this terrible incident.

Mr Speaker: I say to everyone that I thought it was important to grant the UQ today; I think everybody's constituency has a Liverpool fan in it. I say to the Minister—I know he was pleased to answer the UQ—that hopefully, when he gets some answers, he will come forward with a statement. Let us move on the next UQ; I will let people leave the Chamber.

Violence against Religious Groups: Nigeria

4.23 pm

Fiona Bruce (Congleton) (Con) *(Urgent Question):* To ask the Secretary of State for Foreign, Commonwealth and Development Affairs if she will make a statement on the killing of church worshippers in Ondo state, Nigeria yesterday, and on wider issues of violence against religious groups in Nigeria.

The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford): I am horrified by the attack that took place against a church in Ondo state, south-west Nigeria yesterday. I publicly express the UK Government's condemnation of this heinous act and stress the importance of those responsible being brought to justice in accordance with the law. The high commission in Nigeria has also expressed our condolences to the governor of Ondo state and offered our support. I know that the House will join me in sending our condolences to the families and communities of those killed.

Rising conflict and insecurity across Nigeria are having a devastating impact on affected communities. I have raised this issue with the Nigerian authorities on several occasions, including in conversations with Nigeria's vice-president and Foreign Minister during my visit in February. During that visit, I also met regional governors, religious leaders and non-governmental organisations to discuss intercommunal violence and freedom of religion or belief.

It is clear that religious identity can be a factor in incidents of violence in Nigeria and that Christian communities have been victims, but the root causes are often complex and frequently also relate to competition over resources, historical grievances and criminality, so the UK Government are committed to working with Nigeria to respond to insecurity. At our security and defence dialogue with Nigeria in February, we committed to work together to respond to the conflict. We are supporting local and national peacebuilding efforts in Nigeria, including through the Nigeria Governors' Forum and National Peace Committee. We provide mentoring and capacity building to support Nigerian police force units, to improve their anti-kidnap capacity, and we support efforts to address the drivers and enablers of serious and organised crime in Nigeria. At our security and defence dialogue, we reiterated our shared understanding and commitment to protecting human rights for all.

We are committed to defending freedom of religion or belief for all, and to promoting respect between different religious and non-religious communities. I discussed FoRB with the Nigerian Foreign Minister only last month, and we look forward to hosting an international conference on FoRB in July. We will continue to encourage the Nigerian Government to take urgent action to implement long-term solutions that address the root causes of such violence.

Fiona Bruce: Thank you, Mr Speaker, for granting this urgent question, following the tragic news of the latest killings in Nigeria—a targeted attack, not on warring militias as part of armed conflict, nor even on farmers or villagers over land; no, this was a brutal attack on a place of worship, St Francis Xavier Catholic Church in Owo, and on worshippers gathering on Pentecost Sunday. A time of celebration turned into a time of carnage. Why? That is the really urgent question.

The governor of Ondo state, Governor Akeredolu, condemned the attack as "vile and satanic". Reverend Augustine Ikwu, Secretary of the Catholic Church in Ondo, said:

> "We turn to God to console the families of those whose lives were lost".

The whole House will join in those words of condemnation and of consolation for the victims and their families, and I thank the Minister for her words in that connection. However, as the urgent question implies, this latest atrocity is a far from isolated incident: religious minorities, particularly Christians, are targeted. Bandits, predominantly militant Fulani herdsmen, have killed 3,000 people in 2022 alone. Most of those horrendous attacks in recent times have been in the middle belt region, and have affected adversely the practice of Christianity in the region. The hon. Member for Strangford (Jim Shannon) led an all-party parliamentary group delegation to Nigeria last week, alongside my deputy special envoy, David Burrowes. They heard evidence from Benue, Enugu, Plateau, Southern Kaduna, Adamawa and Taraba states. All those people said that the attackers of their communities were militant Fulani herdsmen whose targets—whose victims—were profiled based on their religious identity.

I have a number of questions for the Minister. While the causes of violence and conflict in Nigeria are complex, does she agree, following this latest attack, not in the middle belt or the north, but in the relatively safe south-west, that this is a FoRB issue, as the attacks are mainly on largely Christian communities? Will she agree to meet the APPG delegation and me to hear how local faith actors and non-governmental organisations need more support to bring faith communities together? What can the Government do to support the Nigerian constitutional guarantee of freedom of religion and of freedom from discrimination? How does the Government's partnership with Nigerian security forces and legal services support the apprehension of perpetrators and prevent increasing acts of impunity across Nigeria? Finally, will the Government support NGO calls for the establishment of special courts for the speedy prosecution of perpetrators of violence in affected states to discourage impunity, and will they support NGOs in providing better research and monitoring of such grievous religious and human rights violations?

Mr Speaker: Can I gently say that this is a very important issue, which is why I granted the urgent question, but we cannot double the amount of time available? We have to stick to the rules—they are not my rules, but MPs' rules.

Vicky Ford: First, I thank my hon. Friend for securing this urgent question, and I thank you, Mr Speaker, for granting it. I thank my hon. Friend for all she does to speak for freedom of religion or belief across the world. This was, as I have said, a heinous act. We have condemned it. It has been widely condemned by Christian leaders and Muslim leaders, and leaders of different faiths in Nigeria have been vocal, including the Nigerian Supreme Council for Islamic Affairs under the leadership of the President-General and Sultan of Sokoto. I mention that because it is important to note that religious leaders from all sides are coming together to condemn this attack.

[Vicky Ford]

As I said in my opening statement, it is clear that religious identity can be a factor in some of these violent issues. The sad fact is that Nigeria is a country that is becoming increasingly violent. It is violent, and there is rising conflict and insecurity. That includes terrorism in the north-east, and separately inter-communal conflicts and criminal banditry in the north-west and middle belt, and violence in the south-east and south-west. Ondo state, as my hon. Friend says, was an area that had not experienced tragedies such as this.

Our high commissioner has spoken to the parish priest of the church that was attacked to express our support and solidarity. We are encouraging religious leaders to speak out against this attack and others who continue to target religious institutions. We are working closely with religious leaders, but also liaising with the authorities in Ondo state to encourage a thorough investigation. My hon. Friend gave her thoughts about investigation, and we are talking directly to the state about how best to help it and to support those coming together. We are working with local faith actors and have done so since Sunday's attack.

One thing I would point out is the really sad fact that we are seeing targeted actions against Muslim communities, as well as against Christian communities. For example, in April, gunmen attacked a mosque in Taraba state. It is important to work with all sides when we are tackling these issues. That is why the UK will continue to work with the Government of Nigeria on medium-term and long-term programmes to help address the causes of the instability, as well as working with the police, for example, on improving the work that they do.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister, Bambos Charalambous.

Bambos Charalambous (Enfield, Southgate) (Lab): I begin by thanking Mr Speaker for granting this urgent question. My hon. Friend the Member for West Ham (Ms Brown) would have been speaking for the Opposition in this urgent question, but she is unable to be with us today because she has covid. We wish her a speedy recovery. [Hon. Members: "Hear, hear."]

The massacre in Owo yesterday was utterly horrific. To target a church where so many were gathered to peacefully pray and celebrate Pentecost is truly appalling. Reports suggest that at least 50 people have been killed, including children. The shock and sorrow, and the anger and despair felt by the families and communities broken by this atrocity will be shared on both sides of the House. Our solidarity extends further to the many across Nigeria in shared mourning for the lives lost and to the millions of Catholics around the world and so many in British Nigerian communities who feel this is a personal blow.

Sadly, this is not an isolated incident. Religious and ethnic bloodshed, kidnappings, banditry, vigilantism and revenge attacks are all on the increase in Nigeria, and each attack deepens the conditions for further violence. Insecurity has been increasing rapidly across much of west Africa, and we have not seen an equally urgent response from the Government.

As the desert expands with climate heating, traditional livelihoods are destroyed, Governments are weakened and distrust grows along economic, ethnic and religious lines, and criminals and terrorists fill the void. Surely we must recognise that insecurity poses a threat even to the stability of Nigeria as a democracy, and supporting such an important regional and global partner must be a top priority. How will the Government adapt and build on the UK-Nigeria security and defence partnership to focus on the drivers of insecurity on the ground across Nigeria? What will the Government do to stop Nigeria and the wider region from sliding further into instability with all the further atrocities that will result?

Vicky Ford: I thank the hon. Member, and I send my best wishes to the hon. Member for West Ham (Ms Brown), who I hope feels better soon.

The hon. Member asks a really important question about what we are doing to address the drivers of conflict, and there are different drivers in different parts of the country. I have had the huge privilege of being able to visit the country, talk to a lot of different groups and meet my counterparts a number of times. For example, in some parts of the country there are conflicts between herders and ranchers, so we have provided technical support to the Office of the Vice-President to develop Nigeria's national livestock transformation plan, which sets out a long-term approach towards more sedentary forms of cattle rearing. That is explicitly to address some of the drivers of intercommunal violence, and the plan is now being implemented in eight different states in the middle belt region. That very specific, targeted work is now being implemented.

We also support efforts to respond to the conflict. For example, there is the work we do on regional stabilisation efforts and the regionally-led fight against armed groups, including demobilising, deradicalisation and integration of former group members. We provide humanitarian aid to the crisis in north-east Nigeria, where 8 million people need life-saving assistance. One of the issues we have helped with is improving respect for humanitarian law within the defence services, so part of our defence training offer is improving understanding of international humanitarian law. During my visit to Nigeria, I was really pleased to hear that, in the north-east region, the relationship between security actors and local community members seems to be improving. This was told to me by a local community leader, who directly related such improving of relationships to the work we have been doing to help improve understanding of humanitarian rights by the security services. So we are taking many different actions in a very complex situation.

Incidentally, I will have the huge honour of meeting the Archbishop of Canterbury tomorrow, and I will certainly be discussing this with him.

Dr Julian Lewis (New Forest East) (Con): Will the Minister take a look at early-day motion 95, which has been tabled by the hon. Member for Strangford (Jim Shannon) and others, about the horrific stoning to death—and then the burning of the body, and indeed of the buildings of the college—of a young female Christian student, who had the temerity to object to the way in which a WhatsApp group was being used for inappropriate "religious" purposes? Does she accept that this problem goes wider than marauding groups, and will she make every effort to ensure that the Nigerian authorities bring the perpetrators of that barbaric crime, as well as of this one, to justice?

Vicky Ford: I believe my right hon. Friend is talking about the awful murder of Deborah Samuel Yakubu, which took place on 13 May. It was another barbaric and heinous act, and I have expressed my public condemnation of it. We have urged the relevant authorities to ensure that the perpetrators face justice in line with the law. I was also extremely sad and troubled to hear over the weekend that there was the stoning and burning to death of, I believe, a member of a Muslim community in Abuja. Again, that reflects the incredibly difficult situation we have. There is of course concern that, as we move towards an election, violence may increase. That is why we are urging everybody to stay calm, and why it is so important that leaders come together to condemn this attack, but also to urge calm.

Madam Deputy Speaker (Dame Rosie Winterton): I call the SNP spokesperson.

Brendan O'Hara (Argyll and Bute) (SNP): I send our deepest condolences to everyone affected by this appalling attack. This time last week, I was in Nigeria with the hon. Member for Strangford (Jim Shannon). Although this latest atrocity is truly shocking, I fear that it will come as no surprise to the religious leaders, civil society activists and victims we met, all of whom told us how rampant corruption, a culture of impunity, the inability of the state to provide adequate security and escalating poverty are driving that beautiful country to the edge of catastrophe.

Can the Minister tell me what practical help she has offered? In a country where we were told that everything is seen through the prism of religion, when did she last meet the special envoy specifically to discuss the escalating religious-based violence in Nigeria? Rather than cutting aid by 50%, should the UK not be investing to alleviate poverty and building interfaith, inter-community trust relationships to prevent such radicalisation in future?

Vicky Ford: The hon. Gentleman is absolutely right to condemn the attack. I thank him and members of the all-party parliamentary group for their trip to Nigeria last week; I know that they worked with the high commissioner to meet lots of community and faith leaders from many parts of the country, and that their visit was truly appreciated by the people they met.

I have already mentioned some of the programmes that we do in Nigeria to try to improve stability and address long-term concerns. We also do a lot of work in the region to try to prevent greater instability, including across the Sahel and in Nigeria. That is why we have peacekeeping troops in the United Nations multidimensional integrated stabilisation mission in Mali, why we support the efforts of the Economic Community of West African States, and why we lead the international response at the Lake Chad basin.

The hon. Gentleman asks what meetings I have had recently. I am in pretty regular contact with the Foreign Minister of Nigeria; in fact, I spoke to him when we were in Côte d'Ivoire. I spoke to our high commissioner just last week.

Sarah Owen (Luton North) (Lab): Clergy have been kidnapped, women and girls raped, and ordinary worshippers murdered in their sanctuary. It is appalling that the regime of violence against Christians in Nigeria has been allowed to continue for so long. Open Doors reports that even within Government forces, Christians are vulnerable to persecution. Muslims in Nigeria have also been the victims of targeted attacks; no one is spared. What reassurance can the Minister give to those in the UK with loved ones in Nigeria that we will not just mourn this violence, but take proactive measures to protect the freedom and the lives of religious minorities in Nigeria and worldwide?

Vicky Ford: Not only is the UK absolutely committed to working with the Nigerian Government to improve stability and tackle insecurity in what is a very challenging part of the world, but we are leading work internationally to promote the freedom of religion or belief. That is why the work of the envoy, whom I met in December formally and am in pretty regular contact with—we exchanged messages as soon as we heard about this tragic incident—is so important, as is the global conference that we will host at ministerial level in July to drive forward international efforts on freedom of religion or belief. We continue to work with the UN, the G7 and other multilateral fora.

It is very important that we stand together to condemn this incident and that we in the UK and people across Nigeria and across communities call for individuals to be held to account under the law. The call for calm is also crucial.

John Cryer (Leyton and Wanstead) (Lab): What is happening in Nigeria has been going on for more than a decade, and it more or less meets the UN definition of genocide. We are increasingly seeing attacks on Muslims; for many years, Christians have predominantly been the target. The Nigerian Government may say that they are taking action, but there is not much evidence to suggest that they are doing so with any great determination. The Minister says that she has regular meetings with the Nigerian Government, which I do not doubt, but what measures have they said they are taking to address this and stop it?

Vicky Ford: As the hon. Member quite correctly says, this is an extremely challenging issue that has been going on for many years, with terrorist attacks in north-east Nigeria and instances of intercommunal violence in many states having had devastating impacts on both Christians and Muslim communities. The Nigerian Government have worked with us in the security and defence dialogue that we launched earlier this year. In the first dialogue they asked us, for example, to improve mentoring and capacity building for the police, to improve their work, and we reiterated our shared understanding and commitment to protecting human rights for all. However, there are so many different drivers. That is why the work that we have done with the vice-president's office on other ways of rearing cattle to try to reduce conflicts between different communities is also really important. We work on those projects while we can with the Government, but it is extremely important that we continue to urge all parties, including those hoping to stand in next year's election, to keep the calm and not incite violence.

Layla Moran (Oxford West and Abingdon) (LD): The shock of these unprovoked attacks is made all the more heartbreaking by the fact that they included children. The Liberal Democrats add our voices of condemnation to those across the House. The Minister has rightly

[Layla Moran]

identified that the causes are complex—they are to do with lack of resources and insecurity—but I am afraid that the Government's money is not where their mouth is. Not only have they cut the aid budget to Nigeria by half, but the forward projections are no good, either. Aid went from £237 million to £117 million and will go to £73 million, £55 million and then £40 million. How does that dwindling budget tally with what the Minister says about the country being serious about tackling the root causes of this terrorism?

Vicky Ford: It is really important to look at what we have done. I have mentioned a number of different projects, and others are coming. For example, our LINKS programme has facilitated investments worth more than £14 million. That has created 20,000 full-time jobs and has been helping to pay more than 48,000 people and increase their incomes since 2019. As I said, when I visited the region, I was moved to hear how the relationships between community members and members of the forces had significantly improved in the Lake Chad basin. It is a very difficult part of the world with high levels of conflict—the country has some of the highest levels of conflict in the world—but there were slithers of optimism that we should continue to try to develop.

Mike Kane (Wythenshawe and Sale East) (Lab): I, like hundreds of millions across the planet, had the pleasure of celebrating Pentecost yesterday and, with no disrespect to the Minister, I think that the FCDO still does not get this. The Government must recognise the anti-Christian nature of the attack on the birthday of the Church yesterday, because there were also attacks at the Chapel of the Pentecost in Jerusalem. Does she agree that the religious dimension must be addressed for progress to be made?

Vicky Ford: As a Christian, I know how important Pentecost is—it is a really important service—and to attack Christians at prayer is a hideous crime. It is also a hideous crime to attack anyone from any religion who is trying to worship and pray for peace. It has ripped away the peace of that community, of those who lost their lives and of their families. At this point, it is not clear who was behind the attack or what motivated it specifically, but there could be up to 50 victims.

As I said in my opening remarks, it is clear that religious identity can be a factor in incidents of violence in Nigeria. We have seen attacks against churches; we have also seen attacks against mosques. It is really important that we work together with Nigeria—a country that is 50:50 in Muslims and Christians—across the fence to call for peace, to call for calm, and to call out those who attack others, whether religiously motivated or otherwise.

Florence Eshalomi (Vauxhall) (Lab/Co-op): The Minister highlighted the fact that we need to hold people to account in law. Sunday is a religious day for many Nigerians, and it is very sad to learn that so many women and children died at St Francis church just for worshipping. I send my condolences to the families.

One of the key issues is support for regional, state and community policing in Nigeria, and instability has been mentioned by many hon. Members. The Minister may be aware that just a week ago the head of the Methodist church, Bishop Sam Kanu, was abducted in Abia state, and two weeks ago two Catholic priests were kidnapped. People who merely want to worship and express their religion are being attacked. What more will the Minister do to help to address that and provide basic security for communities, including those in my constituency, who are worried about their families back at home in Nigeria?

Vicky Ford: There is a number of different questions there. I understand how concerned some of the hon. Lady's constituents may be about their families in Nigeria. When we met the Nigerian Government in the dialogue on security and defence in February, we agreed to co-operate to support Nigeria to tackle security challenges and to promote human rights. That is a really important part of the policing. We have offered to support Ondo state and are already liaising with the governor to encourage a thorough investigation.

I know that the high commissioner is also encouraging religious leaders to speak out against the attack, to come together in condemnation, to continue to call for calm, to give support to the victims and ensure that those responsible face justice in line with the law. Those are the key commitments from all community leaders that we are working to try to support. On top of that, the all-party parliamentary group for international freedom of religion or belief visited the country just last week.

Jim Shannon (Strangford) (DUP): I thank the hon. Member for Congleton (Fiona Bruce) for asking the urgent question, and the Minister for her responses. I also wish to convey my deepest sympathies to those who are grieving today and I will continue to pray for all the families. As the Minister knows, I travelled to Nigeria last week with other Members of this House and of the other place. We met many Christians who had been targeted in the same way as those celebrating Pentecost at St Francis church. Just last year, 4,650 Christians were killed for their faith in Nigeria—13 per day.

In the Minister's discussions with the Nigerian Government, the state governors and the British high commissioner, is it clear that the duty of any Government is to protect their people first and foremost, to keep them safe from murder and to ensure their right to worship their God as they wish to do? What help can the UK Government give to the Nigerian Government and the military to combat terrorism in general, ever mindful that the military were involved in operations in 30 of the 36 states of Nigeria? It is a big job and we need to help them.

Vicky Ford: I thank the hon. Gentleman for leading the delegation last week. It was an invaluable opportunity to meet religious and political leaders and discuss freedom of religion or belief in Nigeria. I also believe that he raised the impact of conflict and insecurity on freedom of religion or belief, and that is an issue that Sunday's attack has so dreadfully highlighted. I thank him for continuing to fly that flag.

In terms of support, we have a number of programmes running in the country. We are working with the military on training, for example on human rights. I have heard that that has been making a difference. It is a very complex situation, but we stand ready to support where we can.

Helen Hayes (Dulwich and West Norwood) (Lab): My thoughts today are with the families and friends of the worshippers brutally killed in St Francis church in Owo yesterday, on a sacred day for Christians around the world. Constituents who are members of the Nigerian diaspora have been raising their grave concerns about escalating religion-based violence in Nigeria for a long time. I tabled a written question on this topic a year ago, and I looked at the answer again today: it is the same as the one we have had from the Minister today, which is that the Government are encouraging the Nigerian Government to take urgent action.

Although we have had warm words from the Minister, I am afraid that the response does not meet the scale of the horrific loss of life and escalating violence that we are seeing in Nigeria. What measure of success is the Minister using for the programmes that she has talked about today? How will she know when those interventions have achieved the impact she is looking for? What engagement is she having with members of the Nigerian diaspora in the UK to help inform the Government's approach and to make sure that it really is helping to stop this terrible violence?

Vicky Ford: I thank the hon. Lady, because she is asking really important questions. This is a tragic situation. This is one of the most violent countries in the world, and the violence is coming about for many different reasons in different parts of the country. That is what I have heard when I have visited, but also when I have spoken to different leaders on the ground, different community groups and different stakeholders. One of the huge tragedies about Sunday's awful attack is that it was in a part of the country that has historically not seen this type of attack, so it is even more shocking and concerning that the problem is potentially widening.

We continue to be concerned about the increase in this violence, especially in a country that is so significant and that has so many brilliant things happening in it. That is why we have worked with the Government to see where we can support what needs to be done. We work with community leaders. We take different actions in different parts of the country. We often work with different state governors on projects to try to increase stability and prosperity—for example, by investing in education, entrepreneurship and so on. That is all part of creating stability.

On attacks against different religious groups, these attacks can sometimes have a religious link, but at other times they do not. That is why we work not only to support voices from different religious communities to come together, but to tackle the causes of instability.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): The massacre of at least 50 Christian church worshippers in Ondo state, Nigeria, and other recent violence against faith groups is utterly reprehensible, and my heartfelt condolences go to the victims' loved ones. What steps are the Government taking to advise, and support the capacity of, regional, state and community policing across Nigeria—our close ally—in providing basic security for communities and stopping the rise in banditry, vigilantism and extreme religious violence?

Vicky Ford: The hon. Member is absolutely right about the concerning rise in violence. It is precisely because we recognise the impact of rising insecurity in Nigeria that we hosted our first ever security and defence dialogue in February, which took place over a number of days and went into great detail. We came out of it committing to work together to do more to respond to the security challenges and the rising insecurity. One thing we have committed to support is the delivery of effective, accountable and responsive civilian policing. That was a request from the Nigerians, who asked whether we could do more on that issue. That is one of the many actions that we will be taking to help.

Ms Marie Rimmer (St Helens South and Whiston) (Lab): I pay tribute to the hon. Member for Congleton (Fiona Bruce). My thoughts and prayers are with the souls departed, and I hope that the families they leave behind can get some comfort from their own faith.

Nigeria is one of the top five recipients of British aid, receiving around £250 million a year. Yet the Nigerian Government consistently fail to protect the freedoms and rights of minorities, and the situation is worsening, not improving. The British taxpayer wants their aid to go to countries that protect the rights of women, religious minorities and other groups. What is the Minister doing to pressure the Nigerian Government to do all they can to protect Christians and other minorities?

Vicky Ford: It is right that we work with Nigeria, a country with which we have long and deep historical ties and very close diaspora links, as many hon. Members have said. That is why Nigeria is a significant recipient of UK aid, and it is why we work on so many different projects to tackle different issues in different parts of the country. We should not underestimate the impact of climate change on Nigeria, and it is another driver of instability. In our international development strategy we continue to fund work not only to support women and girls but to adapt and mitigate against climate change.

Christian Matheson (City of Chester) (Lab): I have also spoken to Nigerians in my constituency, and their message is a familiar one. As the hon. Member for Congleton (Fiona Bruce) said, there is a concern that this is not the first attack, but people are also concerned, as my hon. Friends the Members for Dulwich and West Norwood (Helen Hayes), for Leyton and Wanstead (John Cryer) and for Vauxhall (Florence Eshalomi) and others said, that there does not seem to be a sense of urgency from the Nigerian Government. It is not necessarily that they condone these attacks, but their foot is not hard on the accelerator pedal. Does the Minister have full confidence that the Nigerian presidency understands how seriously these attacks are viewed and is ready to take firm action to prevent further repeats?

Vicky Ford: I discussed the rising insecurity with both the vice-president and the Foreign Minister when I was in the country in February. There has since been an extensive dialogue between our two countries on how we can help. I know they are deeply concerned about the rising insecurity both in Nigeria and across the Sahel, and about how it could impact on Nigeria. Nigeria is at the beginning of the presidential election process, and one of the main parties has chosen its leading candidate and the other is yet to do so. There is a concern that there is sometimes increased instability and increased violence during an election period, which is why it is so important that we all call for calm.

[Vicky Ford]

We urge our constituents from the diaspora to call for calm across the religious divide. I witnessed during my childhood in Northern Ireland how important it is to work across the religious divide and to call for calm, and to call for those who did this heinous crime to be held to account in accordance with the law.

Kim Johnson (Liverpool, Riverside) (Lab): I send my condolences to the family and loved ones of the people murdered at St Francis's Catholic church in Owo, and to the long-established Nigerian community who worship at St Clare's Catholic church in my Liverpool, Riverside constituency. What steps are being taken to ensure that increased poverty and food insecurity do not become a driver for further violence and instability in Nigeria and the wider region?

Vicky Ford: The hon. Lady makes an important point about the impact of the rising cost of living on not only Nigeria but across the region and the continent of Africa. Putin's horrific and illegal war in Ukraine has pushed up world food prices, which is having a real impact on the world's poorest, including many in Africa. The main thing the UK has done is use our position as a lead shareholder in the World Bank to unlock $170 billion of funding, which is an unprecedented package of support to help the poorest countries in the world cope with the rising cost of food and fuel. A lot of that funding is going out rapidly, and we encourage that it goes to the poorest countries first. Putin's actions are having an impact on the world's poorest, including in Nigeria and across the continent of Africa.

National Security Bill

Second Reading

5.4 pm

The Secretary of State for the Home Department (Priti Patel): I beg to move, That the Bill be now read a Second time.

The hostile threat that our country faces comes in many forms, and is ever evolving. We must not only keep pace with such threats, but stay ahead of them to make our country safe, and an even harder target for those who wish to harm us. Those who mean us harm do not stand still, and neither can we.

The terrible chemical weapons attack on Salisbury by the Russian state in March 2018 is just the most obvious of the types of threat that we now face. State threats come in multiple forms. There are physical threats to people and to life, such as assassination, poisoning, forced repatriation and harassment, and there are threats to our own way of life and our values, including sabotage, espionage and interference. Those are supplemented by less physical but equally damaging threats: cyber threats, malware, fraud, extortion, and intellectual property theft. There are threats to geostrategic interests, and sadly, as we all know only too well, we face home-grown threats as well. Last year, each and every one of us in the House was shattered by the murder of our dear colleague and friend Sir David Amess.

We know that the nature of the threats we face is changing. We must protect our country from the old challenges, but also confront the new ones. We have seen in the last year alone how quickly and profoundly the world can change—in Afghanistan, for instance, and with the conflict resulting from Putin's terrible war on Ukraine. The House has also been reminded that some countries are only too happy to interfere with our political system.

Chris Bryant (Rhondda) (Lab): Will the Home Secretary give way?

Priti Patel: Of course I will.

Chris Bryant: I am very grateful. I was waiting for that little phrase—I hoped it might come up. Some of us are very concerned about how state actors from other countries who wish us ill might seek to undermine the democratic process in the House, might seek to infiltrate Parliament, and might seek to gain intelligence through Members of Parliament. Would the Home Secretary be interested in an amendment that might seek to address what I think is still a lacuna—a gap—in the legislation that she is proposing by dealing specifically with MPs and how they might, perhaps inadvertently or perhaps deliberately or recklessly, be helping foreign state actors?

Priti Patel: I know from our time together in the Foreign Affairs Committee of not just the hon. Gentleman's interest in this issue, but the significance of an issue that is growing and growing. I will say more about that later in my speech, but let me say in response to his question that we are looking into all sorts of lacunas. There are certain ways in which existing practices take place, not just in this House but across Parliament—in both Houses—and we need, collectively, to find ways of addressing that. We are naturally looking into how we can protect our political system, and I will expand on that later.

Chris Bryant: The Parliamentary Security Director is particularly concerned about, for example, the all-party parliamentary groups, which, while obviously great in many respects, are often funded by other countries, some of which do not wish us well, and sometimes that funding comes indirectly. I wonder whether we need to change our practices in the House to make sure we have tidied that up as well.

Priti Patel: The hon. Gentleman is right to refer to what we, as a House, need to do for our country to preserve our democracy and the function of our political and democratic institutions. All-party parliamentary groups are a well-trodden path when it comes to inquiries and investigations, and various Committees, including the Select Committee on which the hon. Gentleman is represented, have also touched on this issue. These are exactly the areas in which we have to raise the bar, and I believe that others around the world will look to us, particularly through this legislation. There are areas—I will deal with them later in my speech, and I know that the House will debate them later this evening—in which we know that exposure has been significant, and we have to shut that down. The risks are very high.

Diplomacy and diplomatic engagement at every stage is the proper way in which we should work with other countries and Governments. That means not letting hack and leak operations force Governments into positions or lead to the risk exposures that colleagues have touched on and that many reports and wider work have highlighted. As for the type of threats that we are exposed to, hack and leak is just one example relating to cyber; there is also the threat from trolling and organised crime, which persists in many of the domains that we are discussing.

The UK is a leader in this, with our Five Eyes and international partners. Our commitment to NATO remains steadfast and we should never, ever lose sight of that. Those institutions and organisations are also adapting to the threats and risks that we face globally.

Jim Shannon (Strangford) (DUP): I understand that there will be a programme in Northern Ireland tomorrow night that confirms what the Secretary of State referred to—that there are economic crime gangs stretching from Russia right through Europe across to the United Kingdom. Will the Bill address the issue of organised crime gangs that stretch into Northern Ireland and are laundering money?

Priti Patel: I thank my hon. Friend for his incredibly important question. The Bill will cover aspects of hostile state activity, and he will hear the details of that as I make progress with my remarks. Much of the work on organised crime and criminality in the United Kingdom is led by the National Crime Agency, and it is heavily involved in this work as well. As well as money laundering, we have debated sanctions in recent months. Some of our financial work to follow the money is embedded in the Economic Crime (Transparency and Enforcement) Act 2022, which is part one of the legislation, and we will introduce the economic crime Bill—part two of the legislation—in which there will be much more of that work.

Money laundering is one aspect of organised gangs' criminality. For people to have the money to launder, a whole sequence of criminality goes with that. That could involve drugs and firearms and, tragically, as we know, people smuggling. We know that the case in Purfleet, in which 39 people died tragically in the back of a lorry, emanated from organised criminality in Northern Ireland. We were able to take that case to court through the work of the police and the National Crime Agency. There is, of course, much more that we need to do collectively.

We have to ensure that we have every possible domestic lever to keep our country safe and prevent terrible acts of criminality and harm from occupying a permissive environment in which they can fester and grow. The Bill brings together vital new measures to address the evolving and ever-changing threats that we face and to protect the British public—to protect our country and our citizens—by modernising aspects of counter-espionage laws.

Mr David Davis (Haltemprice and Howden) (Con): I do not think that anybody would question the Home Secretary's commitment to the safety that she is trying to engender for the British public, but I draw her attention to the comments of Andy Hall QC—her adviser on counter-terrorism—who raised concerns about some of the thresholds with respect to the use of assets and money. He oversees the equivalent legislation elsewhere, so he knows well what he is talking about. Although I think that we are all going in the same direction, can we be careful in Committee and on Report to take on board what he says to make sure that we do not undermine the rights of British people while we are protecting them?

Priti Patel: My right hon. Friend is absolutely right. That is why the Bill has been constructed in a sensitive manner with our agencies and partners, based on expertise and insight. This is about how the laws will be applied to individuals in specific cases, so the sensitivities must always be considered. A case-by-case approach is rightly required when it comes to the application of our laws, as well as to law enforcement and how we pursue these matters further.

The Bill brings together many measures, but I would like the Chamber to indulge me for a minute—particularly off the back of this weekend—as I pay tribute to our world-class law enforcement and intelligence agencies. We were all touched to see the numbers of people who came to London to see Her Majesty and celebrate the platinum jubilee. Our law enforcement and intelligence agencies came together, ensuring that in every aspect of our celebrations the British public were kept safe by remarkable people, who worked tirelessly; I pay tribute to them. It is their expertise that we are trying to preserve, enhance and develop through the Bill. We want to ensure that they have all the tools and protections they need to deal with this ever-changing and evolving landscape.

Layla Moran (Oxford West and Abingdon) (LD): May I also pay tribute to the agencies? When I saw all those people on the Mall, I thought, "My goodness, if something had gone wrong, imagine what that would have looked like." It was an extraordinary effort, and the Secretary of State is right to pay tribute to them. It is also right that we protect them, but protections for whistleblowers in the security agencies are missing from the Bill. When the Bill has come before the House previously, there have been efforts to provide that, including

[Layla Moran]

through the amendment tabled by the right hon. Member for Haltemprice and Howden (Mr Davis). There was also the Office of the Whistleblower Bill in the House of Lords. What are the Secretary of State's thoughts on protecting whistleblowers?

Priti Patel: The hon. Lady is right that the protection of whistleblowers is vital. I will be frank: we need to find the right measures and means to do that. She has highlighted the current debates and thoughts on the issue. We need to find the right balance. Whistleblowers play an integral part in these matters, and she will hear additional points on the subject later in my speech.

Stewart Hosie (Dundee East) (SNP): I do not want to dwell too much on whistleblowers, but the Bill does not address the Official Secrets Act 1989, so there is an absence of a public interest defence and all the bits around that. What is the logic of not addressing all those aspects in the primary legislation?

Priti Patel: I will answer the right hon. Gentleman's question very specifically. He is right about the public interest defence, on which the Law Commission has recently opined. We are not bringing forward reform of the OSA 1989, mainly because we recognise that the issue is complicated, not straightforward. If it were straightforward, we would be able to deal with it in the form of a clause. However, there are various sensitivities. For example, in situations where there may have been wrongdoing or where we think there is a public interest in disclosure, it is about finding the right balance; a public interest defence is not always the safest or most appropriate way to bring that matter forward.

We are not shy of the issue and are certainly not ignoring it, but it is important that we focus on ensuring that individuals can make disclosures safely, which means protecting them through safeguards and proper routes. That work is still under way, and we need to go through it in the right way.

Joanna Cherry (Edinburgh South West) (SNP): I am grateful to the Secretary of State for taking a further intervention on this point. Three of our four Five Eyes partners—New Zealand, Australia and Canada—have some form of public interest defence. The example of those jurisdictions has shown that a public interest defence works and does not lead to a flood of unauthorised, damaging disclosures or an excessive risk to national security. I am quite sure that an amendment will be tabled at some point to introduce a public interest defence; the right hon. and learned Member for South Swindon (Sir Robert Buckland)—the former Lord Chancellor—is thinking about it. Will the Secretary of State give such an amendment serious consideration?

Priti Patel: Let me say for the assurance of all colleagues in the House: absolutely, we need to find the right balance. The hon. and learned Lady has touched on our Five Eyes partners, which have introduced many other aspects that I will mention later in my speech, but they are seeing unintended consequences. We want to work through much of the detail, and we will work with all colleagues in this ongoing process.

Mr Kevan Jones (North Durham) (Lab): I am at a bit of a loss to understand why the Government have not brought forward reform of the 1989 Act, because the security services, in evidence to the Intelligence and Security Committee, has said it is unfit for purpose—I think even the Government have admitted that, and so has the Law Commission. If we do not amend or substantially change that Act, we will have a situation where someone can get life for foreign espionage under this legislation, but only two years under the Official Secrets Act 1989. Surely this is an opportunity to update all that legislation? I cannot understand why the Government are doing things in this way.

Priti Patel: The right hon. Gentleman will appreciate that, whether that is the view of the Law Commission or others, reform of the Official Secrets Act is complicated and not straightforward. I can tell colleagues that no one would be happier than I to present a reform agenda in that space, but it is not straightforward—*[Interruption.]* I appreciate colleagues' gesturing on the Back Benches, but it is important that on this complex reform we continue to engage with a wide range of interests and give all due consideration to a number of concerns, because there are many, many concerns being raised.

Maria Eagle (Garston and Halewood) (Lab): I, too, am a little mystified at why the Home Secretary is not seeking to reform all the Official Secrets Acts—the entire regime—with this once-in-a-generation piece of legislation. If she is not doing it in this Bill, can she tell the House when it will be done? Is there a timeline for reforming the Official Secrets Act 1989?

Priti Patel: Without pre-empting the work that is taking place in Government right now, I want to give that assurance. That is also based on the Law Commission's recently published review. However, as I have already said, a wide range of work is required in terms of engaging stakeholders and looking at all aspects of the law itself. These issues take time, but the Government are working on them right now, and I can assure the House that as soon as we can, when we find the right moment, we will come back to this.

Jeremy Wright (Kenilworth and Southam) (Con): I am extremely grateful to my right hon. Friend; I know she wants to move on from this subject and there are other things to speak about, but on the point she makes about further work on the 1989 Act, which she is right to say is complex, does she accept that there is some urgency? Juries are in effect creating their own public interest defences when they try these cases. Would it not be far better if we in Parliament were able to define those defences properly, rather than inviting juries to do so ad hoc, without direction from the judge?

Priti Patel: I do not disagree at all with my right hon. and learned Friend. I see my former colleague and former Lord Chancellor, my right hon. and learned Friend the Member for South Swindon, in his place; this is an area that we have discussed in the past because of its significance. The types of crisis we see ourselves involved in—hostile states, deprivations, you name it—are growing and growing. We must find a way to get this right. That is the work we need to do and that must be the right focus of attention,

but of course the Bill is part of this Government's legislative agenda on protecting our country and making it safe.

Colleagues will be aware that the Bill was designed in close consultation with our colleagues and counterparts and the security services. It builds on the Counter-Terrorism and Border Security Act 2019 and on the National Security and Investment Act 2021, which gives the Government powers to scrutinise and intervene in business transactions such as takeovers to protect national security. It also builds on the Police, Crime, Sentencing and Courts Act 2022, which gives the police and the courts greater powers to keep us safe and deliver justice.

We have already touched on the fight against people smugglers and the removal from our country of those who seek to do us harm. The Economic Crime (Transparency and Enforcement) Act 2022 also helps to drive dirty money out of our country. At the same time, the House will be well aware that the Online Safety Bill seeks to tackle extremists and the people who do the most appalling things and hurt children, and I have already touched on the fact that there will be further legislation on economic crime and corporate transparency.

Damian Collins (Folkestone and Hythe) (Con): Does my right hon. Friend agree that it is important that we address the role of big social media platforms in amplifying and promoting extremist content, which they have done, as well as profiting from financial crimes? Is it not important that, while we get our own laws right in this House, there should be proper regulatory enforcement on tech companies to ensure that they are responsible for their role in promoting such content?

Priti Patel: I thank my hon. Friend, who has been leading the way through the Digital, Culture, Media and Sport Committee and all the other work that has taken place on online harms. I am grateful to him for his engagement on all of this. He is absolutely right about holding the companies to account. I think it is fair to say that each of us, every single day, becomes more and more appalled at some of the material that circulates online—harmful content and the most appalling content around children. Even when it comes to terrorist acts, platforms are too slow when it comes to pulling some of this shocking material down. Let me give two examples from recent months: the situation with a synagogue in the United States where material was still circulating and the tragedy in America that took place with the school shooting. That is exactly why we must continue to hold the platforms to account.

State threats are becoming increasingly assertive and sophisticated. That is the key to the work that we are focused on in terms of how we tackle this new sophistication. We can never be passive in the face of malign covert activity designed to interfere with our national security and also our economy and democracy. The threats we face are everywhere, and we face them every single day. Many, many plans are disrupted by our intelligence agencies and law enforcement agencies before they can be enacted. That is a sobering point, because on an annual basis we remind the public of the number of plots that have been thwarted and the level of activism that exists out there that seeks to harm our citizens and our country. It is our priority—my priority—to ensure that we stay ahead of the multiple threats we face. We all have a responsibility to our country and our public to keep them safe. That is why I know that the whole House will debate these measures in a sensible, measured way as we come together through this Bill to really focus on some of the challenges that we are exposed to and that we see day in, day out.

Bob Seely (Isle of Wight) (Con): I thank the Secretary of State for all the work she is doing on this issue. On the foreign lobbying aspect of the Bill, I know that the Government are working through some options at the moment and have nothing concrete, which is fair enough, but what reassurance can she give the House that there will be quite a tight definition that is reasonably demanding on those people—those Chinese, Russian and Iranian fronts of covert influence operations—who we need to be tough on, rather than something a little bit weaker and maybe not fit for the purpose of the age?

Priti Patel: My hon. Friend is absolutely right. He has touched on lobbying, as just one example, but we could expand the list. We have discussed in this House other enablers and facilitators, whether it is through Parliament or other means, to get access to the state, or institutions or arms of the state. I spoke earlier about the lacunas—the areas that we have to close down, or the grey zone, across the board. My hon. Friend has spent a great deal of time on this issue through the Foreign Affairs Committee. He is very much pursuing it and we look forward to working with him on it.

Mr Kevan Jones: I am listening carefully to what the Home Secretary is saying, but why is there not in the Bill the foreign influence registration scheme that was called for by the Intelligence and Security Committee report on Russia in 2020? She said that the Government are working on it, but the United States have had this legislation since 1939 and the Australians brought in emergency legislation in 2018, so what is so difficult if one country has had it for over 70 years and the other one has brought it in more recently? Why is it not in the Bill? Is it going to be inserted later by an order of the House, which would be unfortunate as we have not had a chance to debate it today?

Priti Patel: Our intention is to bring forward foreign agent registration and it will be brought forward in the Commons; let me give that assurance. *[Interruption.]* The right hon. Gentleman asks what is so difficult about it. There are a number of difficulties. It is not just a case of lifting and shifting what the US and Australia have done. We have been working with our Five Eyes colleagues. There have not just been many debates but we have working with colleagues who have themselves had difficulties in some parts of enforcement. We have had very close links with our Australian counterparts in terms of workability. We want to get it right. There will be an open debate about it in Committee and everywhere else, and we look forward to working with the right hon. Gentleman on that.

Sir Robert Neill (Bromley and Chislehurst) (Con): I welcome my right hon. Friend's commitment because the foreign influence registration scheme is very important. May I commend to her the details of the Australian scheme, particularly the specific provision that that makes consistent with our commitment to the rule of law, which is a specific exemption for legal professional privilege? This is

[Sir Robert Neill]

not a technical point. It is very important to make sure that the scheme is legally robust, nationally and internationally. The Australians make it work, so I hope that we have time to debate that issue.

Priti Patel: My hon. Friend makes an important point. These changes and measures are not straightforward. I can say to colleagues from the Floor of the House that, having had many discussions directly with our counterparts in Australia over the past 18 months, some aspects of the scheme work, but some do not. It is in our interests to make sure that we get this right. Colleagues need to come together on this. We need to work collectively—not just on the technicalities, but on the legal points. It is the legal application that will matter in terms of making a material difference.

Maria Eagle: I think I heard the right hon. Lady give us a commitment that the provisions will be introduced in time for Committee stage in the Commons, which is very welcome. We can then try to make sure that we get this right. I hope that she will confirm that I did hear her correctly and that the provisions will be introduced at the earliest stage in the Commons.

Priti Patel: That is exactly what I said.

While these considerations are important, we should also reflect on the fact that the Bill is informed by extensive public consultation. It is informed not just by the work of our counterparts in the Five Eyes and other countries, and by legislation that has been introduced by others, but by our evolving work with our law enforcement and intelligence agencies. Those agencies are at the heart of the application of this work. They will be the ones who will be leading the enforcement, putting the laws into practice and dealing with the practicalities of this work. The Bill also builds on the difficult and necessary work undertaken by my right hon. Friend the Member for Maidenhead (Mrs May), who corralled the unprecedented international response to the barbaric Salisbury attacks. This Bill is a culmination of much of the work that she set in train, and we have also been in discussion with her about this Bill as well.

We should not forget that, in response to the Salisbury outrage, the UK expelled 23 undeclared Russian intelligence officers. Twenty-eight other countries and NATO supported us, resulting in one of the largest collective expulsions ever—of more than 150 Russian intelligence officers. That led to the degrading of Russian intelligence capability for years to come, and we have more cause than ever to be grateful for that today.

The National Security Bill completely overhauls and updates our espionage laws, which date back to the second world war—in some cases, to the first world war. It also creates a whole suite of measures to enable our law enforcement and intelligence agencies to deter, detect and disrupt the full range of modern-day state threats. The Bill includes a range of new and modernised offences, alongside updated investigative powers and capabilities. Those on the frontline of our defence will be able to do even more to counter state threats. Additionally, the Bill will prevent the exploitation of the UK's civil legal aid and civil damage systems by convicted terrorists by stopping public funds being given to those who could use them to support terror.

I now turn to specific measures in the National Security Bill. The foreign power condition provides a clear approach to determining whether offences or aggravated offences are being carried out for a foreign power, or on their behalf, or with the intention of benefiting a foreign power. Many of the offences introduced in the Bill apply only when the foreign power condition is met and it prepares us to face tomorrow's threats as well as those that we face today.

We are comprehensively updating the laws that deter and disrupt espionage, as well as enhancing the ability of our law enforcement and intelligence services to investigate and prosecute those who spy on behalf of foreign states. We have already had cause to strengthen visa screening of Chinese academics and researchers in sensitive areas of research, and to step up engagement with our higher education and research sectors to alert them to the threats and risks of Chinese espionage. Three reformed offences in the Bill will combat the modern threat from state-linked espionage and related harmful conduct.

One of the UK's greatest strengths is that we have absolutely world-leading research and innovation, but as we have seen too often it is the target and subject of hostile activity by foreign states. A new offence of obtaining or disclosing trade secrets will help us to respond to that threat more effectively. It will specifically target the illicit acquisition or disclosure of sensitive trade, commercial or economic information by foreign states, as the value of these is directly linked to secrecy. The offence will apply only where the foreign power condition is met and will carry a maximum penalty of 14 years in prison.

The Bill will also make it a criminal offence to aid the UK-related activities of a foreign intelligence service. This, too, will carry a maximum penalty of 14 years' imprisonment. That means that, for the first time, it will be an offence to be an undeclared foreign spy working in the UK. We know that foreign intelligence services can have malign intentions: for example, as the US and UK set out in April 2021, Russia's foreign intelligence service, the SVR, has been behind a series of cyber-intrusions, including the extremely serious December 2020 hack of SolarWinds, the American software company.

The Bill will reform the offence of obtaining or disclosing protected information. Where a person knows, or ought reasonably to know, that their conduct

"is prejudicial to the safety or interests of the United Kingdom, and…the foreign power condition is met",

they could now face a life sentence.

Stewart Hosie: I am curious about the use of the word "prejudicial", which I reread several times this morning, rather than "damaging", which appears in other legislation. How is "prejudicial" to be defined where conduct does not actually cause damage?

Priti Patel: Definitions are important, of course, but on a case-by-case basis much of the work will link to the activity and the intelligence that is provided about the individual. All sorts of elements could come together to make that case. As I have touched on, much of this

will be done on a case-by-case basis; it will be based on intelligence, on the conduct of the individual involved, on the impact they would have on our national security and on the threat they pose.

The Bill will create two offences relating to access to prohibited places—sites that are vital to our national security. One will require a person to be acting for a purpose prejudicial to the safety or interests of the UK; the other, which carries a lesser sentence, applies to unauthorised conduct. There are sensitive sites that are particularly vulnerable to threats from foreign powers. We need greater scope to respond to new tactics and particularly to technology. The Bill will give us that ability.

There is a serious threat from state-linked attacks on assets, including sites, data, and infrastructure critical to the UK's safety or interests. The sabotage offence will likewise apply where a person knows, or ought reasonably to know, that their conduct is prejudicial to the safety or interests of the UK and where the foreign power condition is met. It, too, comes with a maximum sentence of life.

Starting on 27 February last year, at least 17 different Chinese-linked threat actors simultaneously took advantage of flaws in Microsoft Exchange. They were able to access email accounts, acquire data and deploy malware. The attacks affected more than a quarter of a million servers worldwide. Victims included the Norwegian Parliament and the European Banking Authority.

It is completely unacceptable for the integrity of our democracy to be threatened by state threats. In January, I made a statement to the House about an individual who knowingly engaged in political interference activities on behalf of the Chinese Communist party and targeted Members of Parliament for a number of years. As I said in January,

"this kind of activity has recently become more common, with states that have malign intentions operating covertly and below current criminal thresholds in an attempt to interfere with our democracy."—[*Official Report*, 17 January 2022; Vol. 707, c. 23.]

The individual in question had links to the United Front Work Department, which is part of the Chinese Communist party, and had not been open about the nature of these links. Meanwhile, China has sanctioned critics of its regime, including Members of this House. That is not remotely conducive to open and honest discussion made in good faith.

Alicia Kearns (Rutland and Melton) (Con): This part of the Bill is particularly welcome because it recognises that individuals have a duty to look at who they are giving information to, and should not act as a useful idiot and then sound surprised when they find that the information is going to a hostile state. Can my right hon. Friend please advise whether that would impact on Members of Parliament, not just on members of the public?

Priti Patel: My hon. Friend is absolutely right. In this specific case, the point about individuals with malign intentions operating covertly and quite dishonestly, but below a criminal threshold, was exactly the challenge we were faced and confronted with earlier this year, which is why we need to bring in these changes.

Mr Steve Baker (Wycombe) (Con): As we go about our often quite routine duties as Members of Parliament dealing with some quite bread-and-butter issues, it is easy to forget that we may sometimes be the object of attention of foreign intelligence services. Is there more that could be done to bring to the attention of Members of Parliament the realities of the threat we face as individuals?

Priti Patel: My hon. Friend is absolutely right. Other hon. Members who intervened earlier in this debate spoke about the role of Parliament and the security directorate here, with which we are working closely, as are our intelligence and law enforcement colleagues.

I am afraid that I think this is where reality bites for all of us. Look at the changing world in which we live and the threats coming our way. I think we have to have even more curiosity about some of the approaches made to us. I say this because we of course want to go about our lives as freely as possible. We love our democracy, and our democracy and our free society must continue to flourish along with free speech. Of course, free speech is not necessarily a value universally held by those who want to target us and seek to do us harm.

Bob Seely: I have a quick question on that. What does the Secretary of State make of Confucius Institutes, and those academics accused of allegedly recruiting either for the United Front or the Chinese intelligence services and who work in UK universities?

Priti Patel: My hon. Friend makes an important point. With this whole culture, and it is a culture, of covering up through other acts the intent of some organisations—the Chinese Communist party, for example—those seeds have already been established. That is why we have to find the right ways and the most sensitive and appropriate ways to address these practices. They have become long-established practices, and we are now only scratching the surface with the work that has been taking place in addressing them.

A new foreign interference offence will enable the disruption of illegitimate influence conducted for or on behalf of foreign states seeking to advance their interests or to harm the UK. It will come with a maximum prison sentence of 14 years. It will be an offence for foreign powers to interfere inappropriately with the UK's democracy and civil society through covert influence, disinformation and attacks on our electoral processes.

Damian Collins: On the disinformation point, we know that the Russian state and other states have used disinformation as a weapon. Where there are proven cases of foreign intelligence networks, such as the Internet Research Agency in St Petersburg, seeking to interfere in the political process in the UK or to incite violence, would social media platforms, when informed of the existence of these networks, be required to act against them under this legislation?

Priti Patel: Importantly, this is where we need to join up both ends of the legislation. That is absolutely vital, through this Bill and the wider work on online harms, but there are changes that we certainly want the platforms to be putting in place. We have touched on the accountability of platforms already, but there is just so much more that they need to do and which is their responsibility.

[Priti Patel]

My hon. Friend makes an important point about how, for example, if we look at counter-terrorism offences and platforms' approaches to footage online, GIFCT—the Global Internet Forum to Counter Terrorism—has led the way on some significant change. That is what we need to see across the board here, and we really need them all to come together.

Mr Kevan Jones: On foreign influences, why does the Bill cover someone who "intends" to have a negative impact? Elsewhere, the Bill talks about behaviour that is "reckless" and individuals who "ought reasonably to know" that their behaviour would be damaging. Can I ask why there is this difference between the two? Surely it would strengthen this part of the Bill to have the "reckless" and the "ought reasonably to know" behaviour test.

Priti Patel: At the end of the day, we are focused on individuals who are trying to do harm to our country. I will look specifically at that—obviously, I will—but intent is also based on the information and activity that can come together around some of the individuals. Right now, we are only referring to much of this on a case-by-case basis, but as we have learned with recent examples, some of which I might come on to, we can see the intent and the harm in the sequence of activity that has taken place around individuals.

Sir John Hayes (South Holland and The Deepings) (Con): I am extremely grateful to the Home Secretary, who I know is trying to move to a peroration. On the issue of dynamism, intentions alter and threats change. The Bill creates the scope to take action against a changing terrorist landscape, but is there sufficient flexibility in the Bill to alter its provisions in accordance with those changing intentions and changing threats?

Priti Patel: My right hon. Friend makes an important point. Of course, that is the whole purpose of legislation. As I said in the first part of my remarks, we cannot remain static; we must have the agility to respond. Since February this year, with Russia's incursion into Ukraine, techniques and tactics have changed. Yes, we are responding to them differently, but some legislative underpinning is absolutely required, as is having the flexibility and agility to respond. Hack and leak is only one example. There are so many other examples, as he will know from his time as Security Minister and from his time on the Intelligence and Security Committee. The landscape is shifting and, frankly, it is shifting fast.

We cannot wait for terrible atrocities to happen before we intervene. The Bill criminalises people who prepare to commit acts that constitute state threat offences and other harmful activity that constitutes a serious threat to life or public safety. They will face the prospect of life behind bars. When it comes to state threats, an aggravating factor will ensure that sentences for state-linked criminality recognise the seriousness of hostile activity conducted for or on behalf of foreign states. This applies to all offences not in the Bill where the foreign power condition is met.

In July 2021, the US Department of Justice announced that a New York court had unsealed an indictment against four people resident in Iran for their involvement in a plot to kidnap an unnamed Iranian-American journalist. The indictment also detailed four other individuals under surveillance by the network, including one based in the United Kingdom. Prosecutors said that one of the conspirators was an Iranian intelligence official, while the other three were assets of Iranian intelligence. Again, that speaks to the aggravating factors and the type of activity that takes place, as well as the cross-collaboration when it comes to dealing with some of those hostile state threats.

The people who engage in such nefarious behaviour are often highly skilled at keeping their activities hidden and we should never lose sight of that. Let us be under no illusion about the scale of the threat we face. In February last year, a Belgian court sentenced an accredited Iranian diplomat based in Vienna to 20 years in prison for his role in a plot to bomb a conference in Paris hosted by Iranian dissidents. The Belgian state security service stated:

"the plan for the attack was conceived in the name of Iran and under its leadership."

Russian dissident Alexei Navalny was poisoned by Putin's thugs and could easily have lost his life. In response, our Government enforced asset freezes and travel bans against 13 individuals and a Russian research centre.

It is vital, when creating a suite of new offences, to ensure that the police and the security and intelligence agencies have the powers effectively to investigate the threats this Bill seeks to address. I am bringing forward search and seizure powers to replace the existing investigative tool to counter complex state threats investigations. A new power of arrest for state threats activity, a new state threats detention scheme, and longer retention periods for biometric data will give the police further powers effectively to investigate these cases.

There will be some cases where it will not be possible to bring a prosecution. As is the case with counter-terrorism law, where similar challenges arise, we need a way of protecting our country. New state threat prevention and investigation measures will allow the Home Secretary to impose targeted restrictions, such as where an individual works, lives or studies, to prevent the most serious forms of harm. This is a tool of last resort. It will be used when intelligence confirms that highly damaging threat activity is planned or being undertaken, but prosecution is not realistic. These measures will be proportionate to the threat posed by an individual, and they will be subject to rigorous checks and balances, including by the courts. The Bill improves schedule 3 powers in the Counter-Terrorism and Border Security Act 2019.

Mr Steve Baker: When my right hon. Friend and I were first elected, she will remember that terrorism prevention and investigation measures were highly controversial. Would she say something about the journey from that degree of controversy to the position today in which, until my intervention, we could move swiftly past TPIMs?

Priti Patel: I look forward to many debates with my hon. Friend on this issue. When it comes to TPIMs, there has been a considerable journey. Based on the work of our intelligence and security services—I am privileged to see, I am afraid, too much of the threats and insights, right down to the reconnaissance on certain individuals

and their characteristics and the behaviours in which they participate—as I have said, this is a tool of last resort, which will be used only when intelligence confirms that highly damaging threat activity is under way. That will mean restricting the liberty of individuals if they pose a threat to the British people, to a local community and to our country.

It is important, as I have said, that these measures are proportionate to the threat posed by an individual and are subject to rigorous checks and balances, which I know my hon. Friend the Member for Wycombe (Mr Baker) will provide, and by the courts. We should never negate or ignore that, because the courts have a significant role to play.

Changes to schedule 3 powers in the Counter-Terrorism and Border Security Act 2019 will give police officers the ability to stop individuals at ports to ascertain their involvement in hostile activity by foreign states. The authorisation process enabling officers to retain confidential information is being streamlined to match the process using counter-terrorism laws. There are other measures, not currently in the Bill, on which we have touched. We will introduce a foreign influence registration scheme that requires individuals to register certain arrangements with foreign Governments, to deter and disrupt state-threat activity in the UK. It will bring our country into line with similar schemes run by allies, but we clearly need to ensure that that is workable here. The scheme will be included in a Government amendment, as I have highlighted.

A consistent message from respondents to our public consultation last year was that any scheme of this nature must strike the right balance between highlighting foreign influence in the UK and protecting those involved in legitimate activity from disproportionate compliance and regulatory matters. The scheme will follow precedents from the US and our Australian allies, requiring registration of certain arrangements with foreign Governments. It will strengthen our efforts to deter and disrupt state-threat activity through greater transparency and the scrutiny that it requires, with penalties for those who seek to obfuscate and hide such arrangements. It will increase the risk to those engaging in covert or malign activities for or on behalf of any country, including those identified by the UK intelligence community, such as Russia, China and Iran.

That includes the type of activity described by the Intelligence and Security Committee in its Russia report, where individuals with access to UK political institutions and public officials covertly exert influence at the behest of foreign intelligence services. It also includes the activity represented by the deeply concerning case of an individual engaged in political interference on behalf of the Chinese Communist party, as touched on earlier.

The scheme will make the UK more resilient to threats. Those who work covertly will face a choice between registering with the scheme, thus exposing their activity, and risking prosecution for not doing so. Both options present risk to state-threat actors. There is no intention, however, to create unnecessary barriers or to discourage those engaged in legitimate activity in the UK. Foreign Governments routinely engage in efforts to influence UK domestic and foreign policy. Where undertaken in an open, transparent way, this will continue to be welcome.

As I have mentioned already, we intend to bring the scheme forward before the Bill leaves the Commons. Following feedback received during the Home Office's public consultation on this issue, and following Russian attempts to undermine European stability, it is right—we welcome all views and considerations on this—that we take the time to ensure that it is an effective and proportionate tool to counter state threats activity and to protect the UK's interest.

On measures not in the Bill, I have already touched on the Official Secrets Act 1989 and the work that needs to be undertaken. To confirm, I will look at reform of the OSA, along with other work that the Government are doing to strengthen whistleblowing practices and transparency. In the context of Russia's terrible invasion of Ukraine, it is essential that we prioritise measures that strengthen our defences against state threats, which this Bill does. Likewise, the Government have been considering reform of the treason laws, but right now we do not have plans to do so through this Bill.

The House passed the Economic Crime (Transparency and Enforcement) Bill in a day, because we recognised the severity of the situation, and we recognise that at a time of crisis, we must act collectively in the national interest. However, good legislation in such complex areas must be undertaken effectively as well as efficiently to achieve the desired outcome of bolstering our agencies and protecting our nation.

The National Security Bill restricts convicted terrorists from access to civil legal aid and will enable the courts to freeze civil damages awarded to terrorists where there is a risk those funds might be used for terrorism purposes. Where that risk is ongoing, the courts will be empowered to permanently withhold those funds. When an individual commits an act of terrorism, they are rejecting the democratic state that provides the benefit of civil legal aid, and it cannot be right that the same individual can then go on to receive civil legal aid funded by that very state. These changes will end that abuse of our legal aid system.

Sir Robert Neill: I understand the point that my right hon. Friend is trying to make on this issue, but I urge her to be careful that there is a measure of proportionality in how we approach it. In the way the clauses are currently drafted, there could be no connection at all between the matter for which legal aid is applied and the behaviour of the terrorist. It could be many years into the future. For some lower level cases of terrorism, if there be such a thing—those who have been released back into the community and whom we seek to rehabilitate—that could be counter-productive and not consistent with our commitment to access to justice. Can we look at how we work the detail of this, rather than the principle?

Priti Patel: I thank my hon. Friend for his intervention on this very point. This is an area of great interest, primarily because of the type of cases we have seen. There is no question about that. I am afraid I have been subject to too many examples of cases of this nature. I am more than happy to speak to him and others about this. We need to get the approach right, and we will. People do move forward and change in life, but that is a separate issue. As was mentioned earlier, currently we are trying to address specific lacunae.

This Bill will amend the Serious Crime Act 2007 to better protect those in the security and intelligence agencies and the Ministry of Defence when discharging

[Priti Patel]

vital national security functions. It will also enable more effective joined-up working with international partners to improve not only our operational agility, which my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) has already touched on, but how we can be flexible going forward to address the changing landscape of threats.

It is worth remembering that things and situations can change for the better, as well as for the worse. Some of the UK's closest allies today are countries with whom we have fought wars in the past, and we regularly develop new tools to keep us safe. The point is that none of this happens by chance. We should all reflect that when the Berlin wall fell back in 1989, some people thought that liberal democracy had won and history as we knew it then was at an end, yet this year, as we all know, Russia launched an unprovoked war against a neighbour.

It is right that we are vigilant, and we have to be vigilant every day, all the time. We cannot think in terms of just keeping up—we have to be several steps ahead. That is why the Bill is state-agnostic, but we need to be ready to face threats from wherever they may emanate, and the threat landscape is changing.

Keeping our country safe is not exclusively a matter for Government. It is also a matter for us as legislators. It is vital to come together on these measures and, as I have said several times, the measures in the Bill were drawn up after extensive consultation. They will mean that our courageous law enforcement and intelligence agencies will have the powers they need to keep us safe. We will have the ability to bring those who mean us harm to justice and, at the same time, to evolve and respond in an agile way to those threats. I urge the whole House to send a clear message to our adversaries that we will put the safety of the British people first by getting behind the Bill. I commend it to the House.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Home Secretary.

6 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Labour Opposition support the Second Reading of the Bill, and we support measures to protect the United Kingdom's national security against threats from foreign powers, from hostile states and from terrorists and extremists. Defending our national security is the most important task of any Government, as the Leader of the Opposition, my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) has made clear, in keeping our citizens safe, defending our historic freedoms and way of life, standing up for our values against those who seek to undermine us, and defending our security and prosperity as a nation from hostile countries who seek to attack our infrastructure, steal our assets or pit us each against one another to undermine our cohesion. There should be no party disagreement on that core principle. That is why we are clear that we will work with the Government on our national security and work constructively on scrutinising the Bill and getting the detail of the legislation right. Defending our national security would be at the very heart of a Labour Government, just as it was for Labour Governments past.

I pay tribute to those who work in our intelligence and security services, whose work is so often unseen. They work so hard to defend our liberty and democracy from threats from all sides and do so much to keep us safe. Our democracy will stay strong only if we can defend it from threats.

Jim Shannon: I thank the right hon. Lady for referring to those who keep us safe. Coming from Northern Ireland as I do, it is important to put on the record our thanks to the security forces, to MI5 and to all those who kept us safe over all those years, including me and my family. It is important that we recognise that in the House, and I know that she would like to be associated with that.

Yvette Cooper: The hon. Member is absolutely right. The work done by those across our intelligence and security agencies often goes unseen and unremarked on, and, as a result, it is often unappreciated, but both sides of the House are clear about the debt of gratitude that we owe to many of those who work so hard to keep us safe.

In these debates, people often end up pitting liberty and security against each other or arguing, for example, that action to defend security constrains our liberty, that historic freedoms should be abandoned in the interests of security and that, somehow, they are in conflict. The truth is that, as we all know, both liberty and security are vital in a democracy, and they depend on each other. We need to feel secure to have the freedom to get on with our daily lives, and security measures also need to take account of the importance of the very freedoms that it is their purpose to defend. Our intelligence and security agencies also depend on public trust and, rightly, need always to be located within a strong legal framework with strong oversight. Where strong powers are needed to defend our national security, they need to be matched by strong oversight, with checks and balances to ensure that powers are proportionate and necessary, and never abused.

Sir John Hayes: As ever on these matters, the right hon. Lady is making a compelling speech. Given what she has said about the apparent paradox between freedom and order, will she join me in condemning those who in breaching secrets and leaking information, claim to do so in the name of liberty but actually act in a way that is injurious to order and therefore to freedom?

Yvette Cooper: I say clearly that our national security needs to be taken seriously by everybody. It should not be lightly dismissed that without it we do not have strong freedoms and liberties. The people of Salisbury had a right to the freedom to be able to walk safely on their streets and not to find their lives put at risk by a dangerous chemical attack by members of a foreign intelligence service that ultimately took a British life; patients throughout the country have a right to know that their medical records are not being hacked or interfered with by a foreign state; and our businesses, scientists and researchers, on whom our future prosperity depends, have a right to feel safe from foreign attacks that undermine the resilience of our infrastructure or from the theft of trade secrets.

Theresa Villiers (Chipping Barnet) (Con): Will the right hon. Lady condemn the WikiLeaks-type mass dumping of information in the public domain? It is hugely irresponsible and can put lives at risk.

Yvette Cooper: Yes, I strongly do, because some of the examples of such leaks that we have seen put agents' lives at risk, put vital parts of our national security and intelligence infrastructure at risk and are highly irresponsible. We need safeguards to protect against that kind of damaging impact on our national security.

Joanna Cherry: Notwithstanding what the right hon. Lady just said, would she and her party support a narrowly and carefully drawn public interest defence, such as those that our Five Eyes allies New Zealand, Australia and Canada have, to protect civilians and journalists who make disclosures that are properly in the public interest?

Yvette Cooper: The hon. and learned Lady makes a really important point. In its consideration of these issues, the Law Commission made proposals on not only strengthening some of the measures in the Official Secrets Act 1989 but how to have proper safeguards to protect whistleblowers and the public interest. I recognise that there are complex issues in respect of how to draw up the legislation and shall make further points about that.

We have just spent the past four days celebrating our Queen's historic platinum jubilee and celebrating our shared values and traditions, which are what we defend when we defend our national security. At a time when we have seen an illegal invasion of a fellow European democracy by Russia—an act that threatens and that has attacked and undermined the national security of a fellow European nation—there could be no greater reminder to us all of the need to be resilient and vigilant in the face of threats.

The threats to our national security, democratic values and way of life have inevitably evolved over the decades. The ending of the cold war in the 1990s and the major international terror attacks, particularly by Islamist extremists from al-Qaeda and then from ISIS, alongside growing domestic far-right terror threats, have meant that the national security focus—the top priority of our intelligence and security agencies—has for several decades been on terrorist threats to our way of life but, as the Government's integrated review made clear, the threats from hostile states have not gone away and in recent years we have seen them grow and become more complex.

As the Government concluded in 2018, the attempt on the lives of Sergei Skripal and his daughter was, in the words of the former Prime Minister, the right hon. Member for Maidenhead (Mrs May),

"almost certainly…approved"

both by the GRU and

"at a senior level of the Russian state."—[*Official Report*, 5 September 2018; Vol. 646, c. 168.]

We face different threats from other countries, too. MI5 recently warned publicly about the activities of an individual knowingly engaged in political interference activities on behalf of the United Front Work Department of the Chinese Communist party. The MI5 director general Ken McCallum has warned that

"the activity MI5 encounters day-by-day predominantly comes, in quite varying ways, from state or state-backed organisations in Russia, China and Iran."

Alongside persistent hard power methods of attack, the advent of technology has also allowed soft power methods to flourish, with electoral interference, disinformation, propaganda, cyber operations and intellectual property theft used to foster instability and interfere in the strength and resilience of the state. The Home Secretary referred to the SolarWinds attack and the interference with major UK energy companies. As the Law Commission warned in its report, the Official Secrets Acts between 1911 and 1939 were enacted long before the digital age and include references to

"a sketch, plan, model, note"—

the pencil notings that are a far cry from the cyber and online data interventions that modern espionage might involve.

The words of the MI5 director general are perhaps startling, when he said:

"Today, it is not a criminal offence to be an undeclared foreign intelligence agent in the UK. Likewise, it is not currently illegal to be in a key position of influence in the UK and be secretly in the pay of a foreign state. That can't be right. To tackle modern interference, we need modern powers."

He is right, and we agree. That is why reforms and legislation are needed to address the new threats from hostile states. That is why many of the measures in the legislation are important, for example making it possible to take action against those who are operating in the pay of a foreign intelligence agency to do Britain harm; to make it possible to defend the trade secrets of British businesses, including taking action against those who may be paid by foreign intelligence agencies or a state to leak intellectual property or trade secrets that are then used to undermine our industry and our economy; to make it possible to have stronger action against incredibly damaging cyber attacks on our critical infrastructure; and to enable early intervention to prevent damaging attacks, not just to prosecute once the damage is done.

We have questions that we want to put, points that we want to probe and amendments that we will draft because we want to work constructively with the Government to get the legislation right. I shall make some of those points now and I look forward to further discussion with the Home Secretary and the security Minister during the passage of the Bill. The first gaping hole that we see is the promised foreign agents registration scheme that the Home Secretary has said she will bring forward. We had understood that this would be the central part and purpose of the Bill, but it is currently missing. I do recognise that drafting in those areas is complex, and we need to learn from what other countries have done, but that also makes it the more important to have proper scrutiny. I urge the Home Secretary to ensure that the scheme is not brought forward at the last minute so that we do not have time to give it proper consideration in Committee or to take evidence on it beforehand.

Mr Steve Baker: The right hon. Lady makes an important point about the foreign agents registration scheme. Will she join me in encouraging my right hon. Friend the Home Secretary to consider possibly amending the programme motion so that we can have a day in Committee of the whole House to consider it? It will be a large part of the Bill and doing it through amendments in Committee may be inappropriate.

Yvette Cooper: I would certainly be happy to have further discussions through the usual channels about the way in which the Bill needs to be scrutinised. In the early evidence stage of the scrutiny, particularly for a

[Yvette Cooper]

Bill like this, it is important for the Committee to be able to hear evidence on this issue, in order to make sure that we get it right.

Sir John Hayes: With all due regard to my hon. Friend the Member for Wycombe (Mr Baker), a much better approach would be exactly as the right hon. Lady describes—to have the proposal early in the Committee's consideration and for the proper interface to operate between the two Front Benches. I know that she is richly experienced in these subjects, as is the Home Secretary, and I am sure that a proper dialogue could take place to deal with the matter that has been raised.

Yvette Cooper: As I have said, these debates will rightly take place through the usual channels to ensure that we have that scrutiny. I am also keen to ensure that the evidence session can take place in plenty of time.

Another issue that Members on both sides of the House have raised is the absence of reforms to the Official Secrets Act 1989, and on that point I am slightly less clear what the Government's intention is. My understanding from what the Home Secretary has said is that she does not plan to bring forward measures in this Bill but that she is looking at the issue further. The Law Commission has raised important issues about the need to improve prosecutions in certain areas and to have public interest safeguards, both of which are immensely important, as I think the Home Secretary has recognised. Will she and the Security Minister therefore engage at an early stage in discussions on this issue with Members on both sides of the House?

Mr Kevan Jones: Like my right hon. Friend, I am not clear what the Home Secretary's timetable is for reviewing the 1989 Act. However, if the Bill goes through as outlined, some of the penalties in it will be life imprisonment, and some in the 1989 Act will be two years. Having the two Acts working together will create a very difficult process. Surely the obvious thing to do is to get the reforms into the Bill as it goes through Parliament.

Yvette Cooper: My right hon. Friend makes an important point, and he obviously speaks with the Intelligence and Security Committee's insight on this issue. The only other consideration I would raise is that a last-minute proposal from the Government would be a problem, because we would end up not having full scrutiny, and this is an area where it is important to get the legislation right. On the points that the Committee has made about the importance of reforms to the 1989 Act, I encourage the Security Minister and the Home Secretary to have early discussions with members of the Committee, Opposition Front Benchers and Members on both sides of the House who have concerns. We will inevitably need to debate these issues during the passage of the Bill, even if the Government want to propose future legislation on a different timetable. Having those discussions at an early stage to try to get this right would be important.

We are also concerned about areas of the Bill relating to the ability of foreign powers to use misinformation and disinformation online, which the hon. Member for Folkestone and Hythe (Damian Collins) mentioned. My understanding of the interaction between this Bill and the Online Safety Bill is that some cases where misinformation or disinformation is repeatedly put online by a foreign state will not be covered and that there will not be a responsibility on social media platforms to remove some of that material, but it would be helpful to have some clarification from Ministers. Obviously that is an area where most of us in the House would want further action to be taken and would want there to be more responsibility on social media companies to take action. We would therefore like to explore whether there are further amendments that we could bring forward to this Bill or the Online Safety Bill. That would be very helpful.

We are also concerned about direct attempts to interfere with our democracy and elections. The Home Secretary has rightly included in the Bill measures to tackle foreign interference in elections but, as the Government will know, offences make little odds if they cannot be detected or measures are rarely enforced. As the Home Secretary will know, we have urged the Government to remove the loophole that allows shell companies to be used to make donations to political parties and to hide foreign donations and donations linked to hostile states. She will also know that the former director general of MI5, Lord Evans, who is now the head of the Committee on Standards in Public Life, has warned about the risks from shell companies, describing the risk from

"powerful forces out there that are trying to bring undue influence, part through parliament and part through money. We made some recommendations to close some of those loopholes but government hasn't acted on them."

Since the atrocity that is the illegal invasion of Ukraine, the Government have had to recognise that it has been far too easy for Russian money, built up through illegal activity or state-sponsored corruption, to find its way into the London economy. Again, we have both the follow-up economic crime Bill and this Bill, but I urge the Home Secretary to ensure that the loophole on shell companies is closed and that those weaknesses in our democracy are addressed, because the loophole in itself is a threat to national security.

My hon. Friend the Member for Rhondda (Chris Bryant) raised concerns about MPs being targeted. There are also concerns about Ministers potentially being targeted. The Home Secretary will know that the shadow Security Minister has raised questions about reports that the Prime Minister, when he was Foreign Secretary, met with a former KGB agent soon after the Skripal attack. I have not heard concerns raised that that was a planned or intended meeting, but nevertheless the reports of the meeting show how easy it is for Ministers, as well as MPs, to be targeted by agents of foreign and hostile states. I urge Ministers to provide some clarity about that meeting—whether it took place, whether civil servants were present—and about what protocols should govern how meetings take place for Ministers, what kind of debrief should happen afterwards and what kind of safeguards should be in place, and whether those will be covered by this Bill or we need additional protocols for civil servants, MPs and Ministers.

There are some areas where we will want to question the drafting of the Bill, because it is very broad. For example, there is obviously a difference between someone who is meeting the foreign intelligence agencies of our closest allies—for example an academic who meets with an Australian foreign intelligence service, providing it with useful information that might help with our joint

Five Eyes security arrangements and might be in all our interests—and an academic meeting with someone from the Chinese intelligence agencies and handing over intellectual property or research information that undermines British industry.

We are keen to explore in Committee how those differences will be addressed in the Bill and how, for example, it will address some of the issues around co-operation with Ireland over Northern Ireland security issues, which will clearly raise some particular and special cases. We also want to explore what might incidentally benefit a foreign Government and what deliberately benefiting a foreign Government is, and how that is addressed. We also want to address some of the questions around the public interest and national security that hon. Members have raised.

We have already raised directly with the Minister for Security and Borders a series of questions and concerns about the drafting of clause 23, to ensure that it is not too wide and cannot be used to cover individuals committing serious crimes abroad. I welcome the letter we have received from him, but we want to pursue those issues in further detail in Committee.

Perhaps one of the most important issues that the Bill could easily address but does not yet is oversight. Because agencies rightly need to operate behind a veil of secrecy, there needs to be proper oversight to safeguard both those who work within the agencies and the national interest. The Bill rightly introduces an independent reviewer to look at the state threats prevention and investigation measures, and we know that is a parallel arrangement to the independent reviewer arrangements we have for terrorism prevention and investigation measures.

The Home Secretary will know that I have argued previously that it was wrong to replace control orders and that TPIMs were too weak. They have since rightly been strengthened. They are used in only a small number of cases, but it is immensely important that there is oversight of them, and there must be proper oversight of the STPIMs as well. It would not surprise me if they were used even less frequently than TPIMs, but there must be proper safeguards.

There is a gap in the oversight framework. The terrorism independent reviewer looks both at individual TPIMs and at terrorism legislation, so he can look at all of the aspects of terrorism legislation to see where there are gaps and whether it is not working effectively. The scrutiny by David Anderson and by Jonathan Hall has been invaluable. It has been good for Government, good for the agencies, good for Parliament, good for our national security and good for our historic freedoms and having the right safeguards in place.

That scrutiny by the independent reviewer has in the past identified weaknesses in terrorism legislation. Sometimes that has been exactly the point I raised about TPIMs becoming too weak and needing to be strengthened, but the independent reviewer has also identified areas where stronger safeguards were needed, particularly on digital measures, digital infrastructure and digital safeguards. There is a really strong case for having the same kind of independent scrutiny of the operation of these new powers on espionage. The Home Secretary has rightly said that this is important legislation, but also that this is the first time we are drawing up legislation in some of these areas and that some of the legislation has not been updated for many decades, so we should have some humility on this: Parliament will not get all the details right.

Bob Seely: If I understand correctly—perhaps my right hon. Friend the Member for New Forest East (Dr Lewis) will be able to help me on this—the Ministry of Defence is covered by the Defence Committee, the Foreign Affairs Committee, the agencies and the Intelligence and Security Committee, but who covers Director Special Forces? That seems to be a bit of an oversight black hole. Where does it fit in? This does not seem to be arousing people's attention thus far.

Yvette Cooper: The hon. Member makes an important point about other potential gaps. I would be keen to discuss with him further how that could be addressed.

There is a principle here, which is that sometimes important powers are not subject to the normal public scrutiny—inevitably, because of how they need to be used in order to keep us safe and to deal with hostile threats, be it from other foreign states or from terrorists. However, that veil of secrecy makes the need for independent scrutiny all the more important. Rightly, we have the Intelligence and Security Committee and other Committees, but also things like the investigatory powers commissioners. Specifically on the terrorism legislation, the role of the independent reviewer has been immensely valuable. I urge the Home Secretary and the Security Minister to look at widening the oversight provisions in the Bill. While there might be areas of disagreement between us, we will come to a conclusion and measures will pass through Parliament, but there will still be weaknesses in them and there will still be problems with the legislation.

Sir John Hayes: The right hon. Lady is making a good point about oversight and checks and balances. She mentioned the Investigatory Powers Act and the judicial commissioners. I was involved in taking that legislation through the House, as she knows. The independent reviewer's scope is already sufficiently wide, is it not, to look at terrorism legislation per se? So I assume that she is talking about making sure that that scope is sufficient rather than establishing a different and parallel structure.

Yvette Cooper: There is a very strong case for having the same independent commissioner to cover espionage and terrorism. That is obviously a matter that the Home Secretary would need to consider, but clearly, especially with the STPIMs and the TPIMs, there are overlapping issues that it would make sense for the same framework and the same independent reviewer to cover. My understanding is that at the moment the independent reviewer covers only terrorism legislation and that the provisions of this Bill will not be within their scope. It would be very easy to amend the Bill—I hope it would receive cross-party support—to allow either the same independent reviewer or a parallel independent reviewer to look at espionage legislation. That would also allow for ongoing review of whatever changes we end up concluding are needed to the Official Secrets Act 1989. Again, there will be an important need for further review to make sure that we have the right measures to protect our security and support the public interest. We can cover our many other issues with the Bill in Committee. We look forward to those exchanges and to having further discussions directly with Ministers.

[Yvette Cooper]

I am conscious that other Members with great expertise in this area want to contribute to the debate, so I will conclude simply by saying that at a time when across Europe we are all coping with the illegal invasion of Ukraine by Russia, and supporting Ukraine's immense bravery in standing up and responding to this appalling Russian threat; at a time when we have seen hostile state activity not just from Russia but, as the director general of MI5 has said, from countries such as China and Iran; and at a time when we all know we need to stand up for our democracy, historic freedoms, liberties and democratic values, I hope that we will be able to come together to support our national security, and continue to defend our democracy and democratic values.

Madam Deputy Speaker (Dame Rosie Winterton): I call the Chair of the Intelligence and Security Committee, Dr Julian Lewis.

6.31 pm

Dr Julian Lewis (New Forest East) (Con): It is certainly encouraging to hear such sombre but sensible contributions from both senior Front Benchers in agreement on the basis for the Bill.

To respond briefly to the question posed by my hon. and gallant Friend the Member for Isle of Wight (Bob Seely) on whether there is an oversight arrangement for special forces—no, there is not. If Parliament were ever to have such an arrangement, it would probably need to be on the model of the ISC, but we are not putting in a bid for that role unless anyone proposes proportionately to increase the resources on which the Committee depends to do its already quite substantial agenda of tasks.

Almost 20 years ago—in 2004, to be precise—the Intelligence and Security Committee first recommended the introduction of a new Official Secrets Act, recognising the constantly developing and evolving dangers posed to the United Kingdom by hostile state actors. That was almost a decade prior to our 2013 report, "Foreign involvement in the Critical National Infrastructure"—Cm. 8629, if Members want to look it up—which eventually led to the National Security and Investment Act 2021, so this Government undoubtedly deserve credit for tackling at least some of the unfinished business begun by the ISC.

As in the case of the National Security and Investment Act, unfortunately today's proposals—while taking significant steps in the right direction—still fall short in significant respects. Given the complexity of the issues addressed in the Bill, rigorous parliamentary scrutiny is essential. Not every piece of major legislation can be processed by means of a Committee of the whole House, but where it is proposed to add a major new element to a Bill after Second Reading, the whole House must have an alternative opportunity adequately to debate it.

The National Security Bill was expected to encompass three principal elements. The first is to modernise the offence of espionage and provide the police, as well as the security and intelligence agencies, with appropriate new powers and capabilities. This the Bill clearly undertakes, with its substantial proposed reforms of the 1911 to 1939 Official Secrets Acts, which we broadly welcome. The second should be to reform, or to repeal and replace, the Official Secrets Act 1989, which deals with the unauthorised disclosure of sensitive information, whether by public servants or by others, such as journalists, who are not employed by the Government. There is no trace of that in the present Bill, nor any apparent intention to incorporate the topic later.

Finally, one searches in vain for the long-heralded and much-anticipated inclusion of a foreign influence registration scheme—long advocated by the ISC and others, including the Foreign Affairs Committee—requiring individuals to declare, in a Government-managed register, any activities that they undertake for or on behalf of a foreign state. That is what we are told will be introduced by means of an amendment to the Bill, presumably in Committee or on Report. I heard the Home Secretary say earlier that it would be in Committee, which is good, but it could conceivably have been introduced even later, in the Upper House. I am glad to see the Home Secretary firmly shaking her head and ruling that out. As things stand, however, we cannot even say, with the late, great Meat Loaf, that "Two Out of Three Ain't Bad", given that one of the three has yet to appear, and another—the urgently needed reform of the 1989 Act—is not going to happen at all.

It is odd, to put it mildly, that such an important component as the foreign influence registration scheme has not been incorporated in the Bill from the outset. The proposal to introduce it by means of a later amendment can only fuel suspicions that the Bill was published, for reasons unknown, before it had fully matured; or that the plan for the scheme had been dropped, then belatedly revived—the Home Secretary is shaking her head, which, again, is good; or that the Government are perfectly well aware of the details of the scheme that they intend to introduce, but wish to undermine or weaken parliamentary scrutiny by introducing it after the Second Reading debate is over, so that the Commons as a whole cannot decide on it before the Committee stage at the earliest.

Such suspicions could be at least partially dispelled by the Government's agreeing that a Committee of the whole House will examine the Bill at the next stage of its journey through the Commons, and that plenty of time will be allocated for us all to examine the amendment on establishing a foreign influence registration scheme at the earliest opportunity. I will happily give way to a ministerial intervention now, offering an undertaking to that effect.

Priti Patel *indicated assent.*

Dr Lewis: I am receiving indications that I may hear something in the summing-up speech, so I shall live in hope.

As I wish to leave scope for other members of the ISC to drill down into the detail of all three areas on which the Bill ought to be focusing, I shall confine myself to just a few comments on each. First—as we have said—we warmly welcome the repeal of the Official Secrets Acts of 1911 to 1939, with their references to century-old concepts of data targets, such as "sketches" and "plans", which have long been superseded in the digital age. The new espionage offence created by clause 1 should enable the intelligence and security agencies more effectively to combat hostile state action in a world that has undergone a technological revolution in the modern era.

Clause 2 is a worthwhile attempt to protect valuable trade secrets, although we feel that there are issues of complexity and breadth of definition which will require simplification if this new system is to succeed. Clause 3 is strongly to be supported, both for criminalising the giving of assistance to a foreign intelligence service and for empowering the agencies and the police legitimately to unravel the hostile networks involved. Clause 12 creates a new offence of sabotage, at home or overseas: causing damage to vital UK assets or infrastructure, whether intentionally or recklessly. Clause 13 introduces an offence of foreign interference, but only for conduct that involves an intention to have a negative impact on the UK, for or on behalf of the foreign power in question. We suggest that it be broadened to cover those who behave recklessly, even if an intention to aid a foreign adversary cannot be proven.

Secondly, the failure radically to reform the Official Secrets Act 1989 leaves in place a requirement to demonstrate that actual harm has been caused by a civil servant or someone outside Government service when publishing classified information. However, the act of disclosing and specifying what harm has been done will often compound the problem and increase the damage; some prosecutions thus have to be dropped in order to prevent such further harm. Although the Law Commission has offered recommendations to cater for disclosures made genuinely in the public interest, those recommendations cannot even be considered other than in the context of the repeal, replacement or at least root-and-branch reform of the 1989 Act.

Mr Steve Baker: I absolutely support what my right hon. Friend says about the 1989 Act, section 1(1) of which states:

"A person who is or has been…a member of the security and intelligence services; or…a person notified that he is subject to the provisions of this subsection…is guilty of an offence if without lawful authority he discloses any information".

There is no caveat about "damaging". Is not the fundamental problem that a distinction is drawn between categories of person in how they are treated?

Dr Lewis: There is such a distinction. One could certainly argue that it is a graver offence for someone entrusted officially with secrets to breach that trust than for a journalist who thinks he has a scoop but knows that he might be harming the national interest to proceed nevertheless, recklessly or with deliberate intent to do harm. However, we are not talking about a spy rifling through a filing cabinet and taking pictures with his Minox camera; we are now in an age when a technician can download a gigabyte of information in a short period and have it published worldwide, unread even by the people who have published it. That is where there are huge gaps in the legislation, and closing them will require revisiting the 1989 Act.

The third leg is that there will be many practical issues with the contents and the proper parliamentary scrutiny of any amendment to the Bill to initiate a foreign influence registration scheme. Careful drafting will be required to catch those who are consciously and deliberately, or unreasonably and recklessly, acting on behalf of another state and its interests, without criminalising every parliamentarian who runs a bilateral international friendship group, for example. High on the agenda must be the issue of dodgy donations from questionable sources to political parties and campaigns—another good reason for the closest possible examination of the provisions that the Government eventually bring forward. Nevertheless, as has been pointed out, our Australian friends enacted their foreign influence transparency scheme as recently as 2018, while our US allies introduced their own legislation as long ago as 1938, so there is no shortage of precedents on which we can draw to get the legislation right and close at least one more gap in our national security arrangements.

6.44 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to follow the right hon. Member for New Forest East (Dr Lewis), the Chair of the Intelligence and Security Committee. I am grateful to the Home Secretary for setting out the detailed context of this Bill and to the Minister for Security and Borders and his team for providing a briefing before the recess and talking through parts of the Bill and answering questions on it.

I think everybody here today agrees that we need a Bill that, as the long title to this one says, makes provision

"about threats to national security from espionage, sabotage and persons acting for foreign powers".

Indeed, as we have already heard at some considerable length, the need to update our espionage laws is clear from the Russia report, from the Law Commission report and for a million other reasons as well. For those reasons, we will support the Bill's receiving a Second Reading this evening. Indeed, parts of the Bill could be particularly welcome, such as steps to tackle disinformation and interference in elections; those have great potential if done correctly.

However, all that does not mean that we will give the Government a blank cheque as they take the Bill through its different stages, and we would be failing in our duties as Opposition MPs if we did. That is particularly true in a policy area such as this: there is perhaps a tendency for Government, and even Parliaments, to write blank cheques for the security and intelligence services every time they come calling with a list of new powers and capabilities that they seek.

Like everybody here, for the reasons that the Secretary of State and the shadow Secretary of State set out, I am immensely grateful for the critical work that those in the services do, day in, day out, on our behalf. They have our full respect. None the less, they are not perfect: from time to time, news stories emerge that remind us of that fact—for example, the recent BBC revelations about a particular covert human intelligence source. These agencies also have immense powers, so we should always rigorously test the need for new powers, new criminal laws and new restrictions, and we should always be on the lookout, as the shadow Home Secretary said, for ways and means that ensure that the agencies are held to account and that we get to look under the bonnet at what is going on without undermining their work or making it impossible. It is against that background that I will briefly highlight some of the issues that we will want to pursue and to test the Government on as the Bill progresses through the House.

[Stuart C. McDonald]

In relation to part 1, most of the new offences seem at first sight to make sense and can be justified, though we will test whether they are a fair and proportionate response to the Russia report and the Law Commission recommendations in particular. These are complicated offences, so we will challenge the Bill to see whether the Government have gone far enough, or—more likely—whether they have gone too far. Key concepts will need close scrutiny. The foreign power condition and the foreign power threat activity definition, for example, are pivotal concepts that are also potentially very broad. The whole concept of the safety or interest of the UK could also be challenging and something of a moving feast as well.

As we have heard, clause 23 will need great scrutiny. It disapplies certain extra territorial provisions in relation to offences of encouraging or assisting crime under the Serious Crime Act 2007. The explanatory notes claim that the new paragraph that could be inserted into that Act

"ensures that those working for or on behalf of the intelligence agencies would not be liable for support they provided to activities overseas…where that support was deemed necessary for the exercise of the intelligence agencies' functions."

That all sounds benign, but others have made the argument that the provisions, as drafted, go way beyond what is described in those notes. For example, I hope we would all agree that, if Ministers take steps that lead to an unlawful drone killing of a family overseas, or if information is provided that leads to extraordinary rendition and torture, those Ministers should not be able to put themselves completely beyond the rule of law in those circumstances. That is exactly the type of behaviour for which we have been condemning other Governments, so if that is the impact of clause 23 there is a strong case for it to be rethought.

Stewart Hosie: On that particular point, is it not more perplexing that there is the carve-out of removing the ability to be convicted for certain overseas offences, given that the defence of acting reasonably already exists?

Stuart C. McDonald: My hon. Friend makes an important point, which we will have to look at. There are other provisions in legislation that provide protection for those involved in the work of agencies, so we do not think that the case for this new carve-out has been made at all.

Part 2 will also need close scrutiny; we turn here to state threats prevention and investigation measures. I do not think that any of us here should ever feel comfortable about curtailing people's liberties by ministerial fiat rather than as a punishment for a proven crime. In fairness, I think the Home Secretary recognised that in her speech. We have come to accept that such "prevention and investigation measures" are a necessary part of the fight against terrorism. Our position on TPIMs has been to cut their wings, improve oversight and limit their invasiveness, rather than to do away with them altogether. It may be that we end up with STPIMs as well, but we will probe the Minister closely on the case for requiring them at all.

Ministers always promise—the Home Secretary did today—that powers will not be used inappropriately and excessively. That is welcome, but they should not have the power to do things that are inappropriate or excessive in the first place, because those who follow them into office may take a different view of what is inappropriate or excessive. Restrictions have to be in the Bill rather than in ministerial undertakings.

Part 3 is also a mixed bag. We absolutely see the need for freezing and forfeiting damages that could be utilised for terrorism. There could also be an arguable case for powers to reduce damages in certain national security proceedings, but we will examine that closely. On the other hand, there is a real question over whether courts already have sufficient powers and whether there are sufficient safeguards and processes that prevent undeserving cases from winning damages in the first place, so we will again press the Minister on that.

Much less persuasive is the case for restricting legal aid in utterly unconnected proceedings on the grounds of a past conviction for terrorism. That was raised by the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), and I am very sympathetic to that while recognising that this is one of the few "England and Wales only" provisions.

As we heard, we need to scrutinise not just what is in the Bill, but what is not—or not yet—in it, and two issues are particularly important. As has been touched on, the Minister and the Home Secretary have set out that the foreign agent registration scheme will be amended. Various complaints have been made about that not being in the Bill as we debate it today.

I return to my experience during the passage of the Nationality and Borders Act 2022—a slightly more acrimonious piece of legislation. Having really important provisions about citizenship and age tests being introduced at pretty short notice in Committee meant that we did not have the chance to ask witnesses about them or to get briefings about them from important organisations.

Something as important as the foreign agent registration scheme needs more than a couple of days before a Committee sitting if we are going to give it proper scrutiny. I am very sympathetic to the idea of allowing us some time on the Floor of the House to debate the details. In principle, the idea is very welcome and the provision is required. However, as we all have acknowledged so far, there will be very tricky lines to draw in the sand between those who should be required to register and those who do not. We must also guard against having a massive Henry VIII clause that simply leaves it to the Government to set out the scheme at a later date. That would not be acceptable either.

Also missing from the Bill—this is apparently not going to be amended by the Government—are updates to the Official Secrets Act 1989 or any concept of a public interest defence to charges under it. As we heard, that Act is almost as out of date as the other laws that we are updating through the Bill. The Law Commission was clear that a public interest defence was required to ensure that the Government were not able to abuse legislation as a

"cloak to mask serious wrongdoing".

It suggested a statutory commissioner to investigate allegations of wrongdoing or criminality made by civil servants or members of the public where disclosures of

such concerns would be an offence under that Act. We support those ideas on the type of provisions that look under the bonnet, as I referred to earlier.

Joanna Cherry: As usual, my hon. Friend is giving a considered speech and I support everything that he has said so far. Notwithstanding the Government's reluctance to use the Bill as a vehicle to introduce a public interest defence, it is likely that a cross-party amendment would seek to do that at some point. Will he confirm that the Scottish National party—our party—would support that?

Stuart C. McDonald: Yes, absolutely. The versions of such an amendment that I have seen look very promising and we would like to give our support to that if we can.

In conclusion, we need a Bill, and we certainly support this Bill on Second Reading. However, there is a lot for us to get our teeth into, both in terms of what is in it and what is not. We look forward to engaging critically but constructively on all these issues as the Bill progresses.

6.54 pm

Theresa Villiers (Chipping Barnet) (Con): As a member of the Intelligence and Security Committee, I very much welcome the Bill. The first duty of any Government is to keep their citizens safe from harm, and the Bill will help us to do that by making us more resilient to the ever-changing threat posed by hostile states and their intelligence agencies.

As we have already heard from the Committee's distinguished Chair, my right hon. Friend the Member for New Forest East (Dr Lewis), it first called for an overhaul of legislation on state secrets and espionage almost 20 years ago. For a number of years, it has highlighted the complex and evolving threats from hostile states. Its reports have highlighted almost constant cyber-attacks on UK businesses and institutions by foreign Governments and their proxies in organised crime, with Mr Putin's Administration identified as one of the most prolific offenders. Its 2013 conclusions on Huawei highlighted serious concerns about activities from China.

We have some of the best and most capable intelligence services in the world. The Five Eyes partnership enables them to work closely with like-minded allies. They do incredible work in keeping us safe. We need to give the men and women of the intelligence community, in whom we place our trust to safeguard our country from foreign threats, the legal framework that they need to carry out their vital work.

The Official Secrets Act regime urgently needs updating to reflect the modern world, as we have heard from every speaker so far. That has been also acknowledged by Ministers, and the ISC and the Law Commission have both made a convincing case for reform, so the suite of new tools contained in this Bill to modernise espionage offences is very important and I urge the House to support it. In particular, it is welcome that the Official Secrets Acts of 1911 to 1939 will be overhauled and updated for the contemporary digital era.

As other Members have said, however, it is a serious concern that only a partial reform of the Official Secrets Act regime is proposed, with the 1989 legislation left unchanged by the Bill as currently drafted. As the Government have previously acknowledged, amending that legislation is an important component of the action needed to counter hostile state activity. The 1989 Act deals with unauthorised disclosure of sensitive information so as yet the Bill has little to say about the kind of case that we have seen in the United States, involving the mass theft and publication of classified information, unless that is done deliberately to benefit a foreign power.

As we have heard, key problems of the 1989 Act include, first, that it provides for a maximum sentence of only two years, even if the disclosure is potentially of hundreds of thousands of highly classified documents and even if lives are lost as a result; and secondly, the fact that to prosecute someone under that Act requires a causative link to be proved to damage occurring directly as a result of the leak. That can be difficult, not least because such proof might require highly classified information to be revealed in open court. If this Bill is to be a comprehensive overhaul of powers to counter state-based threats to our security, amendments to the 1989 Act need to be added to it.

Another conclusion of recent ISC reports is that a foreign influence registration scheme is needed. Again, significant support for that has already been demonstrated in the debate today. Such legislation in the US and Australia makes it an offence to be an undeclared foreign intelligence officer. Done right, such laws can enable the disruption of foreign intelligence gathering at an earlier stage than is currently possible, can make it easier to prosecute spies, and can increase transparency regarding foreign influence. However, such laws are not without controversy and risk. If such legislation goes ahead, it would be important to target it appropriately and avoid the imposition of unjustified compliance burdens or stigma on people and organisations carrying out what are legitimate activities in a democratic state.

There are some complex and sensitive questions that will require careful scrutiny in this House. Whether it is the 1989 Act or an agent registration scheme, I am worried that we do not have any text before us yet.

If this Bill is to be successful in ensuring that legislation on espionage is comprehensively modernised to tackle the security threats faced in the modern age, I hope that Ministers will bring forward amendments both on the OSA and on foreign agent registration. The Home Secretary's promise at the Dispatch Box of amendments on foreign influence by the Committee stage will be warmly welcomed, but I hope a similar pace of activity will be seen on the Official Secrets Act 1989, strengthening the Bill as a comprehensive reform of espionage legislation and putting it on a sound footing for the digital age.

7 pm

Maria Eagle (Garston and Halewood) (Lab): I am pleased to be speaking in this debate as one of the newer members of the Intelligence and Security Committee of Parliament. It is good to hear from my colleagues on the Committee, and I will try not to repeat too much of what they have said, because the Committee has of course taken a view on some of the issues covered by the Bill.

Let me begin by saying to the Home Secretary that it is unequivocally a good thing that the Government have finally brought forward a Bill to update and reform the Official Secrets Act regime, as has been made clear across the House. As many have said, the legislation relating to

[Maria Eagle]

the Official Secrets Act regime goes back many—very many—years and is no longer fit for purpose. It is not just the Government who do not think it is fit for purpose. The Committee has said that it is not fit for purpose and the Law Commission has said that it is not fit for purpose. I have not heard anybody suggest that it is fit for purpose, so I think there is consensus across the Chamber that it needs to be replaced.

The idea of replacing the Official Secrets Act regime is to ensure that the intelligence community has the legislative powers and the tools it needs to combat the varied, complex and constantly evolving threat to the UK's national security posed by hostile state actors. It is therefore good that the Bill as currently drafted, with its aims to modernise the offence of espionage and create a suite of more modern tools and powers for police, security and intelligence agencies to defend the UK against hostile state actors, is now before us. Although the Home Secretary has set out her intentions in legislation, she has not made it clear that she intends a comprehensive reform of the Official Secrets Act regime in total. She is reforming espionage offences, but she is not doing much at the moment about the Official Secrets Act 1989, which relates to the unauthorised disclosure of sensitive information. That is an important part of the Official Secrets Act regime, without reform of which she cannot claim that she has modernised the existing suite of powers. I agree with her—I doubt there would be much disagreement—that it is quite a difficult thing to do, but she and her predecessors have been at it for some time, helped by other parts of Parliament and by the Law Commission which have looked at the matter. Perhaps now is the time—with this Bill before us, which is meant to be a comprehensive piece of legislation—actually to make it comprehensive and come up with proper reforms.

The Law Commission has suggested a regime, and the right hon. Member for Chipping Barnet (Theresa Villiers) has set out that she certainly believes, as the Committee does more generally, that this reform ought to be part of this legislation. From what I gathered from the Home Secretary's replies to interventions earlier—and I am glad if she is listening to what is being said—she is not proposing to bring forward reform of the Official Secrets Act 1989 in this legislation, nor has she set out a timetable within which she intends to bring it forward in another piece of legislation, which is a disappointment.

This Parliament will end in 2024, if it does not end sooner—of course, provisions about when Parliaments end have now changed, and it could end sooner than that—so the Home Secretary might be saying to the House that she does not have any plans to make the reform comprehensive in this Parliament. She has certainly not committed that she will. I think that that is a shame—it is an omission. However, in respect of the other missing element—the foreign influence registration scheme—I very much welcome the fact that the Home Secretary has been very precise and said that it will be introduced in Committee. I hope that that is at the beginning of the Committee stage, because the points that have been made by Members across the House about the importance of scrutinising such a provision are important. She will only get into trouble in the other place if she does not enable proper scrutiny in the Commons. We all want to get the foreign influence registration scheme right, and scrutiny can only help with that.

I hope that the Home Secretary introduces that swiftly, giving plenty time for proper scrutiny. The proposals that have been made for a Committee of the whole House might be a way of doing it, if she can persuade the business managers. I hear that she is very persuasive, so perhaps she can persuade them that that should be done. I do not think that she would find anyone who said that that was a bad idea. The Government have previously made a commitment that reform of the OSA 1989 would represent a key part of the Bill, so it is a bit of a mystery, difficult as it is, that it is missing. One might even say that it is a glaring omission. The Home Secretary could put it right by introducing that sooner.

Comments have been made about clause 23 and the amending of schedule 4 to the Serious Crime Act 2007, to disapply the offence of encouraging or assisting offences overseas when the activity in question is deemed necessary for the proper exercise of any function of the intelligence services or armed forces. The explanatory notes say—and I think that I heard the Home Secretary say something similar—that the provision will

> "provide better protection to those discharging national security functions on behalf of Her Majesty's Government, to enable more effective joint working and to improve operational agility".

I think that that is what the Home Secretary said, but this appears to be a wholesale carve-out of the intelligence services and the armed forces from any liability for assisting or encouraging crime overseas in any activities undertaken abroad. It is in effect an extensive granting of impunity against liability for criminal wrongdoing abroad for those discharging national security functions. It is extraordinarily broad in scope, particularly given the defence in legislation for those discharging national security functions abroad, which protects from liability in certain circumstances.

Section 50 of the Serious Crime Act 2007 protects those who act "reasonably", and the agencies and armed forces can use those provisions to protect their staff in appropriate circumstances where their actions are reasonable. There is a further option in some cases to protect staff from liability by obtaining a ministerial authorisation under section 7 of the Intelligence Services Act 1994.

The question—and it has not really been answered—is why has this wholesale carve-out been included? Why is it needed? What is inadequate about the current defences that has led the Government to do this? If an action does not meet a reasonableness test, I do not think it could possibly be described as necessary for the proper exercise of any function of an intelligence service or of the armed forces. Clause 23 at the moment appears to confer impunity without the need to consider whether an action is reasonable. When the Committee considered this matter, it did not think that it was justified, and the case has not been made to justify the inclusion of a blanket carve-out from liability—nor does that carve-out explain what has gone wrong with the existing reasonableness defence and the ministerial authorisation system, and why that is thought to be inadequate. We look forward to a much clearer explanation in Committee of why the Government think the provision is necessary,

because in a worst-case scenario it could lead to less accountability for the agencies. At best, it seems unnecessary, given the existing safeguards.

On the legal aid provisions in part 3, I heard what was said by the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who is not in his place at the moment. He cautioned that the Government need to be careful about the terms in which they set out such provisions. My remarks are in view of my membership of that Committee and certainly not a reflection of my membership of the ISC, because such matters are not in its remit.

Civil legal aid has always been made available based on two main criteria: the type of case, including its likelihood of success; and the financial means of the applicant. It has never been dependent on the nature of any previous conviction of the applicant in a blanket ban, and certainly not whether they had been convicted of a particular type of offence in the past. I understand why policymakers and the Government might be concerned about those who have committed terrorist offences getting civil legal aid to sue, but I hope the Government will consider whether introducing this novel way of determining eligibility for civil legal aid is the right way forward.

I notice that provisions in clause 61 and schedule 10 will enable the court to make a freezing order on all or part of any damages that such a person recovers, ensuring that they are paid into the court, and enable an extension of the period for which awarded damages can be frozen. There is also provision in schedule 10 for a forfeiture of any such damages if it looks like they may be used to further some terrorist cause. I have no problem with that, but the novel restriction proposed on eligibility is difficult because it changes the whole way in which administration of civil legal aid is carried forward for a particular class of person. We must be careful about that. One can always think of other types of offenders who perhaps do not "deserve" to get civil legal aid. My concern is that introducing such a way of looking at eligibility may have a much broader implication that is not entirely good. That is despite there being hard cases, and I understand why policymakers are concerned.

When we get to Committee, I hope that those of use fortunate enough to consider the Bill further will be able to go into all its aspects in a lot more detail. I finish as I began by welcoming the Bill's introduction; it just needs to be more comprehensive.

7.13 pm

Sir Jeremy Wright (Kenilworth and Southam) (Con): It is a pleasure to follow my fellow new member of the Intelligence and Security Committee, the hon. Member for Garston and Halewood (Maria Eagle). I agree with what she said and what other members of the Committee have said. As she did, I will also try not to repeat absolutely everything that they said, although I confess that there may be some overlap.

I will speak about two things that are missing from the Bill but should be included, and two things that are in it but do not need to be. Let me begin with the things that are missing. As others have pointed out, the Bill proposes no reform of the Official Secrets Act 1989, as opposed to other Official Secrets Acts. I think that everyone who has spoken accepts that such reform is necessary, and the Government accept that it is essential. As we have heard, that Act deals with unauthorised disclosures of sensitive information and requires, for successful prosecution of offences, that it can be shown that damage has been done by the disclosure. The problem being, as my right hon. Friend the Member for New Forest East (Dr Lewis) set out, that evidence of that damage is often impossible to present without causing more damage. That makes it counterproductive to prosecute such cases at all.

That problem is not solved by the Bill, but frankly it should be. It is not addressed by the new espionage offences in the Bill, which are targeted elsewhere and largely require intent to assist foreign intelligence services or that the action in question is carried out on behalf of a foreign power. Disclosures that are made with different motives, however misguided, will remain to be dealt with under the flawed regime in the 1989 Act. That regime will have to be reformed at some point, and comprehensively. That may well best be done with the creation of broad offences of disclosure and specific public interest defences. It seems to me that the attraction of that approach is twofold. First, as I suggested to the Home Secretary when she generously took my intervention, it is a recognition of current reality. Juries are already applying their own versions of public interest defences to the case they try without the benefit of clearly defined defences in law. Secondly, creating a straightforward offence of disclosure committed where relevant defences do not apply gives the prosecution less to prove, with less risk of further damaging disclosure by the state, and allows Parliament to define public interest defences as widely or as narrowly as we think appropriate. That has to be a better and more rational approach.

We should also consider further the Law Commission's recommendation of a commissioner who would provide those in government or the intelligence agencies who are contemplating a disclosure of material to the public with another way to raise their concerns. The existence of such a route as an alternative may well make it harder to establish a public interest defence in court. I would argue that the Government should address the deficiencies of the 1989 Act while they have the legislative opportunity to do so in the Bill.

As others have said, another thing missing from the Bill is provision for a foreign influence registration scheme. I recognise and welcome the fact that the Government have said they intend to bring such a scheme forward by amendments to the Bill, but like others I hope they will do so soon, as the disadvantage of making substantial changes in amendments is that we have less time to consider them. It will be important that we consider the details of such a scheme and any unintended consequences of it. For example, the scheme needs to capture significant or substantial interventions on behalf of foreign powers, rather than those that are insignificant or incidental, and we need to consider carefully how a list of countries to which the scheme will apply will be managed and updated in practice. Of course, we cannot do any of that until we see precisely what the Government propose.

I mention in passing that I welcome the clauses on trade secrets, although I suspect, as do others, that the definitions involved will need tightening or clarifying, and I welcome the further clauses on sabotage and foreign influence. That brings me to the things that I think the Bill could do without.

[Sir Jeremy Wright]

The first, as the hon. Member for Garston and Halewood pointed out in detail, is clause 23, for which at the very least the Government will need to offer further justification. It amends schedule 4 to the Serious Crime Act 2007, which contains offences of assisting or encouraging the commission of a criminal offence abroad. As the hon. Lady said, the Bill will disapply those offences if the actions were necessary for the

"proper exercise of any function"

of the security services or the armed forces. That is a sweeping exclusion from liability for criminal offences. It is not yet clear to me why that is necessary. A defence of acting reasonably is already included in the 2007 Act, and I do not immediately see what the difference is between an argument of acting reasonably and an argument of acting in the proper exercise of someone's function, which is what clause 23 would add. As the hon. Lady mentioned, we already have the backstop protection of section 7 of the Intelligence Services Act 1994. Ministers will need to explain, as the Bill progresses, why we need further legislative provision on that point.

Finally, I come to the clauses at the end of the Bill that deal with civil damages and legal aid for those with terrorist convictions. I also make it clear that I give my own views on this, not the views of the Intelligence and Security Committee. I have far fewer concerns about the reduction or non-payment of damages in cases where those damages may be used to fund terrorism; in those cases, decisions can be taken by a court, which in essence can already decide the size of award that would be just in all the circumstances. However, I am frankly worried about the Bill's proposals on legal aid. This House has debated in the past, sometimes fiercely, which types of legal action should be eligible for legal aid and what level of wealth or poverty should be needed to get it, but I do not think we have ever before contemplated determining someone's eligibility for civil legal aid based on previous criminal behaviour. Prisoners serving sentences, let alone those whose sentences have been served, do not lose all their rights in our society. It is the criminal justice system that exists to reflect our collective disapproval of and sanction for criminal behaviour. The civil justice system is not set up to do so—certainly not in perpetuity thereafter.

Is there any logic in leaving convicted terrorists eligible for criminal legal aid in relation to future allegations against them, as they will rightly remain if this Bill passes, but ineligible for civil legal aid? What that means for a formerly convicted terrorist is that legal aid will be available to them if the question before the court is whether they have again infringed the rights of others in a criminal way, but not if the question is whether others have infringed their rights, perhaps seriously. I am not sure that is right or sensible.

Edward Timpson (Eddisbury) (Con): I congratulate my right hon. and learned Friend on his recent honour, and I share some of his concerns about the widening of the eligibility around civil legal aid in these matters. Does he have any other mechanism by which he thinks this could be addressed in the Bill, to ensure that the Government's concerns are taken into account?

Sir Jeremy Wright: As I say, I can understand the logic of the Government's position when it comes to the restriction or even non-payment of damages in civil cases where the court believes that those damages may be used in a terrorist cause. That seems a sensible additional provision. It is more difficult where, outside a court—because of course decisions on legal aid are made not by judges, but by officials elsewhere—those judgments are to be made in the context that the Government propose. That seems to me a step too far, and another potential illogicality in the Government's position is that there does not seem to me to be very much difference on a moral basis between terrorism offences and other serious criminal offences, such as child murder, serial rape or any number of others we might think of, to explain why only offences of terrorism would merit the removal of civil legal aid eligibility.

These measures need considerably more thought and justification. I am also not satisfied that they sit well in a Bill that contains largely necessary and sensible measures that are rightly likely, as we can see in this debate, to command significant cross-party support.

7.23 pm

Mr Kevan Jones (North Durham) (Lab): It is a pleasure to follow the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright), and I congratulate him on his recent inclusion in the Queen's honours list.

This Bill has been long coming; we have been waiting for several years now. The Government have made some improvements in it, but overall it is disappointing. As my hon. Friend the Member for Garston and Halewood (Maria Eagle) said, it is not the comprehensive legislation we were promised and, as has already been mentioned, it does not include the reform of the Official Secrets Act 1989.

The right hon. Member for New Forest East (Dr Lewis), the Chair of the Intelligence and Security Committee, which I have the privilege of being a member of, said that the Committee has called for nearly the past 20 years for the reform of the 1989 Act. I am one of the two remaining members of the Committee who were on it when we considered our Russia report. We made very clear in the recommendations of the report, published in 2020, that there was an urgent need for reform of that Act, which we described as not being fit for purpose. More importantly, we took evidence from the agencies, which all said that the Act was in need of reform. We recommended that it should be reformed, and said that without any major reform the security services would continue to have their hands tied when trying to tackle the job that we give them.

It is surprising that reform of the 1989 Act has not been brought forward in this Bill, because it has not just been raised by the ISC and the security services; the Government themselves have repeatedly said that the Act needs to be changed and reformed. In a 2020 report, the Law Commission also concluded that the Act was "outdated" and in "urgent need of reform". Like my hon. Friend the Member for Garston and Halewood, I am at a loss as to why this reform is not in the Bill.

The 1911 to 1939 Official Secrets Acts are clearly repealed through the Bill, but if we do not change the 1989 Act, the current problems will persist. As has been mentioned, the requirement to prove damage from unauthorised disclosures is in most cases a real barrier to prosecution, and in some instances leads to more sensitive information having to be produced in court.

That is a deterrent; it is a weakness that explains why the Act is not being used. Also, as I mentioned in an intervention on the Home Secretary, the maximum sentence under the 1989 Act is two years. In the Bill, we are introducing life sentences. I do not know what deterrent two years would be, even with the hurdles we have to get over, so I am at a real loss as to why these reforms have not been included in the Bill.

I am not clear from what the Home Secretary said when that reform will be brought forward. We all know how tight legislative time is. I would have thought that once the Government had a large Bill such as this one, they would want to do everything at once. Could it be that there is a lack of time? No, I do not think so, because the changes being put forward have been considered over many years. We need an explanation from the Government as to why this reform is not being done.

Mr Steve Baker: The right hon. Gentleman is making some very good points. I rather imagine that the damage that could be caused by an unlawful disclosure could include people losing their lives, and that one problem is that proving that damage could lead to yet further people losing their lives. I do not wish to tempt him where he must not go, but can he give those of us without access to classified information any indication of whether my worst imaginings are in any way accurate? If they are, it seems to me that a life sentence might be appropriate.

Mr Jones: I would not want to go anywhere near what is in the hon. Gentleman's imagination. All I can say is: yes, we are talking about information that will have an impact not only on our general security, but on the security of individual agents and others. That is why I support the Law Commission's recommendations to introduce a public interest defence and to create an independent statutory commissioner to investigate wrongdoing or criminality where disclosure would otherwise constitute an offence under the 1989 Act.

The absence of reform means that if we pass the Bill as it is now, there will be nothing in it to guard against large, mass disclosures of sensitive information; we will still rely on the 1989 Act. Even if somebody indirectly helped foreign powers, I cannot see how we could bring them to book under this Bill. We should support the introduction of a public interest defence, because it would make it easier to bring prosecutions. I have heard some people say, "This would really give journalists and others an opportunity to throw secrets out there." No, it would not; it would put the onus on them to argue in court that it is in the public interest that the information is disclosed. It would be welcome, as it would ensure that people thought about what they did.

Mr David Davis: Does the right hon. Gentleman agree that the Katharine Gun case is a good demonstration? The prosecution was dropped at the point of trial, probably because the Government could not predict how a jury would interpret her public interest defence rights without any codification.

Mr Jones: The right hon. Gentleman raises an interesting point. Without reform, the courts will define public interest anyway. I would sooner have this place define it than leave it to the courts or allow an ad hoc system to build up over time. I do not understand why the Bill does not take that opportunity, because it would help. Some journalists think that it would be a way of stymieing them, but I think it would clarify the position on the information that can be put in the public domain and would actually help to make that defence. I would rather have this House than a court of law setting those parameters.

The Law Commission made another recommendation that I think worthy of consideration, although we need to work out how it would work in practice:

"an independent commissioner to receive and investigate complaints of serious wrongdoing where disclosure of the matters referred to may otherwise constitute an offence under the Official Secrets Act 1989. That commissioner would also be responsible for determining appropriate disclosure of the results of that investigation."

That would provide another valve in the pressure cooker of the system when people think that wrongdoing needs to be highlighted.

I would love to know why the Government have missed the opportunity to bring all these things forward in the Bill. I hope that as it passes we can insert some of them: that would not only strengthen the Bill, but give our security services the toolkit that they need.

The foreign influence registration scheme, which we called for in the 2020 Russia report and which is supported by the agencies, would make it unlawful to be an undeclared intelligence officer. I accept that there are issues with definition, but the consultation on the Bill described it as a key component of the new regime, yet for some reason it is not in the Bill. I hear the Home Secretary's promises, but—call me old-fashioned—I think we should have it before us today to debate on Second Reading.

Bob Seely: The right hon. Gentleman is making a valuable point. One of the problems that we have to get to grips with is the difference between a paid-up agent—the sort of old-school spy who worked for the KGB and others—and someone who works ostensibly for the United Front and is not technically a spy, but is cultivating a malign and covert form of influence. Arguably, they are both as damaging. This is a genuine question: how does one decide which of the two is more serious? Do we equate them, in this day and age?

Mr Jones: I think transparency is the way to do it. That is why Australia's Foreign Influence Transparency Scheme Act, which was introduced very quickly in 2018, requires anyone engaging in lobbying or any kind of communications activity for the purpose of political influence on behalf of a foreign principal to be registered. The US scheme, which has been mentioned, was introduced in 1938 and came into force in 1939. If Australia and the US have such schemes, I am sure we can have one.

Personally, I think transparency is the best way forward. The approach that I understand the Government are looking at—having a list of countries on behalf of which people working have to register—is asking for trouble and will have to be updated over time. The Australian system and the US system are far better because they are all-encompassing.

Bob Seely: I disagree slightly with what the right hon. Gentleman is saying, although he is making a very good point. I think there is a very good argument for treating Oleg Deripaska differently from the New Zealand tourism board. For one, there should be a very light level of registration, because clearly the New Zealand tourism board is unlikely to be a front for anything other than

[Bob Seely]

New Zealand tourism, whereas Russian oligarchs, the Huaweis of this world and the United Front may hide all sorts of nasties behind them. If the Government have the courage to name China along with Russia, North Korea and Iraq, that is potentially an attractive option, is it not?

Mr Jones: It is, but an active list that has to keep being updated is a problem. I would go broad first. If the New Zealand tourism board had to be caught by that—I am not sure we have anything to worry about from the New Zealand tourism board, apart from representing a fantastic country that is a great place for tourism—the important point is that it would be fair across the board. Again, I do not understand why that measure is not being brought forward today.

I will raise one last concern, which is about clause 23 and has been raised by the right hon. and learned Member for Kenilworth and Southam and also my hon. Friend the Member for Garston and Halewood. I see no purpose for the clause at all. I want to know from the Government what it is that is not already in legislation that they are trying to get at, or where the clause has come from, because it is certainly something I have never seen raised by the security services at the Intelligence and Security Committee. If we are to have this clause, I would also like to see some kind of oversight of it, whether that is the Investigatory Powers Commissioner or some other networks. Otherwise, the Bill is giving a large degree of latitude to individuals.

We should remember that this has been a hard-fought issue. The shadow Home Secretary, my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), raised the important point—let us be honest, it has happened over a period of time—that the Investigatory Powers Commissioner has been excellent in improving the oversight and robustness of the regulation around our security services, which are so important, and the confidence that people can have in that.

With that, I welcome that we have a Bill, but is it a Bill that will do what it says on the tin? I am not sure it will. It will need a lot of changing in Committee.

7.37 pm

Sir Robert Buckland (South Swindon) (Con): It is a pleasure to speak after the right hon. Member for North Durham (Mr Jones), who in admirable brevity covered the gamut of the Bill. The House will be relieved to know that my speech on Second Reading will be even more concise than that. First, I welcome and support the thrust of this Bill, and I echo the comments made by my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) and congratulate him warmly on his knighthood.

I want to develop a further point about what we do not see in this Bill. I know that is warming to a theme we have already heard from a number of contributors to this debate, but it is, I am afraid, one that we cannot get away from. This was an opportunity not just to recast the pre-war legislation from 1911 right through to the late '30s, but for us to do something to a Bill that, when it became law in 1989, was addressing a world that was already vanishing. That Act came right at the end of the cold war, as the Berlin wall tumbled, and already it was somewhat behind its time. That has become even more apparent with the rise of the internet, the complete transmogrification of how disclosures can now be made and the myriad scenarios that now exist in regard to the unauthorised disclosure of classified material.

It is a matter of regret that the Government have not chosen to pursue reform of the Official Secrets Act 1989 in this Bill. I get the point that this is difficult, and the Home Secretary rightly made that point on a number of occasions in response to Members' interventions at the beginning of the debate, but frankly, it is the job of this House to do difficult. We are here to do difficult. That is what our voters send us to do, and it is right on Second Reading to talk about what opportunities have potentially been missed.

I know that the scope of this Bill has been carefully crafted by the draftspeople. Knowing them as I do, I respect their work and they will have had—certainly in this case—clear instructions from policymakers. That might mean that I cannot table any amendment that I would seek to table, but I will continue to explore the matter, because it is too important an issue to leave for another occasion. The issue that I wish to deal with is the question of what to do with disclosures that are made in the public interest and in circumstances that clearly support the public interest.

Let me set out what I regard as a two-limbed test for any such defence to apply. Of course, this is not just an idea of mine; it is a carefully crafted set of proposals from the Law Commission that was published back in 2020, when I was still in the Government. I read the recommendations at the time and reread them in preparation for this debate. It is interesting to note that at the beginning of its chapter on the public interest defence, the Law Commission's provisional conclusion before the publication of its final report was that there should not be a public interest defence but, as a result of the consultation it carried out, it changed its mind and came to the clear view that there was a clear case—a mandate, if you like—for the introduction of such a mechanism.

Currently, we have no mechanism that allows us as legislators or, indeed, us as a country to strike a reasonable balance between the importance of secrecy and the importance of accountability, while ensuring that those such as Julian Assange who dump data in a way that has no regard for the safety of operatives and other affected people are still subject to criminal sanction. In other words, this is not an attempt to try to open the door to create a free-for-all; it is an attempt to allow people to act carefully and in good conscience in a way that clearly serves the public interest.

Currently, in effect we delegate our responsibility as legislators to individual juries. As you know, Madam Deputy Speaker, I have spoken many times of my great belief in the jury system. I have probably addressed more juries than most Members in my work as a criminal barrister, both prosecuting and defending. I have huge faith in the jury system—it is a cornerstone of our liberty, and I mean that with every fibre of my being—but it is just plain wrong, in a society such as ours, for us, dealing as we do with the complexities of modern life, in effect to wash our hands of the process and leave it to individual juries. However carefully directed juries might

be and however careful are the arguments put forward by counsel or advocates, it seems to me to be an abrogation of our responsibility.

To those who say that this idea is unprecedented, I say that that just is not the case. Plenty of examples of public interest defences exist in law. Indeed, the Law Commission set out a number of them—for example, section 40 of the Health and Safety at Work etc. Act 1974, and the well-known Criminal Justice Act 1988, which deals with a person who has an item with a blade or a point in a public place. There are legal defences that place the onus in law on the defendant to prove that they were acting lawfully, so we are not asking for something revolutionary. We are not suggesting something that is wholly out of place; this idea is well known to the criminal law and can equally apply to disclosures made by public servants, journalists and people acting in the public interest. It is important to remember that we should not focus on the occupation, profession or rank of the individual—it is not about journalists; it is about material that might have that public interest value. We have to be really precise in our terminology.

Mary Robinson (Cheadle) (Con): My right hon. and learned Friend is making some excellent points—all of which I agree with so far—particularly about the ability for people to come forward and state that they have seen wrongdoing. So often, we rely on people who are inside an organisation, or others, to point out that something is going wrong. I totally agree that we should have a public interest defence. My right hon. and learned Friend will know that the Public Interest Disclosure Act 1998 provides such a defence; should that not be extended to a lot of other areas rather than apply just to those in employment?

Sir Robert Buckland: I am grateful to my hon. Friend, who speaks with conviction and passion on this issue. She recently introduced a 10-minute rule Bill on whistleblowing and works very hard on that issue on behalf of many people who have been prejudiced as a result of the current position. She is right to indirectly advert to other legislation. The Public Interest Disclosure Act 1998 again sets out a very reasonable precedent for this House to adopt.

In the place of an arbitrary, case-by-case, unpredictable situation that depends on myriad different facts, we can create a structured defence that sets out very clearly the circumstances in which the public interest can be defined and assessed by a tribunal of fact, including the way in which the disclosure was made, the subject matter of the disclosure, the gravity of the conduct exposed, and the harm caused. All those factors can help to determine what is the public interest. Looking at the manner of the disclosure, we have concepts such as good faith, whether the extent of disclosure was no more than reasonably necessary, whether the individual believes that the material—the documentation—is substantially true, and whether there was a question of personal gain. All these factors can be prayed in aid, and indeed brought into law, to exclude those who equate data dumping with serving the public interest. I do not believe that any Member of this House would condone such reckless and dangerous behaviour.

The hon. and learned Member for Edinburgh South West (Joanna Cherry), who is not in her place, has been right, in her interventions, to remind us that this type of defence is not unique to the Five Eyes. Indeed, Canada, New Zealand and Australia already have a similar type of provision in their domestic law, so this would not be a question of creating prejudice or disadvantage to the United Kingdom in its important role as a member of the Five Eyes.

I have the advantage of having served in Government as a Secretary of State who, among other things, was responsible for warrantry; I can say in all candour that there is probably no more serious task for a Secretary of State to undertake than to assess the evidence before them when deciding whether to issue what can often be quite intrusive orders that have the effect of seriously infringing the normal civil liberties that we, as public citizens, all enjoy. But we do it because we know that there is a wider public interest to be served in making sure that the intelligence services, the police and other agencies that are entitled to make these applications are able to keep us safe. That is something that all of us who have held high office believe in, as do all Members of this House.

Therefore, it is with an element of regret that I say to my hon. Friend—my good friend—the Security Minister, who I know will steward this Bill through with his usual care and concern, that we have missed an opportunity here. If it is not to be in this Bill, then the introduction of a public interest defence must come sooner or later if we are to avoid the randomness of decisions made by jurors who are not legislators and to whom we have, in effect, delegated our authority in a way that does not do this issue any real justice whatsoever.

7.49 pm

Stewart Hosie (Dundee East) (SNP): Before I start properly and give a general welcome to the Bill, I want to make one observation about how loosely some of it appears to be drafted; I will use clause 5, entitled "Unauthorised entry etc to a prohibited place", to make the point. The clause involves a stand-alone offence and does not even need the foreign power condition to be met. It states:

"A person commits an offence if…the person…accesses"

or "enters…a prohibited place" and

"that conduct is unauthorised, and…the person knows, or ought reasonably to know, that their conduct is unauthorised."If I go for a walk on the beach in Monifieth in my constituency, I can walk straight along it and into a military firing range. If the red flag is not flying, I am authorised. If, however, I have got a mile in and someone puts the flag up, has my attendance become unauthorised?

The clause goes on to say:

"A person's conduct is unauthorised if the person…does not have consent to engage in the conduct from a person"

who is entitled to give it. If there was no sentry in the guard box when I approached and the flag was down and there was therefore no one to ask, would I have a defence?

I do not raise that point to engage in some silly whataboutery, but to make a rather serious point: either some of these clauses are so widely written that they will catch people they were never intended to catch, or they are so complex that any lawyer worth their salt will be able to find loopholes in order to get off the hook people whom these clauses should catch. I am sure that looking into that will be a job for the right hon. and hon. Members on the Bill Committee.

[Stewart Hosie]

The right hon. Member for North Durham (Mr Jones) mentioned the ISC's Russia report. I am fortunate to be the second Member who was involved in writing it, and it contained a number of important observations regarding the current state of UK national security legislation. The then Home Secretary told the Committee that, in relation to difficulties countering Russian hostile state activity,

"we don't have all the powers".

The Committee was told that it was not illegal to be a foreign agent in the UK. We were told by the director general of MI5 that we needed a new espionage Act because the powers in the OSA had become "dusty" and "ineffective". As we have heard, the report made the case for a foreign agent or a foreign influence registration scheme, because we were also told:

"today it is not an offence in any sense to be a covert agent of the Russian Intelligence Services in the UK…unless you acquire damaging secrets and give them to your masters."

I therefore welcome the Bill, which does address some of the issues that were raised, but before we get to some of the specifics of what is in it, there are the two omissions. The first is that there is no reform of the 1989 OSA, even though, as the Chair of the ISC has said, the Committee first called for that around 20 years ago. That means that the Bill is limited to dealing with the threat posed by hostile state actors and will not enhance defences against damaging unauthorised disclosure of sensitive information, even if that has the unintended consequence of assisting a foreign intelligence service. That would continue to fall under the 1989 OSA, which even the Home Secretary has admitted is not fit for purpose.

On an associated point, the Bill does not include a public interest defence—something suggested by the Law Commission—or the creation of the independent statutory commissioner to investigate allegations of serious wrongdoing where public disclosure would otherwise constitute an offence under the 1989 Act. The role of the commissioner may well end up being as important as, or potentially more important than, the public interest defence itself.

The second omission is the absence of the foreign influence registration scheme, which was a key ISC recommendation in the Russia report. Such a provision would make it an offence to be an undeclared foreign intelligence officer in the UK, would increase the transparency of foreign influence and would provide the legislative framework to prosecute, making the UK a more difficult and less permissive environment in which to operate. I share the opinion of all those who said that when the Government bring it forward, we should debate it on the Floor of the House—it is that important. I do not say that so that I can make another speech on the same subject, but because we need to get it absolutely right. If the definitions are wrong, and the authorities cannot prove the foreign power condition, we risk prosecutions falling by the wayside when, in any other circumstance, they would be completed.

I turn to a number of specific measures in the Bill. First, on the proposed new regime of state threats prevention and investigation measures, the ISC supports those in principle. Like TPIMs, they might be an important tool to disrupt an individual engaged in hostile state activity where a prosecution cannot be secured. But there are concerns: due to the fiendishly complex criminal offences in the Bill, the STPIMs could be used routinely, rather than as an exception or last resort, and therefore undermine some of the new measures in the Bill.

Clause 23 and the proposed amendment to the Serious Crime Act 2015, which were raised by my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) and the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright), effectively disapply the offences of encouraging or assisting offences overseas when the activity is deemed necessary for the proper exercise of any function of an intelligence service or armed forces. Given that there is already the defence of acting reasonably, that carve-out is simply not justified.

To speak personally—not on behalf of the ISC—I refer back to my previous point about there being no inclusion of a public interest defence for releasing unauthorised information. Not having that defence, while at the same time disapplying from the intelligence services a number of offences where an alternative defence already exists, might make the Bill appear to some people to be inconsistent, a little lopsided and perhaps weighted too much towards the state. There is broad consensus in the Chamber to carry the people with us and not do things that are unnecessarily provocative and that, frankly, would not make for such a good Bill anyway.

I turn to the European convention on human rights memorandum prepared by the Home Office and the Ministry of Justice for the Bill. On this, I am speaking personally. Paragraph 10 says:

"The purpose of the prohibited places offences is to provide protection to sites, particularly defence establishments…these offences do not seek to interfere with freedom of assembly and, as a general principle, in particular do not seek to restrict legitimate protest."

I very much welcome that, but the next paragraph says:

"Protest activity at a prohibited place could potentially constitute a prohibited places offence. For example, a protest that sought to blockade a military airbase. However, the Government considers that any interference with Article 11 (freedom of assembly) would be justified in the interests of national security, territorial integrity or public safety, or for the prevention of disorder or crime. The clause 4 offence requires that the protesters know, or reasonably ought to know, that their protest activity is for a purpose that is prejudicial to the SOIOTUK"—

safety or interests of the UK —

"so being rationally connected to those public interests."

If the Government genuinely believe that any interference with article 11 on freedom of assembly would be justified in the interests of national security, territorial integrity or public safety, they will have a job to do to explain why that does not seek to restrict legitimate public protest. One can easily envisage how legislation like that could be directed at the Faslane peace camp or, historically, the Greenham Common peace camp. Not everyone will agree with those causes—they may not be everybody's cup of tea—but we need to be extremely careful not to produce such an overbearing, overweening piece of legislation that it can be used not against enemies who are seeking to disrupt our national life, but against people who are, whether we agree with them or not, protesting legitimately.

Bob Seely: The right hon. Gentleman is making a very important and valuable point. The Greenham Common people, for instance, absolutely had the right to protest. However, it is also worth making the point that the Soviets were indirectly funding quite a number of naive fellow-traveller organisations. At some point, under this law, an illegality could be committed because the people doing the overt influencing, the covert paying for these front organisations, would be committing a criminal act, if not the, perhaps, naive or hopeful people who were on the frontline and unaware of how they were being funded. So it is quite complex.

Stewart Hosie: It is complex, and I am glad that the hon. Gentleman has raised that point, because all the discussion that we had earlier about foreign agent or foreign influence registration was precisely about capturing the crime of seeking to influence. We should not be seeking to criminalise legitimate protest. I do not think that that should be a contentious thing to say.

Those issues aside, we are at least seeing some progress in the modernisation of what was a very creaky and outdated system, but—as I am sure the Minister has gathered from all that has been said today—it is clearly work in progress. Let me repeat that the Government will have a bit of explaining to do if they are to convince the House that if this complex Bill becomes law, some of it will actually be enforceable.

8.1 pm

Mr David Davis (Haltemprice and Howden) (Con): Let me start by saying that, unusually, I agreed with every word that was said by the right hon. Member for Dundee East (Stewart Hosie). He will have to get over that in his own time! Indeed, I can make broadly the same comment about nearly all the Back-Bench speeches that have been made so far. There has been considerable consensus on both sides of the House.

There is no doubt that the Bill is needed, and it is probably overdue. However, like all national security legislation, it is written from the point of view of the enforcers. The enforcement agencies' lawyers will have done most of the drafting, so it is no surprise that it leans towards the state, and no surprise that parts of it are drafted in vague terms. I can best exemplify that by referring to one of my own mistakes.

Clause 23 allows Ministers effectively to authorise criminal acts. I was one of the Ministers who took through the Intelligence Services Act 1994, which created the Intelligence and Security Committee. It also created a number of rights. Section 7, which was known as the "007 clause", conferred the right, in effect, to commit crimes on behalf of the state.

I went to see the then head of MI6, and I said to him, "Why do you need this? You do not even kill people any more." His response was "That's because you do not ask us to, Minister." I resisted the temptation to pursue what I assume was a joke. Nevertheless, the presumption at the time was that the legislation would be used for bugging, burglary and blackmail and little else, as those are the three crimes typically used by the agencies. In practice, within a decade or so it was being used to excuse rendition, and subsequently, of course, torture and all the things that followed from that. I am not sure what the limits of its actions are today, but that demonstrates clearly to me that we have to be very precise indeed about what the House is authorising Ministers to do within the limits of the law.

What is more, this carve-out—which, as I have said, could be used for purposes that we are not considering today—could end up being extremely damaging to us. After all, we criticise nations from Russia to Turkey for the things that are done there, including the assassinations of journalists, presumably authorised by Ministers within those Governments under their legal systems, and here we are creating the equivalent within our own legal system. It is not too hard to see how that could be turned against us in propaganda terms.

This is not the first time that we have done that in recent years. Just a couple of years ago, with the Overseas Operations (Service Personnel and Veterans) Bill, we had a proposal that would have exonerated British soldiers who had committed crimes abroad, including murder and torture and war crimes. I proposed an amendment to the Bill, which did not get very far until Lord Robertson, the ex-head of NATO, and six Chiefs of the Defence Staff signed up to it in the Lords whereupon the Government had to pay attention. The ICC said that if we did this, it would prosecute. That is the other thing that we need to bear in mind with this—we are not necessarily the last port of call in judging what can and cannot be prosecuted.

My view on clause 23 is that we should be very careful about defining exactly what it is that we are attempting to permit. We should not leave any doubt whatever, or we will find that it will both fail and do us harm, let alone the moral breach that we will be committing.

My second issue relates to the matter raised by the Independent Reviewer of Terrorism Legislation, Jonathan Hall QC, whose statements are more authoritative than those of anyone else because the Bill is effectively modelled on legislation that he reviews. He says that it is unclear why we need an additional regime for the forfeiture and freezing of assets intended for use in terrorism, when such a regime already exists in law. His concern about it is that the new regime would use a lower threshold, requiring only a "real risk" that the funds would be used in terrorism, rather than that they were "intended to be used" for those purposes, He says that that "goes further than necessary". Nobody in this country knows better where the appropriate line should be drawn than him, and we should be very careful to pay attention to what he says.

Jonathan Hall also questioned, as did my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright), the need for "symbolic" restrictions on access to legal aid based on something other than reducing the risk of terrorism. It would run the risk of the farcical situation where someone convicted of terrorism-related offences perhaps 20 years ago would be unable to rely on civil legal aid in seeking an injunction against a domestic abuser. I am quite sure in my mind that that is not what the Minister or the Government intend, but we should make it very plain that that is not the case, and amend it accordingly.

I agree with everything said by virtually everybody who spoke on the need for an update of the Official Secrets Act 1989. I am not remotely surprised that the Government are hesitant about that; there is a huge dammed up resistance to changes because they have to get it right first time.

Bob Seely: I am very aware of my right hon. Friend's background. What would he do about oversight of DSF, because it does seem to fall between two Committees, and, as such, it seems to exist in a bit of a black hole when it comes to oversight.

Mr Davis: Can my hon. Friend explain the point?

Bob Seely: I am talking about the oversight of the DSF—Director Special Forces. Arguably, at the moment, it does not fall within the remit of the Ministry of Defence. It does not fall within the remit of the Foreign Affairs Committee and it does not fall within the remit of the Intelligence and Security Committee. Does my right hon. Friend think that it needs oversight, and how would he provide oversight of that rarified world that exists between the agencies and traditional defence?

Mr Davis: My hon. Friend is tempting me into an area in which I will lose all my friends, as he well knows. My off-the-cuff response—and it is just an off-the-cuff response—is that it is an appropriate area for oversight by the ISC, not by the Defence Committee, simply because of the confidentiality and classification elements that apply.

Let me return to the question of the Official Secrets Act 1989. I agree with everything that has been said so far. I agree that we should look very closely at the Law Commission proposals, because we need certainty. What we have at the moment is an interpretation of the law by juries—whether it is the Ponting case, the Katharine Gun case, where we did not even get to the point because the Government ran away from the case on the first day of trial, or the Derek Pasquill case. In each case, we had an interpretation of the law on a commonsensical basis by juries. Thank heavens for that, frankly, because they have more sense, many times, than the Government have in these areas, but we need predictability on both sides. We need officials to know that if something is done that they think is against the public interest, they can be reasonably confident that the provision will be carried out. That, if it operates properly, will improve the public service. On the other side, the Government should also have a right to know what is coming in that area.

I will make one or two other small points. On the foreign power conditions in the Bill, Reprieve, Privacy International, Transparency International and other excellent organisations that do very good work have received some funding from other nations' Governments. It does not seem to be the intention that the Bill would have them fall foul of this law, but that might be the effect, so we have to be very clear about how that works. Perfectly legitimate organisations could be left committing an offence, under this area of the Bill, if they use leaked information—which may not even be classified—to challenge Government policy. That requires a closer look.

Craig Mackinlay (South Thanet) (Con): My right hon. Friend is covering clauses 24 onwards, on the meaning of foreign power and influence thereon. There have been instances involving Members of the House during the past few turbulent years, when we had negotiations during the European Union; I did not agree with where they were going with their negotiations with the other side, outside Government channels, but I still believed that they had the right to do so. I am a little concerned that the Bill might capture that type of behaviour. Has he considered that? I would be interested to know Front Benchers' thoughts on that as well.

Mr Davis: My hon. Friend makes a point about something from which I have scars. I had to go and negotiate while I was being undermined by Opposition Members. I agree, of course, that that is their right and power. Indeed, it is no great secret that I recommended the current Leader of the Opposition, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), for a Privy Counsellorship so that he could be properly briefed—not so that he could undermine me, but so that he could do his job properly. Obviously, democracy has rough edges and we must respect that in the Bill, as we do elsewhere.

My last point relates to the foreign influence registration scheme, which my right hon. and learned Friend the Member for Kenilworth and Southam spoke about. At present, that is not in the Bill. The Government have assured us that it will be introduced at a later stage. I hope that it is introduced early enough for proper and adequate scrutiny. This will not be easy to get right, partly because of the comments that my hon. Friend the Member for South Thanet (Craig Mackinlay) made. It is clearly a very different issue if someone is working on behalf of China, and we should not paint them with the same brush as those who are working for—my notes say "reliable allies like France", but I should say "allies like France". The simple truth is that we have to get this absolutely right.

I welcome the Bill, which, overall, is overdue. However, I make this point to the Front-Bench team: I hope that the Government will allow plenty of time—I will not say "sufficient time"—for the consideration of those elements. The Government have not brought some things to the House because they are not ready yet. That means that they have to respect the House by giving the Bill a large amount of time on Report, so that we can debate carefully every single issue that I raised.

8.13 pm

Jim Shannon (Strangford) (DUP): Thank you for allowing me to speak on the Bill, Mr Deputy Speaker. I very much welcome the Bill as a necessary update to our national security. As others have said, we have focused this weekend on the Queen's jubilee, and among the most glaring changes that Her Majesty has seen over her lifetime of service are the technological advancements. With those has come a need for many of our laws to be updated to reflect changes in society. I thank all right hon. and hon. Members for their contributions, and particularly the Chair of the Intelligence and Security Committee, the right hon. Member for New Forest East (Dr Lewis); I wish him well in his role and thank him for his wisdom as he takes that forward.

I very much welcome the fact that the Bill will apply to all the United Kingdom of Great Britain and Northern Ireland, as well as its aims; it is necessary and timely. The repeal of OSA 1911 and OSA 1939 and their replacement with new legislation to remove the requirement to show that an unauthorised disclosure causes damage in order to bring a prosecution for disclosure offences under OSA 1989 is absolutely necessary, as we understand that information espionage can take time to make it into dangerous hands, so we must have power to take action before that.

The Secretary of State referred to the fact that consideration had been given to reforming the Treason Act, and that it had been decided not to follow that path.

How much I wish that Treason Act reform was part of this Bill, so that all those involved in a 33-year terrorist campaign in Northern Ireland, trying to overthrow a Government, would be subject to that measure, which would be retrospective. Those IRA people would be scurrying into the holes that they came out of to try to get away from that Act. That is not in the Bill, but I hope that at some time the Secretary of State will introduce it—I certainly look forward to that.

I further welcome the increase in the maximum sentence for unauthorised disclosures to reflect the fact that they can cause far more serious damage than when the offence was first introduced—there are not necessarily distinctions in severity between espionage and the most dangerous disclosures. I further welcome the territorial extent of the unauthorised disclosure offences. I am by no means whatsoever a technical whizz—a text message is as far as it goes—but I am well aware that I am in the minority. The world is at the fingertips of almost everybody, but that does not mean that it should be at the fingertips of those who wish to use their skills for evil. As a nation, we must have the legislative ability to deal with those who seek to steal information and use it against us. This is about protecting our citizens and those who live in the United Kingdom of Great Britain and Northern Ireland.

I am also pleased with the foreign interference offences, which will ensure that our approach and legal powers are clear, and will demonstrate our desire and ability to deal appropriately with foreign interference as necessary. The powers to arrest and detain may raise some red flags on due process, but I believe they should be used in very specific cases, as outlined. Paragraph 10 of schedule 2, for instance, permits a police officer of at least the rank of superintendent to give any constable authority, but to give that authority the officer must have

"reasonable grounds for believing that the case is one of great emergency and that immediate action is necessary."

Where such authority is given, the Secretary of State must be notified

"as soon as is reasonably practicable".

In the end, this is good news and the right way to go. This seems right and proper to me, and we must ensure that the police are given the power to act when needed—not simply at will—so I welcome this part of the Government's Bill, as introduced by the Government.

I have listened carefully to the contributions to the debate, certainly all of those which were backed with thought, experience and the questions that need to be asked. Perhaps they show that some changes need to be made to the Bill. I have listened carefully to the comments made by Members across the Chamber who have taken on board the fact that the principle of the Bill is what is called for in this modern age. At this stage, I am happy to lend my support—and the support of my party—to the Government to ensure that we update and upgrade our legislation to deal with changing times. With that, I very much look forward to seeing the Bill become law, and wish Ministers and all those who will participate in Committee all the best as they move forward to try to find a way to guarantee the safety of all those who live in the great United Kingdom of Great Britain and Northern Ireland.

8.18 pm

Bob Seely (Isle of Wight) (Con): I will not take up too much of the House's time, but I am delighted to see the Minister in the Chamber. I hope to make some suggestions and give some opinions on some things to do with the Bill.

It strikes me that there seems to be a debate about whether we go deep or go broad. That is a very important part of the debate. For me, anything that does not capture a considerable amount of information about Confucius Institutes, about the universities, and about what law firms, lobbyists and former civil servants are doing in relation to oligarchs, Huawei and Chinese and Russian interests, will not be of service to this country. I will focus very much on the foreign lobbying aspect, because it is something that I have written about and discussed with the Minister.

First, we know that we need to improve lobbying laws substantially, and the endless, tedious and avoidable scandals over that should give us pause for thought. Secondly, we know there is a specific problem with foreign lobbying, and thirdly, in this era of blurred and confused lines between espionage, covert influence and lobbying, to ensure the health of our democracy we need a stronger and more transparent system. Arguably the Soviets always played that game from the 1930s onwards, when they started using friendship groups, and they really geared things up in the 1950s and 1960s through peace societies, churches and different types of organisations. The KGB worked through front organisations, much as the Chinese communists now work, sadly, through the United Front.

We are really playing catch-up on this. Our closest ally, the United States, has had the Foreign Agents Registration Act since 1938. Why? Because it identified, rightly, that it had a problem with covert Nazi influence trying to corrupt and influence its politics in the run-up to world war two. I am very glad the US had that law, because things might have been different if it had not. In 2018, the Australians introduced the Foreign Influence Transparency Scheme Act, largely in response to covert Chinese influence—the Australians were careful not to pin it to one country, but there is no doubt why it is there—and I congratulate Prime Minister Malcolm Turnbull on it.

In the US alone we know, because foreign actors have to declare this stuff, that foreign agents spent more than $2 billion between 2016 and 2020 to influence foreign policy making. The only reason we find out about some of the worst aspects of what happens here is that the big US papers such as *The New York Times* and *The Washington Post* report on influence operations happening here if there is a US angle. We know about Oleg Deripaska's major operation to try to get part of En+ off sanctions and various Members of Parliament—unnamed, obviously—who were helping, but we only know about that because of the Foreign Agents Registration Act.

For me, it is a source of shame that we have to find out about what is happening in our democracy, in the nooks and crannies and dark corners of influence peddling, because of another nation's laws. We need a good FARA, our own foreign lobbying law—a FOLO or a FARA, whatever people want to call it.

What else do I want to say? It seems to me—

Sir John Hayes: If I may be helpful while my hon. Friend is finding his notes, he makes a compelling case—a case that was made prior to this Bill by the Government and by those who recommended this legislation: the ISC, the Law Commission and others. The issue is how we construct this, how it is included in legislation and in the Government's proposals, and at what stage we will know more about that. That was rehearsed earlier in the debate, but it is important that we have real scrutiny of that process.

Bob Seely: I am delighted that my right hon. Friend interrupted me just as I was fiddling around with my paperwork. There are two critical points that I will come to very shortly, looking at five potential options for the foreign lobbying and foreign influence element of the Bill, and at whether we go for a light touch, a moderate touch or a deep touch.

We know the situation with the Russians has changed dramatically, although it may change back in future years, but China is now, if anything, a more important case than Russia, because we know that the Chinese Communist party uses state, non-state and quasi-state actors in the same way that Putin's Kremlin did. The one thing I see immediately on looking at the Bill—maybe the Minister can guide me here—is a lot of references to state actors. Is Huawei a state actor? We have had Ministers claim in this House that Huawei is "a private company". In a communist, one-party state, a major company that is a front for Chinese technology is not a private company.

What are the Government going to do about the Oleg Deripaskas and the Abramoviches of this world? I know the world has moved on somewhat, but in theory, what are they going to do about rich players who are beholden to dictators in different countries? What are we going to do about the Saudis? They do an awful lot of influencing and influence operations in this country and a great deal of lobbying. They are our allies, but that is not a democracy. To what extent do countries such as Saudi Arabia need to be more transparent about the business they do here?

Both the Kremlin and the Chinese Communist party raise issues not only about politicians—who, for me, are not the most important aspect, and I am not just saying that because I am in Parliament—but about law firms, which are critically important. This is about the power of the finance houses and former civil servants who have expert experience of policy making. It is about the special advisers who work closely with senior Ministers and know how a Secretary of State's mind operates and how they think.

Those things are, in many ways, frankly more valuable than how a Back-Bench MP or a member of an all-party parliamentary group is going to vote. We need a foreign influence element to the Bill, and my strong recommendation to the Minister is that we need something that is flexible and captures the idea that influence nowadays is not just peddled through people in this House. In many ways, many of the most important peddlers of influence are not Members of Parliament, but people in the civil service, or ex-civil servants, ex-military or ex-politicians—people in that sort of world.

If we are to have a foreign lobbying element, what should we look at? I recommend that we create laws to compel individuals and entities who lobby in the UK for hostile states and their proxies to record that on a national register. The Government accept that. The problem is that previous laws have limited lobbying to "consultant lobbyists", which is not adequate to the task. We know that hostile states make use of non-lobbyist individuals and entities—those backed by or linked with a state, active in the spheres of academia, economics, culture and the media. Registrable lobbyists should be anyone who influences Government decisions or national policy, and that will therefore include PR consultants, research firms, reputation managers, law firms when they offer additional services, and banks. Law firms in particular have been at the corrosive heart of some of the most corrupting elements of how individual oligarchs have tended to use and manipulate power in the west.

I would also create laws to force foreign Governments to disclose when they spend money on political activity in the UK; that ban foreign Governments or their proxies from providing political, financial and other support during election periods; and that compel foreign Governments and their proxies to label and disclose material and campaigns undertaken in the UK, especially those online. I would make those laws enforceable by criminal penalty. The Government are approaching some of those positions, which is great, but it is the breadth that is important.

On the next element, there are three options. One is a weak regime that treats everyone the same, so the Saudis the same as a Russian oligarch, or Huawei, or the New Zealand tourist board—sorry to bring up that example again. Or the Government could say that they will have a two-tier system with a very light registration for the New Zealand tourist board or the Norwegian salmon producers association, but a much higher degree of form filling and detail giving for Chinese, Iranian and Russian organisations and the potential influencing that they are doing, especially with the United Front. Or do we just have a very deep set of requests for everybody, which would probably result in a lot of unnecessary form-filling? The Goldilocks solution for me is level two, with a light layer of registration for all organisations that are working on behalf of foreign states or their entities, but a much deeper level for named countries, individuals or institutions, including Confucius Institutes.

We should also have a level that understands the importance of making sure that we know what is going on in our universities. When we have PhD students here from China whose sole purpose is to steal as much intellectual property as possible, that is not a good thing. We should at least acknowledge that that is going on.

Sir John Hayes: On that very point, my hon. Friend might want to turn his attention to the Confucius Institutes that are active in several of our universities and may be doing precisely what he says. I will say no more than that, but I regard them—as I hope he does—with a considerable degree of suspicion.

Bob Seely: As ever, my right hon. Friend stays one step ahead of me. We know that the socialist paradise of Sweden has banned the Confucius Institutes, which is a potentially attractive route forward. As several hon. Members have said, transparency is critical.

Just to finish the point about a two-tier system, while we need a light regulatory touch for most foreign entities in this country, the critical element is when would the

Government have listed China, for example, for a much deeper level of requirement about proxies and registering interests—state interests and Huawei interests as well? Would they have done it in 2012, before the visit of President Xi? Probably not. Would they have done it in 2016? Would they be under pressure not to use these laws? We need a Government willing to use these laws and willing not to have an entirely laissez-faire system—a Government who understand that, in this day and age, defending our institutions, our democracy and people in this country from covert malign influence is absolutely critical, and that we need to take an approach that is deep in some areas but also broad and that captures all those involved.

Craig Mackinlay: I see that my hon. Friend is about to finish, and I have just got in in time. I understand his desire for both breadth and depth, and he has very clearly identified various actors that would fall within the definition that he desires. However, there are big financial institutions that will at times be guns for hire for countries or institutions abroad, and for such a period their work may be contrary to what this country might like. I think that would be too broad, so what would his interpretation of that be? I am thinking of the big financial institution that perhaps assisted Greece into the euro at the time. It was perhaps a policy that was not great for the UK, but we would not say that it was normally a hostile institution.

Bob Seely: No, my hon. Friend is absolutely right, and that is where the element of judgment comes in. By the way, I thank him for interrupting me. I look forward to the day when colleagues will spot my perorations; we have not quite got to that yet. That is where the judgment of Ministers comes in handy, and I shall leave it at that.

8.31 pm

Liam Byrne (Birmingham, Hodge Hill) (Lab): I apologise to the Home Secretary, who is not in her place, for missing the first 11 minutes of her opening speech.

As I think the Minister will have spotted, there is wide consensus across the House about many of the provisions in this Bill that is matched only by a level of frustration that the Bill has been an awful long time coming. We have been debating the risks of hybrid warfare, from Russia and from others, in this Chamber for at least four or five years. Therefore, having waited so long and having debated so much, I think we are within our rights to have expected a rather more substantial package from the Government.

In the spirit of consensus, which I see is running large in the House today, I hope that we will be able to add substantially to the provisions in the Bill. I do not want to criticise sins of commission today, but I do want to criticise three sins of omissions: in particular, the lack of security in defence for data; the lack of security for our democracy; and the lack of security for those defenders of freedom and those people such as brave journalists who are prepared to name and, where necessary, shame foreign influencers who are at large in our country.

Let me start with data, because it is impossible to talk about espionage in this day and age without talking about information and intelligence, and therefore about data and the channels that move that data between our country and foreign players—the companies that are on the cutting edge of the technology revolution. I am afraid I think there is a very real risk that this Bill will be out of date by the time our sovereign inks her signature on the parchment.

What is well understood by the Americans and the Chinese, and I have to say by our intelligence services, is that artificial intelligence—not simply intelligence, but artificial intelligence—will be the key to the future of warfare and conflict between states. That is why both China and the United States are seeking to be the world leaders in artificial intelligence by 2030. It is also why the head of MI6 warned last year about the risk of countries around the world falling into data traps, because there is very real alarm that the huge datasets necessary to train the algorithms that power artificial intelligence are being exfiltrated from around the world. These are the datasets that train the algorithms that will be absolutely critical in co-ordinating drone swarms, running global surveillance systems, and creating mass information—through the mountains of contents that it is possible to create with artificial intelligence—to fire at the west a fire hose of falsehood to confuse us or, still worse, to divide us.

Sir John Hayes: The right hon. Gentleman is making a compelling point, because there are two implications of what he is describing: the problem of scale and the problem of methodology. The scale of what he is describing will be hard for any single nation to cope with. On methodology, it is hard to conduct covert operations as we have historically against that backdrop.

Liam Byrne: The right hon. Member puts his finger on precisely the lesson that we should draw from allies such as the United States. Today, the United States has a battery of eight types of controls and measures that are regulating and controlling the export of—or, frankly, efforts to steal—technology and data to countries such as China.

The Bill says that it will be an offence to engage in

"conduct…that it is reasonably possible may…assist a foreign intelligence service".

I am afraid that negligence must be part of that conduct. Our American allies now have: provisions for delisting Chinese firms, which they have applied to companies such as Sina Weibo; an investment prohibition list that has now hit 59 Chinese firms; a ban on share trading; export bans and restrictions that have added scores of Chinese entities to the unverified list, which therefore have tougher rules on receiving shipments from US exporters; an export ban; provisions for revocation of trading licences; data controls, which first President Trump and then President Biden ordered; and, of course, targeted sanctions. My question for the Minister is: where is the similar framework for the United Kingdom? We are now in grave jeopardy of a control gap emerging between the United Kingdom and our closest ally.

When I tabled parliamentary questions on those eight different measures to the Government asking where our similar framework was, I got a lot of waffle from the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Sutton and Cheam (Paul Scully). I then asked the Government what controls are in place on nine of the 1,100 key companies now controlled in some way, shape or form in the United States: those such as Huawei, ZTE, Hikvision,

[Liam Byrne]

Hytera and Alibaba through to China Unicom—I will not go through them all. Despite our adding China to the UK arms embargo list earlier this year, the only one company that the Minister could name that is subject to UK controls was Huawei.

I am afraid that we are now at risk of a control gap, and we are still behaving as if we believe in free movement of weapons-grade intelligence. That is presumably why individuals such as Clive Woodley, funded by the UK university system and the Ministry of Defence, are still wandering around organising conferences on weapons in China. Given the poor job that the National Security Council did on co-ordinating complex operations such as the evacuation from Afghanistan, I am seriously concerned that the Government lack the capacity to co-ordinate the Treasury, the Department for Digital, Culture, Media and Sport, the Department for International Trade, the Department for Business, Energy and Industrial Strategy and the intelligence agencies in controlling what needs to be controlled. I would like to see a duty on Ministers to report to the House on companies of concern, particularly those operating from countries where we have arms embargoes, with clear measures to control them.

Bob Seely: The right hon. Member is, as ever, coming up with some interesting ideas. Are those ideas for this Bill, or would they have been better in the National Security and Investment Act 2021 or potentially be better in the upcoming economic crime Bill II? They may fit more naturally into other laws.

Liam Byrne: I leave that to the judgment of the House in the debates that we have, but we must make the framework coherent, because, frankly, it is not coherent today.

My second point is about the defence of our democracy. The Chair of the Intelligence and Security Committee, the right hon. Member for New Forest East (Dr Lewis), was absolutely right to flag the fact that we have needed a defence of the integrity of our democracy at the core of our strategy for a long time. I called for it back in 2018, but right now, neither the Electoral Commission, nor the Advertising Standards Authority nor Ofcom has the power to regulate adverts placed on social media. People can therefore get away with ads on social media that could never be placed on television. Facebook, as all of us know, is like a wild west. There are also no constraints on what parties can spend in between elections, which allows people to surge investments in politics between elections, and there is no control to stop unlimited donations to political parties from abroad if they are laundered through the bank account of a British citizen.

Bob Seely: Is the right hon. Gentleman aware of the GRU and the Internet Research Agency placing adverts on Facebook and other social media sites for pro-gun and anti-gun rallies, and for anti-Muslim and pro-Muslim rallies, taking place in the same towns on the same day in the United States, designed specifically to incite violence and bloodshed?

Liam Byrne: Perhaps no one in this House has done more than the hon. Gentleman to expose the hybrid warfare and divide-and-rule tactics of Russia, but we are wide open to them, not least because a person can give unlimited amounts of money to political parties if they are laundered through the bank account of a UK citizen. Call it, if you will, the Sheleg manoeuvre.

Ehud Sheleg, no doubt an honourable man, has given £3.3 million to the Conservative party, yet *The New York Times* revealed that a suspicious activity report from Barclays flagged that £2.5 million moved to Mr Sheleg from his father-in-law in Russia wound up in a UK account that then shifted £450,000 to the Conservative party. *The New York Times* reported that Barclays flagged the SAR with this statement:

> "We are able to trace a clear line back from this donation to its ultimate source… Kopytov"—

the father-in-law—

> "can be stated with considerable certainty to have been the true source of the donation."

Along with a number of other hon. and right hon. Members, I flagged this to the National Crime Agency. A day or two later—the NCA did not spend an awful lot of time looking at this—a letter came back from Steve Rodhouse, its director of operations, which stated:

> "As you will be aware, provided a donation comes from a permissible source, and was the decision of the donor themselves, it is permitted under PPERA. This remains the case even if the donor's funds derived from a gift from an overseas individual."

That is utter nonsense. It is completely ridiculous. No doubt Mr Sheleg is an honourable man, but the Sheleg manoeuvre could be exploited by all kinds of bad actors.

Finally, we in this House have defended a number of extremely brave journalists and former colleagues, such as Catherine Belton, Tom Burgis, Arabella Pike and Charlotte Leslie, who have all risked everything to raise a red flag about bad actors and threats of foreign influence, yet their thanks have been to be hounded in court by oligarchs who seek to rack up hundreds of thousands of pounds in legal bills to deter such people from telling the truth. If we are to defend whistleblowers, and I am pleased to see that provision in the Bill, surely this is the moment for the House to unite in refining, if not legislating for, a defence for people who make arguments that need such a defence.

We are in new times, and the return of great power competition is upon us. We need new defences, and this Bill is a chance to make good some of those defences now.

Mr Deputy Speaker (Mr Nigel Evans): On his birthday, last but not least, Steve Baker.

8.42 pm

Mr Steve Baker (Wycombe) (Con): Thank you very much, Mr Deputy Speaker. It is a wonderful birthday present to rise to support the Government on this important and interesting legislation, which I am grateful to have had the opportunity to study and read around. In fact, it has been interesting to discover just how much one can learn about the work of the security and intelligence services.

Before going any further, it is worth taking this opportunity to say that, as a Member of this House and, indeed, as a former member of the armed forces, I have always believed our default position should be to stand with the police, the armed forces and the defence and intelligence services, which seek to secure our freedoms, to keep us safe and to work in the public interest.

When thinking of where I might find words to praise them, I went back to the 2016 report from the Intelligence Services Commissioner, the right hon. Sir Mark Waller. It was his final report before the institution was superseded, and he said in the executive summary, on page 5:

"I would like to record that the United Kingdom is extremely fortunate with its intelligence agencies. They combine an extremely high level of operational competence with a collaborative approach and a respect for the law which makes them trusted and respected internationally.

The UK Intelligence Community's attitude to ethics in general, and legal compliance specifically, is impressive and reassuring. While there is some legal debate about certain powers, I have never seen any evidence that the agencies institutionally would knowingly break the law… In terms of my inspections, I have found that the substantial compliance teams in each organisation and the relevant departments of state think deeply about the application of executive power and the intrusion into the privacy of its citizens. Everyone I inspect approaches the process in an open manner. Indeed, rather than hiding problems, they are often proactive in raising the most difficult issues with me."

I was very reassured to read those words from the former Intelligence Services Commissioner, who was responsible in Government for supervising the intelligence services. Indeed, I think all of Government could learn from that culture of compliance.

The point that I am trying to make is this. In this Bill, once again we are handing very significant powers to agents of the state that they will then use with some degree of discretion; I will come to specific examples later. That is why it is vital that from the top to the bottom, the entirety of Government is led with a spirit of compliance with the law—a compliance culture. The document—admittedly, a 2016 report—goes on to talk about some of the risks inherent in the security and intelligence services, and some of the safeguards that are in place. It is all very reassuring. Indeed, the later Investigatory Powers Commissioner's most recent report also includes a number of important points about safeguards.

Let me turn to some specific points. We have already had a pretty good canter around clause 23, but as my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) said, it is worth pointing out that it is a widely drawn clause. We all have to be sensible and mature in recognising that our work overseas through the Secret Intelligence Service is bound to seek to procure just some of those things in the explanatory notes that we are making criminal offences in the UK. We have to be realistic that when we are furthering our own interests—sometimes against hostile powers—we need to give people this waiver in relation to seeking to procure offences overseas.

Of course, the security services must be able to encourage and assist offences overseas, particularly when it is deemed necessary, but deemed necessary by whom? The particular point I want to make about clause 23 that has not been made is that when one goes through the commissioner's various reports, one can see there is a fairly widespread use of so-called section 7 thematic warrants, within which SIS in particular can operate with a fairly wide degree of discretion and with internal controls on what is done. That means that a person like me, who is always instinctively wary of powers given to the state, must trust that institutions not open to all of us to scrutinise have processes in place; and, as I have said, we can be reassured that they do have very robust and important processes, and a great culture of compliance with the law.

But what would happen if, God forbid, one day this country was led by somebody at the very top who did not have a strict culture of compliance with the law? I think I have made it clear how I voted tonight. And what if, after a period, that culture of non-compliance in No. 10 Downing Street were to permeate throughout the whole apparatus of the state? What if the machinery of government was changed so that supervision of the intelligence and security services was moved within No. 10—just for example, since that is proposed; or has it happened? It is certainly on the cards.

I am extremely wary of a clause drawn this widely in the context of thematic warrants. I should also say, with great respect to SIS, that there is within the commissioners' documents—the most recent and the 2016 document—evidence of, shall we say, sparse record-keeping, which has not always served the institution well, particularly in relation to rendition, to which I will come. I therefore hope that my right hon. Friend the Security Minister will not mind my saying that there are extremely good reasons for drawing clause 23 a bit tighter, including defending the integrity of the institutions, and our brave men and women within them who defend us. There seems to be a general consensus that that should be done, so I hope that he will look carefully at clause 23.

The next point I wanted to make was about the 1989 Act, but we have cantered around that, so I refer to my earlier remarks; the issue of damage needs to be dealt with.

Let me turn to STPIMs. As I said to my right hon. Friend the Home Secretary, I remember when TPIMs were very controversial in this place. I think the principle involved in TPIMs and STPIMs is now water under the bridge: the point has been conceded and we have all moved on. I do not like fuzzy justice—to me, the idea of restraining somebody's liberties without a conviction undermines the rule of law as it is generally understood—but okay, we have plenty of safeguards, so now the devil is in the detail. It will require minds more learned than mine to propose amendments to STPIMs to ensure adequate safeguards.

The reason why I am so interested in the Bill relates to the general assault on liberty that we saw after 9/11. As a former member of the armed forces, I thought that there were certain ultimate values that we were willing to fight and die to defend, and that we were compromising those values by giving the state the power to restrict liberty without a conviction—that is one of the reasons I came here. Well, I have to admit that I have lost that argument. It is water under the bridge, but it is a pretty important argument to have lost, so as part of reversing that assault on liberty post 9/11, I look to the Government and learned minds outside to ensure adequate safeguards in relation to STPIMs.

Bob Seely: I understand that my hon. Friend is talking about STPIMs, but more generally, does he see the Bill as beneficial to liberty overall? I do, because by doing something about covert and malign lobbying, we will increase transparency and integrity in our decision-making apparatus in this country. Does he share that opinion?

Mr Baker: My hon. Friend makes his point extremely well, but I hope he will not mind if I say that I do not want to be diverted to that subject, not least because I want to foreshorten my speech a little.

My other point about STPIMs relates to the introduction of polygraphs, which is an area that I have not had the chance to research as much as I might have liked. Can my right hon. Friend the Minister let us know whether this is the first time that we have legislated for their use or whether a new principle is being introduced into our law? Polygraphs are not perfectly reliable. I have read the explanatory notes, but I wonder whether their introduction is an innovation.

I am really concerned about the development of certain trends in the rule of law, as evidenced in arguments that I have made. As a result of the Online Safety Bill, we now have the concept that some speech is legal but harmful, which seems to me a fuzzy concept of what is and is not allowed in law. That is not where I want our country to be, but I accept that I am not a learned mind in this place—I am only a humble aerospace and software engineer, and an MSc in computer science does not always cover such difficult matters of fuzzy logic.

The main issue that I want to address is about extraordinary rendition. Schedule 3, "Detention under section 21", in part 1, "Treatment of persons detained under section 21", under the cross-heading "Place of detention", states:

"(1) The Secretary of State may designate places at which persons may be detained under section 21.

(2) In this Schedule a reference to a police station includes a reference to any place which the Secretary of State has designated under sub-paragraph (1) as a place where a person may be detained under section 21."

Putting it in plain English, the Secretary of State may make provision to detain people other than at police stations, and constables must take those people to those places. Colloquially, when we were looking at extraordinary rendition, those places were known as secret prisons. I would very much like to know from the Minister why we need to nominate other places to detain people. Will they be detained to the same standard as in a police station? I would very much expect so. What are these places? I am aware of some of them, but where are they, and for what reason can people not be detained at a police station?

That point brings me on to extraordinary rendition. Look at what happened to us after 9/11—the wars we waged, the principles of civilisation and freedom that had kept us free and given us something to be proud of and to fight for, and which we undermined. "The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees"—a Government document that is freely available—makes it absolutely clear that the

"UK Government does not participate in, solicit, encourage or condone unlawful killing, the use of torture or cruel, inhuman or degrading treatment ('CIDT'), or extraordinary rendition. In no circumstance will UK personnel ever take action amounting to torture, unlawful killing, extraordinary rendition, or CIDT. The UK takes suggested incidents of this kind very seriously: these allegations against UK personnel are investigated and complaints in this context are brought to the attention of authorities in other countries".

Having bumped into some relevant officials, I am extremely satisfied that we take this very seriously.

Going back to the earlier commissioner's report that I read out, I am absolutely not casting aspersions on our brave and honourable staff, every one of whom, on the few occasions I have met them, I have been incredibly impressed by. I believe that they are seeking to uphold the very highest standards. That is why I put it to my right hon. Friend the Minister that this Bill would be a great moment to put these principles on a statutory footing. In that way, in future, when there is another panic over terrorism and security under another Government who are perhaps not as strongly principled as this one—perhaps with not quite the same culture at the top of adherence to and compliance with the law—we can all be reassured that we will not allow ourselves to come on to conduct that I will touch on in a moment.

Mr Kevan Jones: Since the issue of rendition, we have had the consolidated guidance and now we have the principles where the warrants are overseen by the Investigatory Powers Commissioner. Having reviewed the principles in terms of the ISC, it is clear that they are quite robust not only in the safeguards they give but in training people throughout the organisation to ensure that they adhere to them.

Mr Baker: I have read enough of the various documents to know that the right hon. Gentleman is absolutely right, and I am glad to agree with him.

I do not want to open up too many old wounds, but I have read the excellent book, "Account Rendered", by the now Lord Tyrie, which includes some purportedly declassified top secret documents on how the CIA conducted their interrogation techniques. I very much hope that Ministers responsible have read those documents, because I found it quite nauseating. I am ex-forces. If you are ex-forces, then at some time in your life you are actually committed to killing our enemies, but even so I found it nauseating to see just how degrading authorised American interrogation techniques could be. The list of what they would do includes the attention grasp, or grasp by collars; walling, or slamming people against a false flexible wall; the wall standing stress position; the facial hold; facial slap stress positions; waterboarding—I think we can pretty clearly be disgusted by that—and cramped confinement, including putting insects in a box with a person who you know has a phobia. Imagine combining all these things using nudity, control of diet and restraint, putting them all in sequence deliberately for prolonged periods. That is what the declassified documents in "Account Rendered" give an account of.

I completely agree with the right hon. Member for North Durham (Mr Jones) that these principles are absolutely robust, and I am 100% certain in my own mind that our brave officials—men and women good and true, noble and decent—would never want, in any sense, however distant, to be complicit in extraordinary rendition for the purpose of degrading treatment. I am absolutely clear about that. But our job in this House is not to simply trust the great and good people that we have today; it is to put in place a law that makes sure that in future everyone can understand that we do not do these things, not least because showing that we are on the right side of the argument will help us to recruit agents overseas.

I am dead serious about this. It is no reflection on my very high estimation of the people who serve us and keep us safe; it is about worries about the future when

there is another panic about another terrorist attack. I say to my right hon. Friend the Minister: if public-spirited lawyers draw up clauses that can put these excellent, robust principles on a statutory footing, I will certainly seek to maximise support for it, because in future we must make sure that no Government of any colour can ever discredit our great people by raising even the slightest suspicion that we might have been even distantly complicit in cruel, inhumane and degrading treatment of prisoners.

8.58 pm

Holly Lynch (Halifax) (Lab): It is a pleasure to follow the detailed and powerful contribution by the hon. Member for Wycombe (Mr Baker). It is an honour to close this debate for the Opposition. While all debates in this Chamber carry weight, no legislation can be more serious than that which concerns our national security.

Before moving to the substance of the debate, which has been exceptionally well informed and well managed, I want to pay tribute to our security services and police forces who worked so hard to make sure that the platinum jubilee could be celebrated safely, as it should be, this weekend. I have never been prouder to be part of our great nation than when seeing and taking part in the celebrations this weekend. From street parties across our communities, the lighting of beacons and the celebration of the emergency services at the magnificent Piece Hall in my constituency to the world-class performances and execution of the Platinum Party at the Palace and the royal pageant, it has been a people-powered celebration to mark 70 years of Her Majesty the Queen's loyal service to the country. She has provided a masterclass to all of us in public service.

Yet behind those celebrations was a policing and security operation like no other in recent history. I was grateful to the Metropolitan Police's gold commander, Deputy Assistant Commissioner Barbara Gray, for briefing on those efforts last week. I pay tribute to those on duty this weekend on the frontline of keeping us all safe. The police and security services work around the clock, ever-vigilant to the constantly evolving threats that we face as a country, whether in times of national celebration or on any other day of the week. We are truly grateful for their service, their bravery and their sacrifice.

As outlined by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper), the shadow Home Secretary, in her opening contribution, we welcome the National Security Bill, which builds on the recommendations of the Intelligence and Security Committee and the Law Commission and delivers long-overdue updates to our current legislation. As threats and technologies have evolved and been exposed, so too have the gaps in the legislative defences necessary to keep our country safe from hostile state threats.

As my right hon. Friend outlined, however, the Bill still poses a series of serious questions as we seek to work through the detail. There are measures that we expected to form part of the Bill that are missing, as well as genuine questions about the oversight of the powers within it and the appropriate scrutiny of how and when those powers are used.

The measures proposed in the Bill have been a long time coming; the Chair of the Intelligence and Security Committee outlined just how long some of the measures in the Bill have been called for. The Home Secretary raised the appalling 2018 Salisbury poisonings and the need to update our laws to provide the legislative cover necessary in the face of the contemporary threats we face as a nation. While Russia's illegal and despicable invasion of Ukraine has certainly focused minds, it would be wrong to say that the provisions in the Official Secrets Act became outdated overnight.

In his annual threat update, MI5's director general Ken McCallum stated:

> "The Official Secrets Act 1911…remains a cornerstone of our espionage legislation…in 1910, just six months into MI5's existence, founding Director General Vernon Kell included in his first progress report a plea for strengthening the Official Secrets Act, as it was proving hard to prosecute espionage cases. Kell's push led to the Official Secrets Act 1911…it is now—obviously—hugely out of date."

Our security services need to have confidence in the legislation that underpins their vital work. They need a justice system that is ready and able to respond to those they identify and expose as acting on behalf of hostile states and to the tradecraft of their intelligence operatives.

I assure the Government of our commitment to engage constructively as we work to fortify the Bill, so it successfully ensures that the UK's law enforcement and intelligence community has the modern tools, powers and protections that it needs to keep us all safe. In turn, however, we expect to be heard in the same spirit when we raise genuine concerns and issues. I suspect that it will not come as a surprise to the Minister when I say that perhaps the most glaring omission from the Bill is the absence of a foreign agents register. As hon. Members have already said, particularly those who have served on the Intelligence and Security Committee, not least my right hon. Friend the Member for North Durham (Mr Jones), it was promised by the Government in 2019 and repeated formally in the 2021 integrated review. Britain is lagging behind its allies and Five Eyes partners Canada, America and Australia, who all have variations of such schemes in place.

As recent events have unfortunately shown, a register is urgently required to ensure that individuals in this House, and leaders and decision makers across the country, know whether the lobbyists, PR firms or other professionals they encounter are acting in good faith to further genuine business interests or causes, or are instead acting on behalf of hostile states. I was particularly interested in the contribution of the hon. Member for Isle of Wight (Bob Seely) and some of his detailed proposals on that. As the notion of elite capture increasingly becomes a form of creeping corruption that all MPs and decision makers have a responsibility to steel themselves against, the legislation before us fails to deliver the transparency and clarity that a register would bring in assisting lawmakers and others in high office to protect themselves from becoming soft targets for those acting on behalf of foreign states.

I am grateful to the Minister and his officials for their time last week. Further to the words of the Home Secretary in her opening remarks, it is our understanding that the Government intend to introduce a foreign agents register in the form of a Government amendment to the Bill later in its passage through Parliament. I stress, as others have, just how vital it is that both Houses have the opportunity to scrutinise any such scheme. I therefore urge the Government to grant both the House and such a substantial

[Holly Lynch]

addition to the Bill the respect they deserve and to bring forward plans for the foreign agents register before the Commons Committee stage, so that we can all do our due diligence in considering the proposals effectively before we get into the somewhat relentless intensity of line-by-line scrutiny of the rest of the Bill. Almost everyone who contributed to the debate made that point.

In addition to the absence of a foreign agents register and reform of the 1989 Act, we are surprised that the Bill does not go further to tackle head-on the online misinformation and disinformation that is being peddled by countries that seek to undermine us—a point also made by the hon. Member for Folkestone and Hythe (Damian Collins). It has been well documented that for many years now the Russian state has regularly pushed disinformation on social media, as part of its strategy to sow division and stoke tensions in the west. Information on one so-called Russian troll factory was reported in 2017, when journalists identified 118 accounts or groups on Facebook, Instagram and Twitter that were linked to the troll factory. The so-called trolls had contacted around 100 real US-based activists to offer financial help to pay for transport or printing costs to support their protests and action relating primarily to, as we have heard, race relations, Texan independence and gun rights.

Rather than support one side of a particular issue or debate, the troll factories typically encourage and offer financial assistance to groups from opposite ends of the political spectrum to amplify divisions. Disinformation has also been a facet of the Russian invasion of Ukraine. A special cybersecurity report from Microsoft found that in the run-up to the invasion Russian actors used disinformation on social media in an attempt to destabilise the Ukrainian Government and Ukrainian society. Just this weekend, *The Times* reported on how Kremlin trolls are stirring up anti-Ukrainian refugee sentiment online in Bulgaria, and they are no doubt attempting to do the same elsewhere.

Although there are clauses in the Bill that could offer some relevant new powers in very general terms, we are surprised that neither the Online Safety Bill nor this Bill present measures that are aimed at exposing the aggressive online activity I have described, addressing its scale, disrupting it and stopping it at source. We hope that, during the Bill's passage, we can work together to enhance such measures. Given the evidence base and societal impact, a failure to do so would be a regrettable and massive missed opportunity.

Because of the Bill's nature, it inherently gives new statutory powers to the police, security services and the Home Secretary. Labour recognises the requirement for the new powers in principle; nevertheless, it is important that within a mechanism that grants such powers there are appropriate safeguards and accountability. We firmly believe that the legislation would benefit from much more clarity on the face of the Bill about the appropriate scrutiny and oversight from either a relevant commissioner or independent reviewer.

As the Minister knows, we have engaged with him and his officials on our serious concerns about the drafting of clause 23, and I am grateful for the note he shared today with me and my right hon. Friend the shadow Home Secretary in response to those concerns. My hon. Friend the Member for Garston and Halewood (Maria Eagle) gave a typically detailed rebuttal of why clause 23, as currently drafted, is necessary, given the existing legislation. I hope the Minister will respond to her and to so many others when he sums up.

In addition to the introduction of a foreign agents register, we believe more needs to be done to protect the Government and their officials from becoming the potential targets of hostile states actors—much in the same spirit as the issues raised by my hon. Friend the Member for Rhondda (Chris Bryant). I am afraid there are outstanding questions about the conduct of the Prime Minister—if he still is the Prime Minister; he certainly was when I got to my feet—when he served as the Foreign Secretary, and I have written to the Minister about them.

I have asked questions at this Dispatch Box and tabled written parliamentary questions, simply asking whether the Prime Minister met the former KGB officer Alexander Lebedev in April 2018. The House deserves to know what happened, because if the then Foreign Secretary did not understand how inappropriate such a meeting would be—without officials and without close protection officers—at the height of the Salisbury poisoning, we need legislation that is unequivocal in its clarity. We will therefore table amendments to the Bill to address any such lapses in judgment, which stand to have consequences for our national security, while we await answers from the Government as to exactly what did happen in April 2018.

Once again, we in the Labour party are unwavering in our commitment to keeping the country safe. We will work with the Government to support these measures where they are right and overdue, and we expect to be heard and to be able to work together where opportunities for enhanced protections and greater oversight are necessary, appropriate and responsible. We look forward to Committee stage.

9.10 pm

The Minister for Security and Borders (Damian Hinds): National security is the first and foremost responsibility of any Government, and for that reason I warmly welcome the thorough, insightful and eloquent fashion in which colleagues on both sides of the House have made their contributions this evening. I join the Home Secretary, Opposition Front Benchers and colleagues from right across the House in putting on the record at the start of my remarks my admiration for our security services and for law enforcement, particularly at the end of this most marvellous jubilee celebration.

The threat of hostile activity from foreign states is persistent, but it is not consistent. As a result of technological change and the greater interconnectivity of the world, among other factors, that threat manifests in ways more diverse and often more sophisticated than ever. We must therefore equip our world-class law enforcement and intelligence agencies with modern tools and powers commensurate to that challenge, and this Bill enables us to do exactly that. This is not just about the here and now. The Bill is designed to be future-proof, so that we can harden our resilience against these threats today and for years to come. We have a responsibility to ensure that our systems and laws are agile, effective and robust, and that is what this legislation is about.

The bulk of the Bill is about countering state threats, and a critical aspect of parts 1 and 2 is the link between the activity covered and the foreign state. That is vital in ensuring that the provisions in the Bill are appropriately constrained to state threats and do not capture legitimate activity or non-state criminality, as has been mentioned a number of times during the debate. The foreign power condition could be met in two scenarios: first, where an activity is carried out that a person knows, or ought reasonably to know, is for or on behalf of a foreign power, and that includes a wide range of different types of relationship, including activity at the request or direction of a foreign state; and secondly, where an activity is carried out with the intention to benefit a foreign power, and that includes cases where a person's primary motivation may be, for example, financial, but where there can be virtually certain knowledge that a foreign power will benefit.

Three new offences in the Bill will combat the modern threat from state-linked espionage and related harmful conduct. Those are a new protection of trade secrets offence, which might otherwise be known as economic espionage; a new assisting a foreign intelligence service offence; and an offence of obtaining, or disclosure of, protected information where it is for, or on behalf of, a foreign power and where the individual ought reasonably to have known that their conduct was prejudicial to the safety and interests of the United Kingdom.

Let me turn to the points made by colleagues in the debate. I will try to get through as many of them as possible, but I will concentrate particularly on the themes that came up a number of times. Let me start with something that is not in the Bill—I will have to beg your indulgence, Mr Deputy Speaker—although I would say that it is in scope for the debate because it came up so many times, and that is the Official Secrets Act 1989. Colleagues will have heard the Home Secretary say earlier that we continue to look at the 1989 Act, acknowledging the difficult aspects therein. We wanted to prioritise and press ahead with the wider package of measures before us to tackle state threats and to be able to do so now.

I also want to talk specifically about the public interest defence, which was raised eloquently by my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland) and others, but before I do I just want to clarify how all these different things fit together. We talk about whether we are or are not reforming the Official Secrets Act, but of course there are four Official Secrets Acts, and we are reforming the Official Secrets Acts of 1911, 1920 and 1939—we are not, in this Bill, reforming the Official Secrets Act 1989. The Law Commission's recommendations on a public interest defence came in the context of discussing overall reform of the Official Secrets Act 1989, and they have to be seen in that context.

It is important to note that using the term "public interest defence" does not of itself mean that, on balance, something is in the public interest. I suggest to the House that the existence of any public interest defence would without doubt lead to more unauthorised disclosures. It is impossible for an individual at that moment to have the full picture of what harm could come from their disclosure. That point can be exploited by people who have malicious intent.

Several hon. Members *rose—*

Damian Hinds: My word, what choice! I will give way to my right hon. and learned Friend the Member for South Swindon (Sir Robert Buckland).

Sir Robert Buckland: I am extremely grateful to my right hon. Friend. He is right to caution against the danger here, but a carefully calibrated reverse burden defence deals with the mischiefs that he rightly outlines. None of us wants to see Julian Assange and his type carry sway here; we just think that we need to do something before it is done to us. That is the point.

Damian Hinds: I hear what my right hon. and learned Friend says, and I fully acknowledge not only his legal expertise overall, but specifically how much thought he has put into this subject and how he has written upon it.

Stewart Hosie: Will the Minister give way?

Sir John Hayes: Will the Minister give way?

Damian Hinds: Yes, and then I can deal with both questions at once.

Stewart Hosie: Will the Minister accept then—this point was made in the debate—that having the independent statutory commissioner receive information, so avoiding it being put into the public domain, is as important a part of the package as the public interest defence itself?

Damian Hinds: I give way to my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes).

Sir John Hayes: I am grateful to the Minister. I hear what the right hon. Member for Dundee East (Stewart Hosie) says. It is a compelling case, although I do not agree with it. The Official Secrets Act 1989 deals with the unauthorised disclosure of sensitive information by civil servants; giving information to journalists; a WikiLeaks-type disclosure dressed up as being by a guardian of liberty or some such other nonsense. This Bill does not deal with that unless those people are working directly for a foreign power. They might not be working directly for a foreign power, but they might be aiding a foreign power or acting indirectly for such a foreign power, and surely that needs to be included in the Bill.

Damian Hinds: I will come back to my right hon. Friend's point in a moment. To the point that the right hon. Member for Dundee East (Stewart Hosie) made, our position is that a public interest defence is just not the safest and best way for people to make disclosures, for some of the reasons I gave a moment ago.

Sir Jeremy Wright: Will the Minister give way?

Damian Hinds: If my right hon. and learned Friend will forgive me, I will not.

The existence of a public interest defence could mean that damage from the original disclosure could be compounded by further disclosures that had to be made to argue against and defeat that use of the public interest defence. That could itself then in turn be misused and mean that in some circumstances, even where there

[Damian Hinds]

were egregious breaches of the law, in effect they could not be prosecuted. That is why, to respond to the point made by the right hon. Member for Dundee East, it is important that we look at the safe and proper channels and methods for making disclosures, where that is important, and there are times when it is. We are looking carefully at that.

To come back to my right hon. Friend the Member for South Holland and The Deepings—this is an important point in general—the defences in part 1 of the Bill provide law enforcement with several options for prosecuting disclosures where the person is acting for or on behalf of a foreign power or where the disclosure would materially assist a foreign intelligence service. That can include bulk disclosures. To be clear, with this Bill, the maximum sentence for an indiscriminate disclosure—a bulk data dump—will be higher than it is today if that act is done for a foreign power or the disclosure would materially assist a foreign intelligence service, even if not procured by that foreign intelligence service itself.

Mr Kevan Jones: Will the Minister give way?

Damian Hinds: I must ask the right hon. Gentleman to forgive me—

Mr Jones: Why?

Damian Hinds: Oh go on then, one last time.

Mr Jones: I am intrigued by what the Minister has just said. Which Act will we use? Will we use this new Act, or will we use the Official Secrets Act 1989? They are clearly mutually contradictory.

Damian Hinds: Prosecuting authorities have to make judgments. The Bill is specifically about national security, but within that it is about countering state threats. It gives us a whole new set of tools and weapons to add to our arsenal, and, notwithstanding the right hon. Gentleman's body language, I think that that is much to be welcomed.

My hon. Friend the Member for Wycombe (Mr Baker) asked a specific question about police stations. Because of the new arrest power in the Bill that can last up to 14 days, the Secretary of State may be required to designate specialist sites to meet the operational need, but I want to reassure my hon. Friend that this has nothing to do with extraordinary rendition. The provision mirrors those in the Police and Criminal Evidence Act 1984 and the Terrorism Acts to ensure that appropriate facilities are available. However, it is not possible to designate such a place outside the United Kingdom. The Government are clear about the fact that torture, mistreatment and arbitrary detention are contrary to human rights law.

Mr Steve Baker: Will my right hon. Friend give way? I did ask another question on this point.

Damian Hinds: I have not finished my speech, but go on.

Mr Baker: I am grateful to my right hon. Friend. The other question was, where are these sites, and why are they necessary? What is the standard of the places in which people are being detained? I could name some forts and other secure places owned by the Army. Is that what we are talking about, and if so, why?

Damian Hinds: I do not think that this is an appropriate forum in which to discuss the detail of such measures, but I hope I can reassure my hon. Friend on that particular point. As I have said, this is to allow for cases in which such capacity is required owing to operational need, and it cannot be outside the United Kingdom.

A number of Members on both sides of the House have referred to the so-called STPIMs. These are a tool of last resort to prevent, restrict and disrupt an individual's involvement in state threats activity. In the most serious cases, that could include restricting where an individual can reside, whom they can associate with, and where they can work and study. An STPIM will be used when intelligence exists to confirm that highly damaging threat activity is planned or being undertaken but prosecution is not realistic. As my hon. Friend said, with such measures it is extremely important to have the appropriate safeguards.

I want to reassure the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) that STPIMs will not be imposed through ministerial decision making alone. There will be a process through the courts. A decision by the Secretary of State to impose an STPIM, once they are satisfied that the five conditions set out have been met, will be referred to a judge, and the court's permission will be sought before an order can be made. The court is specifically tasked with checking that the ministerial decision is not flawed.

My right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) and others spoke about civil legal aid for terrorists. Through the Bill, we will take action to restrict access to civil legal aid in England and Wales for individuals convicted of terrorism or terrorism-connected offences since 2001. However, I can assure my right hon. and learned Friend, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the hon. Member for Garston and Halewood (Maria Eagle) and others who have spoken about this that the restriction of access of civil legal aid applies only to offences involving a sentence of more than two years. In any event, all individuals subject to the restriction can apply for exceptional case funding, and applications will be assessed according to the legislative framework of whether an individual's human rights may be breached without legal aid. The type of terrorism offence that had been committed would not have bearing on the exceptional case funding decision.

I need to spend a couple of minutes going through the amendments to the Serious Crime Act 2007, an important subject that a number of colleagues have brought up, including my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) and my hon. Friend the Member for Wycombe. The context, of course, is that our intelligence and security services and armed forces do and must work in close partnership with international partners to maximise UK capabilities and their ability to protect national security on our behalf. A key part of that is sharing intelligence and data to support joint objectives.

However, it is possible that such intelligence, when shared in good faith and in accordance with all domestic and international law, could still be capable of contributing,

even in a very small or indirect way that was not intended at the time it was shared, to an international partner's engaging in activity that the UK would not support. The Serious Crime Act 2007 creates an offence where an act is done that is

"capable of encouraging or assisting…an offence".

That means that in this scenario there is a risk of individuals facing criminal liability, even when they have operated in good faith and in accordance with the guidance and proper authorisation.

Put simply, the Government believe it is not fair to expect the liability for that unforeseen eventuality to sit with an individual officer of our intelligence services or member of the armed forces who is acting with wholly legitimate intentions. Instead, the liability should sit with the UK intelligence community and the military at an institutional level, where they are subject to executive, judicial and parliamentary oversight. The amendment at clause 23 therefore removes that liability for individuals, but specifically only where the activity is necessary for the proper exercise of the functions of the security and intelligence services or the armed forces. It does not remove liability at an institutional level for any activity.

Sir Jeremy Wright: As my right hon. Friend knows, I think there is no dispute across the House that some protection should be available for individuals in those circumstances. The question we have been asking is how different what clause 23 provides for is from what already exists in law. Clause 23 will ask for consideration to be given of whether there has been a proper exercise of a function. That must logically, therefore, relate to the behaviour of an individual, must it not?

Damian Hinds: My right hon. and learned Friend anticipates my next point to some extent. In instances where an individual has operated in good faith in compliance with domestic and international law and all proper process, they would then not face the risk of liability under the 2007 Act for something they could not have foreseen. In effect, we are adding greater certainty and specificity to an existing defence—the reasonable defence contained within that Act—by detailing scenarios where the offence will not apply, whereas the current defence is untested and imprecise.

The amendment means that, where an individual is working properly on behalf of our intelligence and security services and armed forces with an international partner to protect national security, they do not personally risk criminal liability if their work is later found to have been capable of contributing to unlawful activity in a way they would not have intended. That risk should remain with the Government, the services and the armed forces at corporate level, and that is what this amendment seeks to ensure.

A number of colleagues have raised the question of disinformation. They are correct that information operations are now a firm feature in the set of devices available to hostile states. There is direct disinformation, where talking points are put out on those states, on foreign affairs or on our domestic politics and society, but there is also the terrible technique of indirect disinformation, which is not necessarily intended to make anybody believe a particular line or narrative, but is simply aimed at causing division and discord in our country, to undermine our democracy and the cohesion of our society.

This Bill deals with people who carry out disinformation for a foreign state, but I want to be clear that legislation on the material itself belongs in the Online Safety Bill. We are looking at how to amend that Bill to account for disinformation material where that disinformation amounts to foreign interference, so that it can be treated as illegal material.

Liam Byrne: I am grateful to the Minister for giving way, and appreciate the way in which he is stepping through these points. Is an offence created by the provider of a social media platform if it enables someone to spread harmful messages? Does it count as a proxy, in effect?

Damian Hinds: The right hon. Gentleman tempts me to open up a very wide debate, somewhat outside the scope of Second Reading. He is absolutely right to identify the significance of disinformation and wider information operations as undertaken by foreign states and the obvious role of social media in that. The American election of 2016 remains the textbook example—there are plenty of others around the world. What I have set out is the way in which the Bill deals with people doing that on behalf of foreign states. As for platforms' responsibility for what they do with the material and the steps that they must take—he will know about the principles in the Online Safety Bill not only to remove material but to minimise its presence in the first place—that is rightly subject matter for the Online Safety Bill.

Finally, on the foreign influence registration scheme—this has been raised by many colleagues across the House, including my right hon. Friend the Member for New Forest East (Dr Lewis), my hon. Friend the Member for Isle of Wight (Bob Seely), the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and others—as the Home Secretary indicated when opening the debate, we are committed to introducing a foreign influence registration scheme through a Government amendment. It is important that we take time to ensure that such a scheme is effective and proportionate in the way in which it counters state-threat activity and protects UK interests. That was a clear message in the public consultation, and we continue to review requirements in the light of Russian attempts to undermine western and European state stability.

If I may say so, my hon. Friend the Member for Isle of Wight illustrated rather well the great complexities of trying to deal with this subject. I absolutely commit to communicating with the Opposition parties and the Intelligence and Security Committee as we introduce this measure. We want to do it as soon as possible, and we absolutely recognise the importance of scrutiny in both Houses. However, I want to make it clear that we cannot commit to doing that for the beginning of the Committee stage; but we want to do it as soon as possible thereafter.

Dr Julian Lewis: The Minister will recall that when I asked for a commitment from the Home Secretary about a Committee of the whole House, she indicated that he might be able to give that commitment when responding to the debate. Will it be a Committee of the whole House?

Damian Hinds: I hear the request from my right hon. Friend. That is a question partly for the business managers and the usual channels, who have heard the request and have to balance it against all the other things that they need to balance for the operation of the House. Overall, I can assure him that I have heard colleagues—him and others—on the importance of having time for scrutiny.

Dr Julian Lewis: Will the Minister give way again?

Damian Hinds: Very briefly.

Dr Lewis: We have nearly half an hour. I do not know why this Minister is making such a fuss about the urgency to conclude a debate that is scheduled to run until 10 o'clock if necessary.

For some very unclear reason, the Government decided to introduce what should be a major plank of the legislation not at the beginning, so that we could include a proper debate on Second Reading, but through an amendment, when the process was under way. All we want to know is that the whole House can debate properly something that we have not yet seen, so there must be a Committee of the whole House, otherwise we will have only the meagre opportunity offered by Report. He should not be blasé in dismissing that suggestion.

Damian Hinds: I do not think that I have been blasé in the slightest. I have spent my winding-up remarks trying to cover as fully as I can the various themes—*[Interruption.]* I have taken quite a few interventions, including, I think, from the right hon. Member for North Durham (Mr Jones), which was important. The decision about the timetabling of debates on the Floor of the House is not mine fully to make. In terms of this debate, I am not trying to rush things at all. Normally, Ministers would take the same amount of time, broadly speaking, as Opposition Front Benchers, and I am simply trying to follow those conventions.

Dr Lewis: One last time: the Minister has taken a lot of interventions about the matters that are in the Bill, but there is a whole tranche that is not in the Bill that will be introduced in an amendment, and he has only briefly touched on that. That is inevitable, because it is not in the Bill. When that tranches comes into the Bill, the whole House should have an opportunity properly to debate it.

Damian Hinds: I am grateful to my right hon. Friend. As I have said, I have heard those points, as, I am sure, have the business managers.

In closing, I want to repeat my earlier thanks to everybody for their insightful and eloquent contributions to this debate. I thank the Opposition and the Scottish National party for the spirit and the attitude with which they have taken part in this debate. I look forward to further debate and scrutiny from them and from colleagues across the House as we go through Committee. These are issues of the very greatest importance for our country and for the Government. The stakes are high. It is about protecting our security and our prosperity. It is about preserving our democracy and our way of life. It is about keeping our citizens safe. This Bill will enable us to achieve those most critical of aims and I commend it to the House.

Question put and agreed to.

Bill accordingly read a Second time.

NATIONAL SECURITY BILL (PROGRAMME)

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

That the following provisions shall apply to the National Security 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 13 September 2022.

(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.

NATIONAL SECURITY 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 National Security Bill, it is expedient to authorise:

(1) the payment out of money provided by Parliament of:

(a) any expenditure incurred under or by virtue of the Act by a Minister of the Crown; and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided; and

(2) the payment of sums into the Consolidated Fund.—*(Scott Mann.)*

Question agreed to.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Public Procurement

That the draft Public Procurement (International Trade Agreements) (Amendment) Regulations 2022, which were laid before this House on 25 April in the last session of Parliament, be approved.—*(Scott Mann.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Passports

That the draft Passport (Fees) Regulations 2022, which were laid before this House on 25 April in the last Session of Parliament, be approved.—*(Scott Mann.)*

Question agreed to.

Hospitality Industry: Liverpool

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

9.37 pm

Dan Carden (Liverpool, Walton) (Lab): I am grateful for the time, at the end of today, to talk a little about the hospitality industry in my home city of Liverpool, in the face of growing challenges.

As the country enjoyed a four-day weekend, Liverpool hosted the Bordeaux wine festival. It was a great success and, thanks to the hard work of many of the city's great restaurants and eateries, and working with our counterparts in Bordeaux, the Mayor of Liverpool and the metro Mayor of the city region, we managed a great event that involved many people travelling to the city to enjoy it.

The sector itself has come through the pandemic badly scarred, only to be opening its doors once again to a cost of living crisis and a new set of challenges for survival. I wanted to start this short contribution with reference to one local independent business—one that is part of our national story, part of Walton's history, and emblematic of the struggle of the local high street today—and that is Byrne's fish and chip shop in Walton. It opened in 1932. It carried on serving through the second world war. It survived the 1980s slump, the financial crash, and, most recently, covid. But it may not survive the rapid price rises, 10% inflation and the cost of living crisis of 2022. Some of the changes in prices are quite astonishing. Just since December 2021, the price of cooking oil has risen from £9.50 for 12.5 kilos to £25 now. The price of cod was £4 in December 2021, and it is now £5.90. Flour was £16 for 16 kilos, and that has risen to £22. Onions were £6.50 for 25 kilos and are now £14.50.

On top of that, the shop's energy supplier went bust in November 2021. It was placed on the Government's preferred supplier rate, which meant that from paying 3p a unit it was paying 11p a unit. A bill that was £400 in November is now more than £900. The staff have been told that they face further significant price rises on all sorts of essentials for a fish and chip shop, including potatoes. Barbs at Byrne's fish and chips told me that they have tried to keep prices down, but they cannot spread the costs any further. People will not be able to afford to buy their lunch or dinner from the chip shop. I represent one of the most deprived communities in this country. The cost of a fish and chip supper is now £8.30—unaffordable for many of the people who live in the houses in nearby streets. Those working-class people are struggling to afford the basic takeaway food that their grandparents enjoyed.

Such high street businesses, built the hard way with wafer-thin profit margins, that are the backbone of the British economy, are struggling to survive in today's economy. Throughout the pandemic, local business owners told me about their struggles, and that was when Government support was at its highest. Businesses are now at another critical point, facing existential challenges but with far less Government support. They are worried that they will not be able to keep their businesses afloat. It is as simple as that.

The Queen's Speech promised nothing to secure the future of the local high street. Kate Nicholls, chief executive officer at UK Hospitality, said that

> "the measures in the Queen's speech will do little to bring immediate relief to the pains that hospitality businesses are feeling in the short term."

It was just two months ago that pandemic support was stripped away, with businesses negotiating the cliff edge of a withdrawal of support on top of the ongoing price rises and cost of living crises. VAT on hospitality is now back at 20%, having been as low as 5% and then 12.5%. Reliefs for business rates were largely removed. Commercial tenants behind on rent once again face the prospect of eviction, and businesses face paying back pandemic loans.

The national picture is bleak. The hospitality industry was the hardest hit sector in the pandemic. Industry analysis shows that lost sales exceeded £100 billion in the 15 months from April 2020 to June 2021. Nationally, over 600,000 jobs were lost despite furlough, and 9,000 venues across the country closed permanently.

For Liverpool and its city region, the hospitality sector is a bigger contributor to the local economy on average than elsewhere, because we are an exciting visitor destination, as anyone who has visited will attest. The sector accounts for more than 10% of jobs in the city region, and was employing more than 65,000 workers pre-pandemic, but 31,000 of those jobs were lost during the pandemic. In 2020, the almost 8,000 businesses that make up the city region's visitor economy took a 58% hit to their income.

It is important briefly to put on record the response from Mayor Steve Rotheram, Liverpool's local authority, Mayor Joanne Anderson and the Government. A city region £40 million emergency fund was established, including £9.5 million for small and micro-businesses, sole traders and the self-employed who were excluded from any Government support. More than 22,000 businesses claimed the small business support grants and the retail, hospitality and leisure grants. Some 1,800 businesses claimed £8.6 million from the local restrictions support grants that were provided to businesses that did not have to close but were severely impacted. Mayor Rotheram launched the £150 million covid recovery fund to ensure that our city region's recovery got a head start. As we speak, the combined authority is analysing the overall impact of its actions and it will publish its report shortly.

Liverpool's tourism and hospitality sector is central to both the functioning of the local economy and the employment of its workforce. Pre-covid Liverpool had a hospitality and tourism industry worth almost £5 billion, supporting more than 55,000 jobs in 2019 alone. Some 29,000 people worked in eating and drinking out, adding a substantial £605 million to the local economy. But hospitality venues contribute to more than just the economy: they are part of the very fabric of the communities that they serve, providing hubs in which people socialise, learn and support one another through tough times.

Homebaked in my constituency is a community-owned bakery in the shadow of Anfield's Kop. The building that it now occupies was initially designated for demolition in an abandoned development scheme, but it was brought back to life by people in Anfield and Everton, who wanted to show that regeneration can come from the ground up, by and for the community. It is a real living

[Dan Carden]

wage employer and a Disability Confident employer. The team has grown to 20 staff and provides apprenticeship opportunities for local young people. The bakery supplies at least 20 nursery meals a day to Anfield Children's Centre and has a partnership with Liverpool homeless football club, supplying pies for its markets. In partnership with the Spirit of Shankly supporters' union and Vauxhall community law centre, it also hosts weekly drop-in sessions, providing free debt and benefit advice to people in need. If Homebaked, a café, were to close, it would leave a huge hole in the lives of the people who depend on it.

To give one more example, in May I was at the reopening of The Brink café in Parr Street with my hon. Friend the Member for Liverpool, Riverside (Kim Johnson). The Brink is a recovery café. It was the UK's first dry bar when it opened in 2011 and its model has been replicated across the country. At the reopening, I listened to stories from Caroline and Andy, who spoke of the importance of The Brink to their recovery. In their words, it saved their lives.

The café breaks down the stigma that prevents so many people from asking for help. The Brink has been the start of many people's recovery as well as a place for ongoing support. The café is not funded through contracts or services. It needs to be a successful business model in itself. As a result of the pandemic, the café was forced to close its doors, leaving Liverpool's recovery community without a space to socialise and connect with others. Places such as The Brink, Homebaked and other businesses in Liverpool are very anxious about what the future holds across the sector.

The continuing rise in the cost of living effectively lowers people's incomes and reduces their ability to spend. Inflation has hit its highest level for 40 years. Every pound that people had last year can purchase only 91p-worth of goods today—if there is 9% of inflation. People's ability to pay for basic goods is set to worsen in the autumn and winter this year, with further price rises coming down the line. It is little wonder that people want to hold on to the little extra money that they have, with the Governor of the Bank of England warning of "apocalyptic" global food price rises.

There is a clear link between the cost of living emergency and the hit to what people call "consumer confidence". However, in the most deprived areas, in communities such as mine, it is a matter not of confidence, but of survival. When someone is already on the breadline, they simply have nowhere else to go. My constituents are seeing prices going up, their rents going up and their bills going up, while wages and social security payments are being squeezed. I hope that the Minister will not repeat the insulting words of some Government Members—that the worst off should simply buy value brands, learn how to budget or learn how to cook. Only someone completely out of touch with the lives of those living with the reality of poverty could even think that, let alone say it.

When my constituency office team recently visited a local food bank to volunteer, one of my constituents asked for ready-to-eat food not because he could not cook but because he could not pay his energy bill, and without gas or electricity, he could not even boil water for a pot noodle or cook a microwave dinner. There is no solution to the cost of living crisis that would not radically boost the incomes of the least well off. When people have no money in their pockets, they simply cannot spend on the local high street. Local independent businesses, the beating heart of local communities, struggle to survive. People lose their jobs and livelihoods, and we have a downward spiral.

It could be so different. If assisted by the Government, the hospitality sector could revive communities across the country. While the Government still claim that levelling up is their ambition, figures and research from Bloomberg show that many regional inequalities are, in fact, yawning wider, with Liverpool in particular being left behind. The Conservatives claim to be the party of business, and yet calls for greater support from hospitality businesses—the chip shop, the restaurant, the café, the pubs, the bars and the nightclubs—are going unheard at this critical moment. I urge the Minister not to allow Government to rest on their laurels of the emergency support provided during covid. This is a new crisis and it requires new support at, if not higher than, the level that came in the last two years.

The impact of many of those existing measures has since been reduced by the huge increases in business operating costs and prices. Business rate relief was decreased, and the return to 20% VAT meant that businesses could not begin to recoup some of the losses made throughout the coronavirus pandemic. Business rate relief is currently capped at £110,000 a year. The Chancellor announced the cap at last year's autumn Budget, but economic conditions have changed, and the level of the cap may need to as well. Many businesses are now paying back coronavirus business interruption loans and bounce back loans. Many found that insurance companies would not pay out for losses due to the pandemic, and many venues are having to face up to crippling rent debt accumulated during the pandemic. Is the Minister aware of those challenges? Is there a plan to help?

UKHospitality has called for VAT again to be lowered to 12.5%, a measure that we saw during covid, but this time around we have not heard anything about such measures to protect businesses. A restaurant does not pay VAT on the fresh produce that it buys, so it is in the unusual situation of paying 20% VAT once the food is cooked up and served and yet it has no VAT to claim back at the end of the financial year. The rate on hospitality venues, at 20%, is set far higher than in France, Italy, Ireland and many other EU countries. What more can be done on VAT, especially for local, small, independently owned businesses in the hospitality sector?

More needs to be done on the labour and skills shortages in the sector, too. According to UKHospitality's workforce strategy, published just last month, vacancies in hospitality stand at 160,000. That chronic labour shortage is crippling some small businesses and limiting the sector's ability to recover. Many restaurants and bars have been unable to remain open seven days a week. Yes, Brexit has caused many of those problems—or the Government's failure to prepare for the impact of Brexit on the number of EU workers in the UK hospitality industry has caused them. The ONS says that 100,000 EU nationals left accommodation and food services in the two years to June 2021: the highest figure of any industry. What is the Minister doing to get people into jobs across this sector? We have seen the same problem in

the care sector, the NHS and road haulage. Do the Government have anything useful to say to the country's hospitality sector on this issue?

In fact, the Government continue to place arbitrary limits and bans on employment. In March, at Prime Minister's questions, I raised the issue of the right to work for asylum seekers. Currently, those seeking asylum are in effect banned from working unless they have been in the country for over a year and can find a job on the increasingly niche shortage occupation list. What justification do the Government have to continue with this harmful ban, especially in the light of such labour shortages? The Government should, as some Conservative Members have broken rank to say, urgently lift the ban.

What work is being done on extending the youth mobility scheme? Extending it is a pragmatic measure recommended by the Migration Advisory Committee to boost economic activity. I am sure the Government will say that their current strategy is about improving the skills of those already in the UK, but they are failing on any reasonable measure of this strategy, too. The numbers of students participating in hospitality courses in schools and colleges continue to decline, so what is the Minister doing to ensure the best possible catering T-levels are available and will he consider a stand-alone hospitality T-level to create the most frictionless pathway between education and hospitality?

UK Hospitality has said that the current apprenticeship levy is inflexible and asked for greater training provision to be given to employers. What is his Department doing to facilitate this?

I believe every job can be a good job where workers are organised in trade unions, trained to the highest standards and rewarded with a fair share of the profits they generate. We do not value hospitality or service sector workers enough in this country. They too often work the longest hours for the lowest pay in insecure jobs. A Government working with the sector could change this for good.

To conclude, restaurants, hotels, cafés and pubs are the lifeblood of our high streets and our communities. In Liverpool, they underpin the whole local economy. The sector pays almost half the city's business rates, and the reality is that these business are coming out of the frying pan and into the fire. The people whose energy and enthusiasm keep our favourite places alive feel frustrated and ignored by the Government, as apocalyptic price rises and a squeeze on people's incomes threaten their very existence.

9.58 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully): I congratulate the hon. Member for Liverpool, Walton (Dan Carden) on securing today's important debate.

Nationally, the hospitality sector is a really big deal. It employs about 2.4 million people across 167,000 businesses, and it generated revenues of about £83 billion last year. However, as MPs who care about the prosperity and the wellbeing of our constituents, we all know that hospitality is even more important, as the hon. Member has said, at a local level. Hospitality is important for its contribution to our local economies and communities, providing accessible jobs and the social spaces that people need.

I was in Liverpool a few months ago, and I really saw how the city has changed in leaning more towards tourism and hospitality. The projects it has there are really exciting, as indeed are its plans for "Liverpool Without Walls" to try to bounce back after the regional lockdowns are really innovative. I hope that it continues to lean into hospitality in that way, because it is really important for the colour and the vibrancy it brings to our high streets and in helping to showcase the rich diversity of British society, our culture and, indeed, our heritage. It is important for levelling up because everyday high street businesses such as hospitality, retail and personal care are the foundation on which strong local economies and communities are built.

Over the course of the pandemic, I worked closely with the hospitality sector, listening to its concerns and representing its interests across Government. That engagement helped to shape the Government's business support package and ensured that as many businesses as possible had access to some form of support.

10 pm

Motion lapsed (Standing Order No. 9(3)).

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

Paul Scully: Overall over that period, the Government provided £408 billion of support, including furlough, grants, loan guarantees, regulatory easements, cuts in VAT and business rates, and a moratorium on commercial rent recovery. That support provided a lifeline for many businesses. We all hoped that once the covid restrictions were lifted and businesses were able to operate more freely, we could look forward to a period of recovery, but as we have heard, an increase in global energy prices and the war in Ukraine has made that recovery even more challenging.

The hon. Member for Liverpool, Walton talked about Byrnes fish and chip shop. I have talked a lot about the headwinds that our economy and our businesses face. Fish and chip shops—real stalwarts of the British hospitality scene—face those headwinds probably more than any hospitality business at the moment, because, as the hon. Gentleman mentioned, clearly a lot of vegetable oil and rapeseed oil comes from Ukraine, hence the colours in its flag. A lot of the cod and white fish—I think about 50% or so—that we consume in this country comes from Russian seas. A lot of flour, from wheat, also comes from that part of the world. We are indeed paying the price for freedom. With the headwinds I have talked about, our fight against Russian aggression in Ukraine comes at a cost to our economy. Byrnes, which I think is a fourth generation family-run business, has gone through a lot; I really hope it remains for many generations to come.

I continue to work closely with the sector. I am still listening and representing its interests, and we continue to provide support. The Chancellor obviously needs to strike the right balance between helping businesses and the families that are most in need, while at the same time continuing to restore the public finances to ensure that we have resilience. The hon. Gentleman talked about food banks, families and individuals. Clearly that is why the Chancellor continues to flex and respond, and has announced £37 billion of support to date—it is coming over the next year—to tackle the energy price situation and other pressures on family finances.

[Paul Scully]

In the autumn Budget, the Chancellor announced reforms to the business rates system worth £7 billion over the next five years, including a new temporary relief for retail, hospitality and leisure businesses worth almost £1.7 billion in 2022-23. In the spring statement, the Chancellor cut the cost of employment for half a million small businesses by increasing the employment allowance from £4,000 to £5,000. As a result of that announcement, 670,000 business will not pay national insurance contributions and the health and social care levy at all.

We have introduced legislation to ringfence covid-related rent debt, and to establish a new binding arbitration process to help tenant businesses and their landlords to reach amicable settlements. Our help to grow scheme is supporting businesses to increase productivity, grow their businesses, and access discounted software and free advice.

The Queen's Speech set out our plans to bring forward legislation to make permanent some of the temporary regulatory easements that we introduced during the pandemic, including pavement licence easements that provide businesses with greater flexibility to trade and help to create the vibrant, bustling outdoor spaces needed to encourage people back to our high streets again, some great examples of which I saw on my visit to Liverpool.

We recognise the impact of rising energy prices on businesses. Both the Government and Ofgem are in regular contact with business groups and suppliers to understand the challenges they face, and explore ways to protect consumers and businesses.

In July last year, we published the first ever hospitality strategy, which set out our ambition for the recovery and future resilience of the sector. We produced that strategy because covid highlighted the fact that hospitality businesses right across the country needed resilience. The sector is characterised by high fixed costs and low margins, so it is not necessarily in a strong position to adapt to new shocks and challenges, including longer-term challenges that businesses face, such as climate change.

We have also established the Hospitality Sector Council, which will oversee the delivery of the strategy. Kate Nicholls, whom the hon. Gentleman mentioned, sits on the council and chairs some of its sub-groups. The council has established thematic working groups to consider issues including access to finance, the role of hospitality in local economies and communities, hospitality careers and skills, environmental sustainability and international trade. The working groups will bring forward recommendations and highlight examples of good practice that will help to provide the best possible trading environment for hospitality businesses and ensure that the sector is fit to face any future challenges head on. The Government will not just be telling hospitality businesses what to do; hospitality businesses and the Government will co-create the solutions.

I mentioned that hospitality has an important role to play in levelling up. More than that, it can have a transformative effect, particularly in deprived areas. It was really interesting to hear about the Homebaked bakery's initiatives, which sound great—I know that they will play a major role in the area that the hon. Gentleman represents. When I was in Birmingham only a couple of weeks ago, I saw the Digbeth dining club and the Aston Villa Foundation to learn about their great work regenerating the areas of Birmingham in which they operate, using street food as the driver and providing training and qualification for local people who want to start their own street food businesses.

Effectively, that is the blueprint for hospitality-led regeneration, which was one of the commitments in our hospitality strategy. Near the hon. Gentleman's constituency, Sefton Council is delivering the first pilot in Bootle. When I visited Sefton Council last October, I was excited to hear about its plans to transform the Strand shopping centre, create an incredible events space in the centre of Bootle and deliver training and qualifications for local people so that they can fully contribute to the regeneration of their town.

The hon. Gentleman spoke about qualifications, including T-levels, which cover catering and will play a huge role in the future of hospitality, along with wider training. I visited Hugh Baird College in Bootle, which will support Sefton Council by providing hospitality training, allowing local people to take advantage of the new jobs and businesses that the regeneration project that I outlined will deliver. Given all that, perhaps it is not surprising that I am passionate about the sector.

I spoke about the £37 billion of support that we are providing to individuals, especially the lowest paid and those who are most vulnerable to changes in energy prices and food prices. It is really important that we look to grow the economy overall, ensuring that people can take on more hours and fill the record number of vacancies in our very tight labour market, because that is the best way to face down the cost of living situation.

I congratulate the hon. Gentleman again on securing today's important debate. Hospitality has always been at the heart of Liverpool, especially over the past few years with the legacy changes since it was the city of culture. I always welcome the opportunity to talk about hospitality, a sector that I am particularly passionate about. It is easy to take hospitality for granted: it is always there in the background, supporting us when we need it, but covid showed us what it would be like to live without it. We missed it; we cannot take it for granted. There are undoubtedly difficult times at the moment, but the creativity and the adaptability—

Dan Carden: I am grateful to the Minister for responding to the debate. I want to take the opportunity to emphasise again that the potential short-term impact of spiralling prices and high inflation this year puts many businesses—many restaurants and cafés—at risk of closure. Will he keep his eye on the ball with regard to businesses that are closing and what needs to be done?

Paul Scully: Absolutely, I will. We do not want—the Chancellor in his response, from the spring statement to the other changes and the Budget, does not want—to bring in measures that are in themselves inflationary and could add to the problem in the longer term. Clearly, however, we want to make sure that we can always flex to support as many businesses as we can.

During a lot of covid, when we were gripping the economy so hard, insolvencies were at a 40-year low. We will not be able to solve every problem now—the Government never can—but I will absolutely keep my eye on the ball to make sure that, as I say, we work with the sector to co-create those solutions so that we can

tackle as many problems and cover as many businesses as we can. The hospitality sector continues to show real creativity and real adaptability, particularly over the past two years, and that gives me the confidence that it will recover and thrive.

Question put and agreed to.

10.10 pm

House adjourned.

Westminster Hall

Monday 6 June 2022

[Sir George Howarth *in the Chair*]

Breed-specific Legislation

[Relevant documents: Correspondence between the Chair of the Petitions Committee and the Secretary of State for Environment, Food and Rural Affairs, relating to breed specific legislation, reported to the House on 1 February and 22 March 2022.]

4.30 pm

Christina Rees (Neath) (Lab/Co-op): I beg to move,

That this House has considered e-petition 603988, relating to breed specific legislation.

It is always a pleasure to serve under your chairmanship, Sir George. The prayer of the petition states:

"We are not satisfied with the response to previous petitions making requests relating to breed specific legislation, and the recent report by Middlesex University, commissioned by the Government at a cost of £71,621, has now cast doubt on one of the core assumptions of the Dangerous Dogs Act: that certain breeds of dogs are inherently more dangerous. The Government should therefore immediately repeal breed specific legislation."

Four breeds are banned under the Dangerous Dogs Act 1991. They are the pit bull terrier, the Japanese Tosa, the Dogo Argentino and the Fila Brasileiro. Dogs suspected of being of a prohibited type are assessed against a standard, which describes what a particular type should look like. For example, pit bull terrier types are compared with a 1977 American Dog Breeders Association standard, and the dog is expected to approximately amount to, be near to or have a substantial number of characteristics described by the 1977 standard. However, the number of characteristics is not defined, and neither is the way in which the assessment should be conducted, which results in many legal breeds and cross-breeds fitting the standard regardless of the dog's behaviour.

The petition that we are debating this afternoon was created by Anita Mehdi and, when I last checked, had attracted 114,557 signatures, including 113 from my Neath constituency. The closing date is 21 June, so those figures may increase. The House considered e-petition 300561, which called for reform of breed-specific legislation, on 5 July 2021. I am sure that hon. Members are familiar with that debate, so I intend to focus on the specific issues raised by Anita, whom I was fortunate to meet before this debate.

Anita told me that her dog, Lola, had been seized by the police in August 2019 because it had been brought to their attention that Lola could be of a banned breed. The dog legislation officer identified Lola as a pit bull type, based on her appearance, and a destruction order was made. Lola had never shown any aggression towards anyone and had never been involved in any incidents. Anita sought a court order so that she would be allowed to keep Lola. The court considered evidence put forward that Lola was not a risk to the public, and it agreed that Lola could stay with Anita, subject to the conditions that Lola was neutered, microchipped and always kept on a lead and muzzled in public.

Anita told me that before Lola was seized, she did not know anything about breed-specific legislation, and she was horrified to discover that dogs were being destroyed because of their appearance and not because they had harmed anyone. Anita believes that there should be legislation to take action in respect of dangerous dogs, but that it should not be breed specific. Many dog owners have contacted her about the adverse effect on their mental health when their dogs have been seized, and about the practical difficulties of owning a dog that has been exempted by court order. Anita wants to see breed-specific provisions repealed and the Dangerous Dogs Act amended to focus on dogs that are dangerous and on owners who mistreat their dogs, with increased penalties for offenders and possibly the reintroduction of dog licences.

Wayne David (Caerphilly) (Lab): It is clear that breed-specific legislation does not achieve its intended purpose, which is to reduce the number of serious attacks on humans by dangerous dogs. Does my hon. Friend agree that a fundamentally different approach is required to tackle all kinds of dangerous dogs, to look at the issues of licensing, which she has mentioned, and training, and to make sure that the illicit sale of dogs is prevented and that proper controls are introduced? That requires a totally different approach to legislation.

Christina Rees: As usual, my hon. Friend has covered all the points that I am coming to in my speech. There is no collusion here, but I completely agree with him.

Before the debate, I met representatives of the Royal Society for the Prevention of Cruelty to Animals and the dog control coalition. The coalition was formed in 2019 with five members: the RSPCA, Battersea Dogs and Cats Home, Blue Cross, the British Veterinary Association and the Dogs Trust, whose operations of rehoming and promoting animal welfare had been detrimentally affected by section 1 of the Dangerous Dogs Act 1991. The Scottish Society for Prevention of Cruelty to Animals and the Kennel Club subsequently joined the coalition. After 30 years of breed-specific legislation in the UK, those organisations joined forces to raise awareness of the ineffectiveness of the legislation in protecting public safety, and of its negative impact on dog welfare. They told me that breed-specific provisions in the Dangerous Dogs Act must be repealed because evidence shows that its approach to public safety is fundamentally flawed.

The progressive global trend is to repeal breed-specific legislation. The Netherlands introduced breed-specific legislation in 1992 and abolished it in 2008, after a study found that commonly owned dogs were responsible for more bites than breed-specific dogs. Italy introduced breed-specific legislation, which banned 92 breeds, in 2003 and abolished it in 2009 for similar reasons.

Using breed as a predictor of aggressive behaviour is not reliable. Human behaviour, including poor management and the inability to provide for a dog's needs, are more likely to cause dog to be dangerously out of control. The method by which banned dogs are identified is inconsistent and can be subjective, because the degree to which a dog needs to match the characteristics of a banned type is not clearly defined. The RSPCA has looked at the science around incidents involving dogs that are dangerously out of control, and found that dogs of a banned type are not more likely than other

[Christina Rees]

dog types to be a risk to the public. It wants the UK Government to improve data collection regarding the UK dog population and incidents involving dogs that are dangerously out of control, in order to make evidence-based decisions.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The hon. Lady is outlining a fantastic evidence-based approach to this discussion. It is important that we look at the correct risk factors, but the more that the Government focus on breed-specific regulation, which has been shown to be unscientific in outcomes, the less likely we are to look at the real risk factors, such as puppy farming, trauma, abuse and lack of training, which need to be addressed to protect the public. That is the route that we should be taking.

Christina Rees: The hon. Lady makes a really good point. I know that she is an animal lover and a champion of the cause, and I thank her for her intervention.

A 2021 independent report by Middlesex University, commissioned by the Department for Environment, Food and Rural Affairs, found that dog bite data is lacking and is inconsistent. However, it was used by the UK Government to underpin a breed-specific approach to public safety, which casts doubt on the evidence that certain breeds of dogs are inherently more dangerous. Breed-specific legislation means that dogs identified as a banned breed cannot be rehomed and strays of these breeds must therefore be put down. The RSPCA has put down 310 dogs in the past five years because of breed-specific legislation. Reforms would allow dogs that are not a risk to the public to be rehomed rather than put down.

Breed-neutral legislation that contains measures to effectively protect the public from dangerous dogs is needed. This would consist of a single dog control Act that consolidates the current complex legislative framework in a breed-neutral way. Dog control notices should be used proactively to help prevent incidents involving dangerous dogs, and there should be stronger penalties for irresponsible owners.

Anna Firth (Southend West) (Con): Does the hon. Lady agree that it is not just these four breeds that are dangerous and it is not just this section of the Dangerous Dogs Act that needs amending? If another breed of dog kills someone's dog, that owner is not liable for any form of prosecution, unless the dog is an assistance dog or unless another human being or the owner fears injury themselves.

Dog-on-dog attacks should become a criminal offence and that owners should be criminally liable if their dog attacks and kills another dog. The case for this was painfully demonstrated to me by an incident in my constituency at Christmas, when a beautiful, tiny Bichon Frise—a little white dog called Millie—was torn apart in Chalkwell Park by two boxer-style dogs, which is a breed not on the list of dangerous dogs. The owner did not fear any injury for himself, because it was clear the dogs were going for the tiny dog and not him. He had no choice but to carry his dog with its guts hanging out to the vet, where the dog was put down.

Understandably, Michael was traumatised by this event, as many dog owners are up and down the country. We hear about these dog-on-dog attacks pretty much on a weekly basis. Would the hon. Lady agree that section 3 of the Dangerous Dogs Act needs to be amended to make it a criminal offence if an owner allows their dog to kill another, irrespective of whether that dog is an assistance dog or whether injury is anticipated by the owner? The discrepancy between five years for a dog theft—

Sir George Howarth (in the Chair): Order. The hon. Lady is making an important point, but I think she needs to take her seat. An intervention is not the same as a speech; interventions should be short and to the point. The hon. Lady has made her point and asked her question, and I am sure that the hon. Member who moved the motion will respond accordingly.

Christina Rees: I am very sorry to hear of the hon. Lady's constituent's trauma. I am an animal lover and a dog lover. When something happens to someone's pet, it is very traumatic. The hon. Lady made a lot of valid points, and I am sure the Minister was listening.

As I was saying, we need a single dog control Act that consolidates the current complex legislative framework in a breed-neutral way, and we need to use dog control notices proactively to help prevent incidents involving dangerous dogs. There should also be stronger penalties for irresponsible owners.

Dog welfare is compromised on a daily basis as a result of breed-specific legislation. Dogs are put down, kept in kennels for long periods, especially when a decision about whether a dog is a banned type is challenged, or subject to restrictions after the granting of an interim exemption order. Under such orders, which are recommended by DEFRA, the dog owner is assessed as being a "fit and proper person" and the dog is assessed to be of good temperament, allowing the dog to be returned to its owner under exemption conditions. The dog must be microchipped, neutered and kept on a lead and muzzled while in public spaces until the case is heard in court.

There should be new provisions to ensure that the welfare of dogs kept in kennels is safeguarded. The UK Government's responsible dog ownership steering group is welcomed. It is hoped it will lead to useful changes around education, data and enforcement, but it is disappointing that breed-specific legislation is not included. Such legislation is ineffective at protecting public safety and results in the unnecessary suffering and euthanasia of many dogs. It should be repealed and replaced with positive interventions that do not compromise dog welfare.

There is no mandatory requirement to report dog bites, but research suggests that people are more likely to report a bite from a suspected prohibited type. The Office for National Statistics lists 78 deaths from dog bites in England and Wales between 1981 and 2015. The RSPCA found from media reports that, of the 34 fatalities between 1989 and 2017, only nine involved pit bull types. Of the 35 reported and registered dog bite fatalities in the UK between 2005 and 2013, specific breeds were reported in 11 cases, but only two involved pit bull types. Between 1992 and 2019, only 8% of dangerously out-of-control dog cases involved banned breeds.

The coalition believes that identifying certain types of dogs as dangerous can create a false sense of security by over-simplifying the situation. Aggression in dogs is a complicated behaviour, involving a range of factors such as breeding and rearing, experiences throughout a dog's lifetime and, for some dogs, being continually kept on a lead and muzzled in public, which can inhibit natural behaviours and, in some cases, increase aggression.

I also met with Jayne Dendle, who set up the south Wales charity Save Our Seized Dogs to help owners who have had their dogs taken from them under the Dangerous Dogs Act. Jayne started her charity after she came across a story about a therapy dog that had been seized as a potential pit bull type without being involved in any incidents. The owner was a local authority tenant who discovered, after her therapy dog was assessed as an exempt dog, that she was not allowed to keep her dog in her property. Jayne got involved because she wanted to help.

Jayne told me that the costs of challenging a decision about a dog being a pit bull type are prohibitive, so her charity can help only a small number of owners. The legislation requires the owner to prove that their dog is not one of the four banned breeds, which is an onerous reversal of the burden of proof. When a dog does not conform to the proportional measurements and appearance of a banned breed, Jayne recommends that the dog owner obtain an independent assessor's report. Such reports are comprehensive and run to several pages, while police evidence is often one paragraph setting out why they think the dog is one of the four banned breeds. The cost of an independent assessor's report is between £800 and £1,500, but it is often the only method that will save a dog.

Unfortunately, when an owner declares that they will pay privately for a second opinion, the option of an interim exemption order is often withdrawn, and some police forces do not even use the interim exemption order scheme. However, there are many benefits of an interim exemption order: kennelling costs are kept to a minimum; kennel space is freed up for dogs that are of genuine concern; a dog is not away its from home for a long period; there is less pressure on courts to provide a hearing date, and I am sure that Members know about the massive backlog of court cases; and breed-specific cases are of low priority.

Jayne found cases where police forces had encouraged an owner to sign over their dog, which had been identified as being of a banned type, so that the dog could be put down and the owner could avoid facing criminal charges. She believes that training for dog legislation officers is insufficient and should focus more on identifying banned breeds.

The welfare of seized dogs is of great concern. When they are returned to their owners, they are often underweight, have sores from sleeping on concrete floors, have damaged teeth from chewing on the bars of the kennel cage, and have parts of their tails missing from wagging them in an enclosed space. The police keep their kennel and vet costs to a minimum, which leads to poor welfare of seized dogs. Jayne has dealt with several cases in which young dogs that were previously healthy were found dead in police-approved facilities. Puppies are often seized when they are under eight weeks of age because there is a suspicion that one or both of their parents may be of a banned breed, but how can the assessment be accurate when good practice suggests that adult dog maturity is only achieved at around nine months of age? Jayne recently dealt with one such case where the puppies were released at eight months, having been declared to be not of the banned breed type. The puppies were under-socialised, not familiar with living in a household environment, and very scared. Jayne suggests that puppies could be allowed home on a similar scheme to the interim exemption order scheme until they reach maturity, when they could be properly assessed.

In conclusion, I have some questions for the Minister. Will the UK Government commit to implementing the Environment, Food and Rural Affairs Committee's recommendation that there be an independent evidence review to establish whether the banned breed types are an inherently greater risk than any legal breed or cross-breed? Will the Government ensure that all dogs affected by the Dangerous Dogs Act 1991 have their welfare needs met and safeguarded? Will they ensure that all police forces use the interim exemption order scheme? When police forces do not use the interim exemption order scheme, the Government must protect dogs by developing and applying evidence-based, up-to-date kennelling standards.

Will the UK Government allow the rehoming of all dogs seized under the Act by responsible, reputable, rehoming organisations that are assessed through robust procedures? Will they permit independent assessors to review the welfare of dogs that are being kept in kennels pending a court hearing? Will they ensure that there are no contingent destruction orders, and no requirements placed on exempted dogs, such as a requirement to be muzzled in public, when it has been established that a dog seized under the Act does not pose a danger to the public? Will they explore alternatives to breed-specific legislation? Those could range from promoting and fostering responsible dog-ownership communities and allowing for early and preventive interventions, such as dog control notices, to imposing severe penalties on owners who use their dogs to frighten or intimidate. Finally, I should be very grateful if the Minister would meet the petitioner.

4.55 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair, Sir George. I thank my hon. Friend the Member for Neath (Christina Rees) for her comprehensive introduction.

My constituency has contributed the second highest number of signatures to this petition, which shows that my constituents have a great interest in animal welfare matters. In a nutshell, they believe that the breed-specific legislation is flawed, outdated and ineffective, and means that dogs are euthanised simply because of the way they look. No other option is available, and no assessment is made of whether the dog is actually a danger. It is argued that there is no specific research demonstrating that the dogs in question pose more of a risk than other types of dog.

I am a dog owner, and I regularly take our Labrador Mellie on walks through Rivacre valley in our constituency, where we meet lots of constituents, of course, and lots of other dogs. They all have different personalities, and it is very apparent that a dog cannot be judged by what

[Justin Madders]

it looks like or its breed. Focusing on four breeds only is ineffective; that is shown by the fact that the breed-specific legislation has not improved public safety as intended.

My hon. Friend gave a number of statistics, and I want to refer to a couple. In the past 20 years, dog bites have increased by 154%, but only 8% of dangerously out-of-control dog cases involved banned breeds. What is happening with the other 92% of out-of-control dog cases? Why have all the legislative eggs been put in one basket, which accounts for only 8% of the problem?

As we know, hospital admissions due to dog bites continue to rise year on year, so it is clear that the law has significantly failed to do what was intended. It has not reduced dog bites, and it means that innocent dogs continue to be put to sleep. Tragic fatalities as a result of dog attacks continue, so it is clear that the law needs re-examining. Public safety must be paramount, and we absolutely cannot have dangerous dogs coming into contact with the public, but if that is what the legislation is meant to prevent, it is failing.

As my hon. Friend said, recent research from Middlesex University London was instructive. It found that data about dog bite incidents is lacking, and record keeping across the country is inconsistent. The university's report said:

> "Participants almost unanimously cast doubt on the idea that breed was a cause of dog attacks noting either that dogs are not inherently dangerous if properly socialised and engaged with using appropriate behaviours, or that all dogs could be dangerous if placed in the wrong situations and handled inappropriately."

It noted studies that indicated that dog bite incidents should not by themselves be taken as an indication of dog aggression that requires a regulatory response. Statistical data on the extent of dog attacks therefore needs careful interpretation, and there should be an examination of all the other factors in play.

A dog's behaviour can very much be influenced by its owner, as well as by other environmental factors. All dogs can be dangerous in the wrong hands, and action to tackle canine aggression should focus on the animal's training. That would be better than the current crude and ineffective focus on what the dog looks like.

According to the latest data from the Battersea Dogs and Cats Home, about 200 leading behaviour experts found that socialisation is the most critical factor: 86% said that the way a dog is brought up by its owner is the most important reason why some are more aggressive towards people than others, and 73% said that the dog's upbringing by the breeder before they are sold determines behaviour. It is clear that that is where the focus ought to be.

I understand that a steering group has been set up to look at the recommendations from the Middlesex University London report, but it will not look at the legislation, despite there being serious questions about whether it does what was intended. As we have heard, the Royal Society for the Prevention of Cruelty to Animals, Dogs Trust, Battersea Dogs and Cats Home, Blue Cross, the British Veterinary Association and the Kennel Club all want the introduction of what they call breed-neutral legislation that better protects public safety and dog welfare. We need to look at what the evidence and the science are telling us and what the experts say. I would like the Government to commit to a review of the legislation as soon as possible, and to engage with local authorities, the police and experts from other countries. As we heard from my hon. Friend, we can learn from experiences abroad and use them to develop a deeper understanding of what works in this area, because we have seen that the legislation does not stop dog bites and is bad for animal welfare. It is obvious that we need a more rounded approach to dog control that focuses on prevention through responsible ownership and education.

Finally, I want to talk about how breed-specific legislation plays into the wider legislative framework around dogs. A number of constituents have contacted me with their concerns about the increasing number of artificial insemination clinics; unqualified people are able to call these places clinics. Some people will think that their dogs are being dealt with by a professional when the person may have no qualifications at all. There are real concerns about whether these clinics are safe. We certainly cannot be sure that breeding is not going on there, and that needs much closer examination. That is another example of how our legislation is well behind the curve on developments in animal welfare. We need to regulate these clinics and ensure professional standards; that is in the interests of the public and animal welfare.

In conclusion, we want to be a world leader in animal welfare, so we need to keep legislation up to date, follow what the science and expert advice tells us, and base our approach on that.

5.1 pm

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): It is always a pleasure to serve under your chairship, Sir George. I thank the almost 116,000 members of the public, including 149 of my constituents, who signed the e-petition on breed-specific legislation. I congratulate the hon. Member for Neath (Christina Rees) on her opening remarks.

I am pleased to see the clear public support for reforming these outdated laws. I understand the aims of the Dangerous Dogs Act 1991, and protecting the public is, of course, vital, but it is clear that the Act is not serving its intended purpose. In the vast majority of cases, a dog is moulded by its owner. While some breeds may be genetically more predisposed to aggressive traits, the way a dog is raised, trained and cared for has a huge influence on its temperament and behaviour. Any dog with negative experiences or irresponsible owners could show traits that have seen breeds banned under the legislation. The opposite is also true: dogs of banned breeds that are raised and cared for properly could be harmless.

In January, the Government said in their written response to the petition that repealing the legislation when there was no alternative in place was something that they were "unwilling to do" because of the increased risk to public safety. That is a somewhat lazy response. The Government have time and again stated that animal welfare is a priority for them, so why leave this legislation in place when it unnecessarily has a direct, negative impact on the welfare of certain dog breeds? Ministers have set out an ambitious legislative programme in this space in the form of the animal welfare action plan. Indeed, some of the legislation has already been passed. There is some argument that other aspects of that plan have since been watered down, but a reform of breed-specific policies through the repeal and replacement of the

current legislation could be the perfect middle ground. It is not an issue that the Government should merely be ignoring.

The legislation has not reduced the number of dog bites in the UK. In fact, the number of bites continues to rise yearly. DEFRA's own stats on the breakdown of bites by breed are notably unreliable, and there is no obligation to report dog bites. Lots of the data around dog ownership is based on estimates, and an independent report commissioned by DEFRA found that dog bite data is lacking and inconsistent. The dog control coalition asked 45 police forces for dog bite data covering the period from 2016 to 2020. Only four of the forces that provided a response could give details of the breed or type of dog involved in incidents. There just is not the evidence to prove that the legislation is effective. In fact, one could argue the opposite; an undue focus on the limited number of banned breeds has meant that we are not looking at the bigger picture.

The worst part of the legislation for me is that whether a dog is banned or not does not even come down to their breeding. The Government guidance says:

> "Whether your dog is a banned type depends on what it looks like, rather than its breed or name."

That means that dogs that are not even of a banned breed can be seized and, in many cases, euthanised based solely on a physical characteristic. To be clear, we are not just talking about aggressive dogs, or dogs that have attacked someone. These can be perfectly friendly, loving pets that someone deems to look illegal. Dogs seized under the Act will go through really traumatic experiences. Seized dogs are put into kennels for months, or even years. They are confined to small spaces and will have a much lower quality of life. Those environments can make a dog more likely to behave aggressively; it is a self-fulfilling prophecy.

Some dogs will get exemption status from the courts, having been found to be a limited threat to the public, but those dogs do not get to move on and live a normal, happy, fulfilled life. They are subject to conditions such as always wearing a muzzle outside, or always being on a lead. Often these dogs are big and energetic, and it is unfair that they will never be allowed to run around, burn some energy, and play with other dogs in the park. Muzzles can be problematic if worn for a prolonged time, and can cause discomfort and sores.

The law prohibits charities from rehoming banned dogs—or, as I say, dogs that look as though they might be of a banned breed. Regardless of the dog's temperament or personality, they cannot go to one of the many willing and loving homes across the UK. Sadly, that means that euthanasia becomes the only option. Veterinary surgeons, staff and charity employees see huge numbers of dogs put down needlessly—dogs that would have been suitable for rehoming. It is traumatic and awful for everyone involved. It is astonishing that a 30-year-old piece of legislation that we know to be ineffective continues to be applied without scrutiny.

I thank the Scottish SPCA for its excellent briefing on this subject, and for taking the time to show me around the Lanarkshire animal rescue and rehoming centre a couple of weeks ago, where there are a lot of loving dogs looking for a new home. The Scottish SPCA's work is incredibly important, and I completely back its "No Bad Breed" campaign, which has a petition that is nearly at the 25,000-signature mark. Anybody looking to support it should go online and find the campaign page.

This complex issue cannot be boiled down to breed. I pay tribute to Chief Superintendent Mike Flynn, who has been urging the Government to review the legislation, as it is not fit for purpose. He has done a lot of work in this area. I hope that the Minister can today acknowledge that there is work to be done on this issue and a need for reform, and can bring it forward. That would be not only in line with the opinion of the overwhelming majority of the public, but would improve public safety in the round and prevent the unnecessary death of innocent dogs.

5.8 pm

Mr Toby Perkins (Chesterfield) (Lab): It is a great pleasure to serve under your chairmanship, Sir George. I congratulate my hon. Friend the Member for Neath (Christina Rees) on introducing the debate, and on the way in which she opened it. People from right across the country feel strongly about the issue, and I am sure that many will have appreciated what she said. I am pleased to speak today on behalf of the dozens of constituents who have contacted me on this issue. In fact, at the latest count, 286 people from Chesterfield had signed the petition. There is no doubting that there is very strong opinion on the subject. As is often said, we are a nation of animal lovers. I receive more emails and letters regarding animal welfare than on almost any other issue. My inbox is full of messages from people who are concerned about badgers, bats, birds, butterflies, improving welfare standards in food production, and protecting animals across the world from poaching or the destruction of their habitat.

Even stronger than our passion for wild animals is our love for our pets. Our pets, particularly our dogs and cats, are very much part of the family. We love them and we protect them like a family member. That is why people feel so passionately about how unfair and ineffective the legislation is, and why over 115,000 people signed the e-petition that generated today's debate.

I have the great privilege and honour of sharing our house with the family cat, Basil—a tiny bundle of energy who many colleagues of mine may have seen appearing on Zoom calls over the last couple of years—and also the family dog, Laurie, who is very old and increasingly smelly, but very much adored by the family none the less. We would all be devastated if anything happened to them, which is of course how people across the country feel, but it is a particular agony if our animals are attacked. The consequences can be very serious for the whole family when dogs get out of control and attack other dogs, and obviously when, tragically, children and others are attacked. Dangerous dogs are a menace that absolutely must be clamped down upon. Today's debate is not about whether action needs to be taken against dangerous dogs, but about whether we are currently taking the right action.

Wayne David: In the five months to February, there were 69 dog attacks in the Gwent police area, which is relatively small, and that figure can be extrapolated right across the country. Nothing highlights more how ineffective the current legislation is.

Mr Perkins: I agree with my hon. Friend entirely. We have heard from other hon. Members about the importance of recognising the need for legislation that targets dangerous dogs and dangerous dog owners. When 92% of all attacks are by dogs not covered by the legislation, it is clearly ineffective, as his experience in Gwent demonstrates.

We all have pets that we love, or pets that have died who we still miss. I am sure everybody understands the distress and extreme upset it causes dog owners who have their pets—animals that may be well trained and have never harmed anyone—confiscated and euthanised simply because of their breed or type. I recently met my constituent Annie Littlewood to discuss her dog Frank, who sadly died recently. Annie always suspected that Frank might be of a pit bull-type breed and lived in fear that he would be confiscated and put down. Frank was quite a local celebrity in the Brookside area of Chesterfield. He was a gentle soul who was loved by everyone who met him. When he was out on walks, people from across the community went up to speak to him and give him a stroke. He was always well behaved and never harmed a person or any other animal, but under the current legislation he could have been deemed dangerous and euthanised.

That is clearly why so many have signed this petition. The Dangerous Dogs Act 1991 has often been held up as an example of poor-quality legislation that was created in haste, without proper scrutiny or consultation. While no one wants anyone to be the victim of a dog attack, we need to ensure that laws to address that are effective and to be certain about what they are achieving. As the current legislation is not reducing dog attacks or improving public safety, it is clearly not fit for purpose. I therefore hope that when the Minister responds she will show a little more open-mindedness about addressing this law and recognise that a wide variety of organisations with real passion in this area believe that it is failing to improve public safety.

The RSPCA, the British Veterinary Association, the Kennel Club and many other animal welfare groups all seem to agree that a review is urgently needed and that the current law is not working, so I hope the Government will listen to these groups. Evidence from the RSPCA suggests that the four breeds selected by the legislation 30 years ago are no more prone to aggression, and do not pose a more significant risk, than many other types of dogs.

The hon. Member for Southend West (Anna Firth) spoke about the importance of ensuring that dog owners take responsibility for dog-on-dog attacks, and she made an important point about aspects of the legislation that need to be reviewed. I know that is felt particularly passionately by the Guide Dogs for the Blind Association, because guide dogs are bred and trained to be gentle, for obvious reasons. It is incredibly important. When they come under attack, they are ill equipped to defend themselves. It massively impacts on their ability to do their job—they are working dogs—and it is terrifying for the blind person accompanying them to experience those kinds of attacks, so dog-on-dog attacks should be capable of being prosecuted in the way that the hon. Lady spoke about.

When it comes to the creation or amendment of laws, it is vital that we look at the evidence and listen to the experts, as my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) said. I know that listening to experts is not always something that the Government have chosen to do, but it is our responsibility as legislators and representatives to make sure that laws are evidence-based. The Government should see this as an opportunity to improve public safety by creating a system that focuses on the aggressive behaviour of dogs, and on owners who either fail to control their dogs or deliberately try to make them more aggressive, rather than on the very blunt instrument of breed, which is how the legislation is currently formulated.

Responsible dog owners such as my constituent Annie, who have made sure that their dogs are well trained, balanced and passive, should not have to live in fear that their much-loved family pet could be destroyed because an inspector with a tape measure has determined that it is an illegal type. Let us listen to our constituents and the experts, and let us work together to create an ethical system that genuinely improves public safety and does not needlessly destroy safe, well-behaved pets.

5.17 pm

Dave Doogan (Angus) (SNP): It is a pleasure to serve under your chairmanship, Sir George. I thank the hon. Member for Neath (Christina Rees) for securing the debate.

I rise to speak in favour of the views that many of my constituents have expressed regarding breed-specific legislation, and I am very pleased that we have one of the SSPCA's rescue and rehoming centres in Angus. I was lucky enough to visit it for the first time after covid a number of weeks ago, and I met a gorgeous pit bull bitch who may be rehomed—I hope that she is—but so many of that breed face a different fate thanks to the legislation, which simply does not work. The evidence is not there to uphold the legislation. It probably was not there 30 years ago, and it certainly is not there now.

I hope the Minister recognises the neutral, supportive and non-partisan tones with which we are all coming at the debate. I do not hear anybody swiping at the Government in the name of this priority. This is not about dogs' rights versus people's right to feel safe in the public realm. It is about decency towards animals, which people in these islands have a justifiable reputation for upholding across the years, and about making sure that people are protected from dangerous dogs.

Focusing on the four breeds set out in the legislation gives an easy ride to dangerous dogs that are not one of those breeds. The SSPCA is clear on this point and says that it is fully supportive of legislation to protect the public, as we all are. It believes that any breed of dog that is out of control is a dangerous dog in the wrong hands, and that the legislation does not really reflect this. In essence, the SSPCA wishes to see section 1 of the Dangerous Dogs Act amended so that dogs are judged on the deed, not the breed, which is a helpful way of encapsulating the situation. It would mean that dogs are put to sleep only if they pose a demonstrable risk to the public, rather than because they are a certain type of dog, which is an arbitrary qualification.

While the four banned breeds are detailed in the way that they are, it puts an unnecessary burden on legislative bodies, the courts, law enforcement and police forces up and down these islands. It cannot be easy for professionals in those roles to follow the law down a cul-de-sac that puts an otherwise healthy animal to sleep.

We need to protect the public, as I have said, and we should not deal in anecdote, but I was bitten by a dog when I was a kid and it was not one of those four breeds, and I know people who have made the painful decision to put their own pet down because it had a temperament issue, and it was not one of the four breeds. I am not a small person, but I was knocked clean off my feet by an out-of-control Labrador. It was about 10 stone, right enough, and its accelerator worked better than its brakes. Nevertheless, it was nothing to do with these four breeds. I think it is time, 30 years on from the legislation, to take a much fresher look at this issue.

I want to impress on the Minister the fact that evidence makes better legislation than reputation does. I look forward to hearing what she says to these points.

5.20 pm

Ruth Jones (Newport West) (Lab): It is a pleasure to serve under your chairmanship again, Sir George. This has been a very focused and consensual debate, and I am pleased to say a few words from the Opposition Front Bench. This is the second time in just a few months that I have had the opportunity to thank my hon. Friend the Member for Neath (Christina Rees) for opening a debate in the House, and I do so again today.

I would like to acknowledge the colleagues who have spoken in today's debate and all those who signed this petition. Involvement and engagement with our democratic processes can at times seem difficult, so I am pleased that at least 114,000 people from across the UK, including more than 150 people in my own constituency of Newport West, signed the petition. I thank them for ensuring that their voices have been heard and I hope that the Minister responds in detail to the points raised in this debate.

The benefit of a very focused debate is that there is no excuse for rambling, dithering or delay, so I shall be as brief as possible. I start by reiterating, as I do at every opportunity afforded to me, that those on the Opposition Benches believe in honouring animal welfare and we will always push for the strongest possible animal welfare policies. Those are not just words. Colleagues across the House had the opportunity to help us to put our pledges into action during the passage of the Bill that became the Animal Welfare (Sentience) Act 2022. Alas, Tory Members of this House voted down every single animal welfare-related amendment, opposed every single suggestion and ignored even the most anodyne points from Opposition Members. That is a matter of deep regret.

Many people out in the country, including those who have signed this petition, believe that the current approach to dog control is misguided and does not adequately protect people, or animals for that matter. I agree with that and I hope that the Minister will be crystal clear about her view and that of Her Majesty's Government.

It is important that we consider some of the background to this important issue. Section 1 of the Dangerous Dogs Act, also known as breed-specific legislation, makes it an offence to own, breed from, sell or exchange four dog breeds: the pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. The police or local authority can take away a banned dog even if it is not acting dangerously and there has not been a complaint. It is important to note, as hon. Members have done today, that owners can apply for an exemption order. I would be grateful if the Minister told us how many owners have applied for an exemption in each of the last five years. I hope that, if she does not have access to that information today, she will write to me with it. This is important, because if the court finds that the banned dog is not a danger to public safety, it will be put on the index of exempted dogs and the owner will be allowed to keep it—in compliance with certain conditions, which we have heard outlined today. I think that it would be helpful to colleagues if the Minister outlined whether she thinks that the said conditions as they stand are suitable and effective. If not, how does she think they can be improved, and what work is she doing to improve them?

The Dangerous Dogs Act was introduced to protect the public from attacks by dangerous dogs. More than 200,000 people are attacked by dogs in England alone every year. The Act prohibits breeds traditionally bred for fighting, and makes it an offence for any dog to be "dangerously out of control" in our communities. However, since the Act was introduced, the number of fatalities from dog attacks each year has risen. Up to August 2017, there had been 73 fatal dog attacks in England and Wales since the Dangerous Dogs Act was introduced. Hospital admissions, as we have heard today, have increased by 81% since 2005. Therefore this is not something that we can ignore.

A petition to the UK Parliament that was entitled "Replace Breed Specific Legislation with a new statutory framework" received more than 118,000 signatures and was debated in Parliament on 5 July 2021. The petition stated that BSL

> "fails to achieve what Parliament intended, to protect the public. It focuses on specific breeds, which fails to appreciate a dog is not aggressive purely on the basis of its breed. It allows seizure of other breeds, but the rules are not applied homogeneously by councils."

It further stated:

> "We need a system that focuses on the aggressive behaviour of dogs, and the failure of owners to control their dog, rather than the way a dog looks."

It called on the Government to "Reconsider a licensing system." Opposition Members believe that safety must be our top priority, without unnecessarily punishing responsible dog owners or harming dogs that are not necessarily a risk. In other words, we need a realistic and objective approach.

Since the Dangerous Dogs Act came into force, more people have been killed by dog attacks and more people are being admitted to hospital due to dog bites. We all know the feeling of horror when we receive the news of a child or young person killed by a dangerous dog, as highlighted by my hon. Friend the Member for Caerphilly (Wayne David). Our sympathies and condolences go out to all those affected by this issue.

At the same time, it is important and fair to note that too many harmless dogs are destroyed simply because they are a banned breed, regardless of their temperament, behaviour or surroundings. We must be more pragmatic when it comes to banning certain dogs based on their breed. All dogs can be dangerous in the wrong hands. Action to tackle dog bites and canine aggression must focus on the deed, not the breed, and that requires proper resources, focus and attention, as my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) so eloquently stated.

[Ruth Jones]

In 2018, the Environment, Food and Rural Affairs Committee carried out an inquiry into breed-specific legislation, and called for a full-scale review of current dog control legislation and policy to ensure the public is properly protected and animal welfare concerns addressed. It said that changing the law on BSL is

"desirable, achievable, and would better protect the public."

I would welcome hearing the Minister's view on that inquiry. I would like to know whether she supports the recommendations and what progress has been made on introducing and implementing them. What cross-nation engagement has taken place with the devolved Governments of the United Kingdom?

Like my colleagues on the Opposition Benches, I believe we must follow the science and evidence. I call on the Minister today to commit to a review of breed-specific legislation and the Dangerous Dogs Act as soon as possible, and to engage with local authorities, police and experts from other countries to develop a deeper understanding of different successful approaches for the UK.

Government-commissioned research by Middlesex University into dog control measures published in December 2021 concluded that dog ownership is insufficiently regulated. The Government have said that they remain concerned that lifting restrictions could lead to further tragedy, but they have indicated that they are considering the recommendations, which included improved recording of dog attack data and characteristics, and new legal requirements on dog ownership. It would be good to have a further update from the Minister today if possible.

Breed-specific legislation does not stop dogs biting children, young people and adults. It is bad for animal welfare because the dogs cannot be rehomed in a controlled environment. Thousands of dogs are being euthanised. That simply is not a sustainable or fair solution; not if we want to say that this country takes animal welfare seriously. My hon. Friend the Member for Chesterfield (Mr Perkins) highlighted eloquently how people the length and breadth of the UK love their pets. I wish his cat and dog a long and happy life. We want a more holistic approach to dog control that focuses on prevention through education, responsible ownership and early intervention, as my hon. Friend the Member for Caerphilly stated. As with so much of our national life since 2010, we can solve things if we want to. I hope the Minister will instruct her officials to start making progress on the many points that have been made today. We have no time to waste.

5.28 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jo Churchill): It is a pleasure to serve under your chairmanship, Sir George. I thank the hon. Member for Neath (Christina Rees) for introducing the debate and all hon. Members for their contributions, which have all been extremely well thought out and articulated, and have highlighted the pain for animals and owners on both sides of the equation. The hon. Member for Chesterfield (Mr Perkins) highlighted eloquently how we value our pets, but also how that cannot be at the expense of ensuring that safety is paramount in our minds.

I hope today to give a little encouragement about how we are already on the way to some of the things to which hon. Members have referred, but I would be the first to say that we are still gathering the evidence. That is important, because we work with many of the partners mentioned today, whether that be academics and the veterinary profession, or our police, local authorities and other stakeholders. They are all key to ensuring that we have the right evidence base with which to move forward.

Dr Neil Hudson (Penrith and The Border) (Con): I am encouraged to hear that the Government's response is to look at the evidence when reviewing such legislation. It is a sensitive area that people feel passionately about, and we have heard some powerful interventions and speeches today. Sadly, some dogs and some behaviours are dangerous to people and to animals, as we heard. In combination with powerful jaw structures and dog bodies, that becomes quite frightening. Some, including the hon. Member for Newport West (Ruth Jones), talk about how we should be looking at the deed, not the breed, and I am sympathetic to that. However, as we know, some breeds are dangerous, and I suggest to the Minister that a middle ground might be to think holistically and to consider breed and/or deed.

Jo Churchill: My hon. Friend speaks both as a Member in this place and as an esteemed member of the veterinary profession, pointing out that we are not looking for an all-or-nothing approach here. That is very timely, and I thank him for it.

Sadly, we have seen a number of tragic fatalities from dog attacks in recent months. Many of them have involved children, but not exclusively so. The Government are already taking action to address that. I will set out what we are doing, working with the other stakeholders that I mentioned. Indeed, I was heartened that the hon. Member for Neath referenced how some of the work is beginning to get under way.

We have been working with stakeholders, including the police, local authorities and—a couple of hon. Members asked about this—the devolved Administrations, in order to develop simple key messages to promote safer interactions, in particular between children and dogs. The dog safety code launched last week highlights three key messages to all dog owners and families with children. As the hon. Member for Chesterfield said, and as we know in our home, a family pet is a great asset but has its own needs, and those needs have to be cared for. Dog owners should be alert and always keep an eye on their dog when it is around children. They should not leave them alone together. They should be aware and get to know their dog—dogs use signals to tell us when they are stressed. Be safe, because any dog can bite and accidents happen very swiftly.

Today is the start of Child Safety Week, and the Department of Health and Social Care and the Department for Education are sharing that messaging, which will also be used by health visitors and child safeguarding professionals. We will continue that over the summer holidays, because we want the dog safety code to be embedded in future communications. At this point, I put on the record my thanks to Marisa Heath of the Canine and Feline Sector Group for her support in co-ordinating that work. As many have said today, others helping to get this right is what we need.

Members are well aware of the work that we commissioned from Middlesex University to explore measures to reduce dog attacks and to promote responsible ownership across all breeds of dog. We published that report in December last year, and in response to it we established the responsible dog ownership project with the police, local authorities and animal welfare stakeholders, to consider the report's recommendations in detail, build on the evidence base and provide advice to the Government.

Four areas are examined, and I will go into some of the specifics, in particular to answer some of the questions of the hon. Member for Neath, although many Members present brought up areas such as enforcement. The project is looking at strengthening enforcement; developing and supporting education initiatives, which is seen as key; improving the quality and accessibility of dog training; and—I think this was brought up by virtually every Member who spoke, but certainly by the hon. Members for Neath and for Rutherglen and Hamilton West (Margaret Ferrier), and my hon. Friend the Member for Southend West (Anna Firth)—the importance of data collection right across the system, whether by hospitals when there have been attacks, veterinarians or the police, so that we know what we are dealing with. We expect that project to conclude its work in early 2023. The Government will then consider the advice and work through the next steps.

To address the point about breed-specific legislation not working, repealing the breed-specific provisions without other changes would not help public safety. That is why we are working on ensuring we have the right evidence base. We are not willing to repeal the breed-specific provisions contained in the Dangerous Dogs Act without other changes being made. We need to walk carefully through these things and make sure that we reach the right conclusions.

The hon. Member for Neath talked about rehoming exempted dogs. Current legislation only permits the transfer of keepership of prohibited dogs when the existing keeper has died or is seriously ill. Case law has also confirmed that a person with a pre-existing relationship with the dog can apply to place it on the index, even if they are not the owner or the most recent keeper.

The hon. Lady also raised the issue of putting down good-natured dogs. Any changes relating to rehoming must consider the signals that sends about the acceptability of keeping those types of dogs. We must ensure that we draw the right balance and find the middle ground so that legislation is both workable and enforceable, and cares for the animal in the best possible way.

Several hon. Members spoke about why the data is lacking. The report by Middlesex University highlighted that much more could be done about the recording of dog attacks. As I have said, we are working with the institutions I mentioned, as well as NHS Digital, to make sure we get that data in a timely way.

On the question of how we address dog attacks by other breeds, section 3 of the Dangerous Dogs Act makes it an offence to allow a dog of any breed or type to be "dangerously out of control" in any place. In addition, the Anti-Social Behaviour, Crime and Policing Act 2014 includes specific measures to enable the police and local authorities to tackle irresponsible dog ownership before a dog attack occurs, including through the use of community protection notices. It is important that we know what legislation we have already, and why it is or is not working.

On dog-on-dog attacks, I extend my enormous sympathy to the constituent of my hon. Friend the Member for Southend West. I have heard my hon. Friend talk about the attack on her constituent's dog before and it sounded utterly horrific. Existing powers allow dog-on-dog attacks to be tackled, including through issuing community protection notices, as I just mentioned, and through prosecution under the 1991 Act and the Dogs Act 1871. The Animal Welfare (Kept Animals) Bill will bring in new measures to crack down on dog attacks on livestock. We do not want to bring in legislation piecemeal and we want to get it right.

The hon. Member for Neath asked what we can do to look at the time dogs spend in kennels. The interim exemption scheme allows dogs to remain with their owners in advance of a court hearing if the police determine that the dog will not pose a threat to public safety. I assure her that DEFRA officials are working with police forces across the country to increase uptake of the interim exemption scheme. Commercial kennels are required to meet the standards placed upon them and are licensed by the local authority.

The hon. Member for Chesterfield said that dogs should not be judged by their appearance. The Middlesex University report does not go so far as to say that we should move away from breed-specific legislation, but it recognises that a range of factors need to be considered. That is why I hope that when the project comes forward early in 2023 we will have the framework to move forward.

On responsible dog ownership, the report recommended that we look at additional legal requirements on dog ownership, including, as a basic standard, that dog owners must demonstrate a minimum standard of dog knowledge and be on a register attesting to that fact. We are also looking to improve the microchipping regime, because those databases are complex—I think there are 17, and they need to be brought into one place.

Wayne David: Will the Government at least look at the possibility of licensing dogs?

Jo Churchill: When the evidence comes back, we will obviously look at it. We microchip all our dogs, and if a microchipping database works effectively and we have a good education programme, I would argue that that should be sufficient, but we are waiting with an open mind until the evidence comes back.

I understand the strength of feeling about breed-specific legislation, but the Government must balance the views of those who want it repealed with our responsibility to protect the public. We remain concerned that lifting the current restrictions may not be the optimal move forward. However, the responsible dog ownership project will explore these issues more widely, and if we make any changes, we will ensure that public safety remains the absolutely paramount point at the heart of the regime.

I hope that colleagues are reassured that we take this important subject seriously. I look forward to carrying on the collegiate conversation with them to ensure we get this right.

5.42 pm

Christina Rees: We have had a very good debate, and I thank all hon. Members for their excellent, thought-provoking contributions. There is agreement that the Dangerous Dogs Act 1991 is not fit for purpose. I thank the Minister for her response, and I urge her—I know she is very magnanimous—to continue reviewing the legislation comprehensively and to act on expert evidence in order to find a middle ground that works, because it is not working at the moment. I think we need breed-neutral legislation that protects the public and safeguards dogs and responsible dog owners.

Finally, I thank the petitioner, Anita, for raising this very important matter and for her determination in campaigning to repeal breed-specific legislation and reform dangerous dogs legislation.

Question put and agreed to.

Resolved,

That this House has considered e-petition 603988, relating to breed specific legislation.

5.44 pm

Sitting adjourned.

Written Statements

Monday 6 June 2022

DEFENCE

Armed Forces Pay Review Body: Chair Appointment

The Minister for Defence People and Veterans (Leo Docherty): I am pleased to announce that the Prime Minister has appointed Mr Julian Miller as the next Chair of the Armed Forces Pay Review Body. His appointment will commence on 17 June 2022 and run until 16 June 2025.

The appointment was conducted in accordance with the 2016 Governance Code on Public Appointments.

[HCWS75]

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

Contingent Liability Notification: Ukraine Guarantee

The Minister for Europe and North America (James Cleverly): Today, I have laid a departmental minute which describes a liability the Foreign, Commonwealth and Development Office is undertaking to support the economic stability of Ukraine after the Russian invasion in March 2022.

It is normal practice, when a Government Department proposes to undertake a contingent liability in excess of £300,000 for which there is no specific statutory authority, for the Minister concerned to present a departmental minute to Parliament giving particulars of the liability created and explaining the circumstances; and to refrain from incurring the liability until 14 parliamentary sitting days after the issue of the statement, except in cases of special urgency.

The FCDO will guarantee a further $500 million or euro equivalent—approximately €464 million, or £396 million at current exchange rates—of financing by the World Bank to the Government of Ukraine. It will enable $500 million of additional World Bank financing to the Government of Ukraine.

The UK announced an intention to guarantee a further $500 million of financing from the World Bank to the Government of Ukraine on April 9 2022. If, during the period of 14 parliamentary sitting days beginning on the date on which this minute is laid before Parliament, a Member signifies an objection by giving notice of a parliamentary question or by otherwise raising the matter in Parliament, final approval to proceed with incurring the liability will be withheld pending an examination of the objection.

The exact length of the liability is dependent on the agreed loan by the World Bank but is expected to last up to 25 years. FCDO would pay official development assistance only if a default occurred as agreed with the World Bank. The departmental minute sets this out in detail.

HM Treasury has approved the proposal in principle and the Chair of the Public Accounts Committee has been notified.

I am placing today a copy of the departmental minute in the Library of the House.

[HCWS74]

INTERNATIONAL TRADE

UK-Australia Free Trade Agreement: Publication of Report Pursuant to Section 42 of Agriculture Act 2

The Secretary of State for International Trade (Anne-Marie Trevelyan): The Government have, today, laid before Parliament a report on the Australia-UK Free Trade Agreement. The report is required under Section 42 of the Agriculture Act 2020, prior to the agreement being laid before Parliament for formal scrutiny under the Constitutional Reform and Governance Act 2010 (CRaG).

The Government have always been clear that we will not compromise on the UK's high environmental protection, animal welfare and food safety standards in our trade negotiations. This report, which draws on independent advice from the Trade and Agriculture Commission[1], Food Standards Agency and Food Standards Scotland, confirms the Government's view that the UK-Australia FTA is consistent with the maintenance of UK statutory protections in these areas.

This report is intended to inform and support scrutiny of the UK-Australia agreement prior to its ratification and entry into force. The text of the UK-Australia agreement was published on 16 December 2022 and will be formally laid before Parliament for scrutiny under the provisions of CRaG in due course.

[1] TAC advice published on 13 April 2022 at: https://www.gov.uk/government/publications/uk-australia-fta-advice-from-trade-and-agriculture-commission.

[HCWS76]

TRANSPORT

A1: Morpeth to Ellingham

The Minister of State, Department for Transport (Andrew Stephenson): I have been asked by my right hon. Friend, the Secretary of State (Grant Shapps) to make this written ministerial statement. This statement confirms that it has been necessary to extend the deadline for a decision for the A1 in Northumberland - Morpeth to Ellingham Development Consent Order under the Planning Act 2008. The extension is in light of the written statement made by the Secretary of State on 26 May 2022 regarding the Union Connectivity Review, [HCWS62].

The proposed development comprises the widening of approximately 12.8 miles stretch of the A1 between Morpeth to Ellingham with approximately nine miles online widening and approximately 3.8 miles of new offline highway. The Secretary of State received the examining authority's report on 5 October 2021 and the original deadline for a decision was extended from 5 January 2022 to 5 June 2022 following a written ministerial statement laid on 15 December 2021 to allow for further consideration of environmental matters.

The deadline for a new decision is 5 December 2022.

The decision to set a new deadline is without prejudice to the decision on whether to grant development consent for the above application.

[HCWS73]

HS2 Crewe - Manchester Scheme: "Golborne Link"

The Minister of State, Department for Transport (Andrew Stephenson): The "Golborne Link," part of the HS2 Crewe - Manchester scheme, is a proposed c. 13-mile connection which would branch off the main HS2 line towards Manchester near Knutsford, in Cheshire, to rejoin the West Coast Main Line (WCML) near Golborne, just south of Wigan. Construction was due to start in the early 2030s and it was due to open in the late 2030s or early 2040s as part of the second stage of HS2 services to Scotland.

In October 2020, the Government established the independent Union Connectivity Review, led by the chairman of Network Rail, Sir Peter Hendy, to consider how best to improve transport connectivity between the nations of the UK.

Sir Peter's final report, in November 2021, set out that the Golborne Link would not resolve all the rail capacity constraints on the WCML between Crewe and Preston. He recommended that the Government should reduce journey times and increase rail capacity between England and Scotland by upgrading the WCML north of Crewe and by doing more work on options for alternative northerly connections between HS2 and the WCML.

Ahead of the Government's response to the Union Connectivity Review, we can confirm the Government will look again at alternatives which deliver similar benefits to Scotland as the "Golborne Link", so long as these deliver for the taxpayer within the £96 billion envelope allocated for the integrated rail plan. We will look at the potential for these alternatives to bring benefits to passengers sooner, allowing improved Scotland services from Manchester and Manchester Airport, as well as from Birmingham and London. HS2 trains will continue to serve Wigan and Preston, as well as Lancaster, Cumbria and Scotland.

Government therefore intend to remove the "Golborne Link" from the High-Speed Rail (Crewe - Manchester) Bill after Second Reading. That means that we will no longer be seeking the powers to construct the link as part of this scheme. The Crewe-Manchester HS2 mainline will remain in the Bill as before. Plans for Northern Powerhouse Rail will also be unaffected.

Our plans for the first-stage HS2 services to Scotland in Phases 1 and 2a of the scheme—between London and the West Midlands, and the West Midlands and Crewe—will also be unaffected, with HS2 trains operating from London to Scotland when services begin running, in the late 2020s or early 2030s.

We will publish a supplement to the January 2022 HS2 Crewe - Manchester scheme strategic outline business case, setting out the implications of removing the "Golborne Link", prior to Second Reading.

I am also publishing revised safeguarding directions for the Crewe - Manchester scheme to reflect the Bill's limits and protect the land that may be required for the construction and operation of the high-speed railway.

I am maintaining safeguarding along the "Golborne Link" while alternatives are considered. This means we plan to keep existing compensation programmes in place for affected homeowners so that they can still access support as needed. The Government periodically review land requirements needed for the project and updates the extent of safeguarding accordingly.

A copy of the safeguarding directions will be placed in the Libraries of both Houses and made publicly accessible online.

[HCWS77]

ORAL ANSWERS

Monday 6 June 2022

WRITTEN STATEMENTS

Monday 6 June 2022

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

not later than
Monday 13 June 2022

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Volume 715
No. 12

Monday
6 June 2022

CONTENTS

Monday 6 June 2022