

**Wednesday  
13 July 2022**

**Volume 718  
No. 34**



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**Wednesday 13 July 2022**

---



# House of Commons

*Wednesday 13 July 2022*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

**Mr Speaker:** Order. Before we start today's business, I must inform the House that I have received a letter from the right hon. Member for Tunbridge Wells (Greg Clark), indicating that he wishes to resign as Chair of the Science and Technology Committee. I therefore must declare the chair vacant. I will make an announcement about the date and arrangements for the election of a successor next week.

## Oral Answers to Questions

### WOMEN AND EQUALITIES

*The Minister for Women and Equalities was asked—*

#### Gender Pension Gap

1. **David Linden** (Glasgow East) (SNP): What discussions she has had with the Secretary of State for Work and Pensions on the gender pension gap. [901075]

**The Minister of State, Department for Work and Pensions (Chloe Smith):** The Government are committed to addressing the gender pension gap. Automatic enrolment and the new state pension are already enabling more women to build up retirement provision. Recognising that this issue derives primarily from differences in work and pay, we continue to work across Government with employers and partners to address inequalities relating to the labour market.

**David Linden:** My constituents in Swinton regularly tell me that the gender pensions gap is exacerbated as a result of a lack of ambition on the part of the Government regarding auto-enrolment. Will the Minister meet me to hear those concerns from constituents in Swinton, and see how we can change that to ensure we close the gender pensions gap?

**Chloe Smith:** I am sure that the Pensions Minister, my hon. Friend the Member for Hexham (Guy Opperman), would be happy to have a further conversation on that. Automatic enrolment is important. It has made progress, but there will be more to do.

**Mr Speaker:** I call the Chair of the Women and Equalities Committee.

**Caroline Nokes** (Romsey and Southampton North) (Con): Whether it is the menopause, child rearing, or caring for elderly relatives, women are impacted across their careers in the contributions that they make to their pensions. Most of all, they need better work opportunities, and for the DWP to be championing them into better paid work. What work is the Minister doing with the Minister for Employment to ensure that women's careers are at the forefront of the Government's efforts?

**Chloe Smith:** I will ask my colleague the employment Minister to write to my right hon. Friend to ensure she has a full update, and I touch briefly on an example such as mandatory pay gap reporting, which is helping to drive progress.

#### Sexual Harassment against Women in the Military

2. **Dame Nia Griffith** (Llanelli) (Lab): What steps the Government are taking to tackle sexual harassment against women in the military. [901076]

**The Minister for Defence People and Veterans (Leo Docherty):** We are doing a huge range of work right across defence, both institutional and cultural, to ensure that sexual harassment is not an issue. We have taken the complaints procedure out of the chain of command, and established the Defence Serious Crime Unit to tackle any criminal wrongdoing. We will introduce training right across defence to ensure that we generate a military culture that respects women. That is all the more important because women can now serve in every single role.

**Dame Nia Griffith:** If the Minister has not already done so, I recommend that he make contact with the excellent organisation Salute Her, which I visited in North Tyneside. It supports women veterans, many of whom suffered sexual abuse in the armed forces, and their stories are harrowing. I remind the Minister that, shockingly, a recent Ministry of Defence survey showed that one in seven women in the armed forces has been subject to sexual harassment in the past 12 months alone. What more can he do to work with colleagues throughout the armed forces to root out that dreadful culture?

**Leo Docherty:** I have met Salute Her, and we pay attention to its recommendations. The work being done following the Wigston review is hugely important, and I commend the work done by my hon. Friend the Member for Wrexham (Sarah Atherton). That body of work, and the recommendations that we have overwhelmingly accepted, will be carried out at pace across defence.

**James Gray** (North Wiltshire) (Con): I remain extremely concerned about the plight of LGBTQ+ service people who before 2001 were routinely court-martialled, dismissed, or lost their pensions or the right to wear their medals and so on. That is bad enough, but it remains the case today. What more can the Minister do to put that demonstrable injustice right? It is no good setting up a committee—we want it sorted.

**Leo Docherty:** I share my hon. Friend's frustration. The Government look forward to the recommendations of the independent reviewer, Lord Etherton. They will be credible, and we will take them very seriously.

#### Careers in STEM Subjects: Women and Girls

3. **Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): What recent steps she has taken to encourage women and girls to pursue careers in STEM subjects. [901077]

**The Minister for Women and Equalities (Elizabeth Truss):** The increasing number of women in science, technology, engineering, and mathematics has been a huge asset to our country. Look at Sarah Gilbert,

creator of the covid vaccine. Around 35% of the wage gap can be overcome if we get more women into high paid occupations, and that is exactly what we are working on.

**Margaret Ferrier:** Lack of diversity in science academia is an obstacle that must be overcome to maximise creativity and scientific innovation. Among the findings on diversity data and grant funding from Cancer Research UK was the fact that female and ethnic minority researchers hold fewer programme awards than their white and male colleagues. How can the Government level the playing field for women and ethnic minorities who are applying for research grants in those essential areas?

**Elizabeth Truss:** I am pleased to say that we are now seeing more women enter undergraduate courses in universities: 42% of undergraduate STEM students in the United Kingdom are women. What we need to do is open up all those research opportunities—those more senior opportunities—in our universities.

**Bob Blackman** (Harrow East) (Con): The good news, of course, is that young women are taking up and studying STEM subjects, but there is a drop-off when it comes to those people going into good, well-paid jobs. What more can my right hon. Friend do to make sure that people not only continue their STEM studies, but continue into good careers?

**Elizabeth Truss:** My hon. Friend is absolutely right that girls and women are moving through the STEM pipeline. There has been a 31% increase in girls studying STEM subjects since 2010, and more employers are opening up opportunities around the country. We have the STEM boot camps to help people mid-career with STEM training. As my hon. Friend says, that is the way in which we will unleash talent in our country and make sure we are leading in the industries of the future.

#### **Cost of Living: People with Protected Characteristics**

4. **Jessica Morden** (Newport East) (Lab): What assessment she has made of the impact of recent rises in the cost of living on people with protected characteristics. [901078]

**The Exchequer Secretary to the Treasury (Alan Mak):** The Treasury carefully considers the equalities impacts of policy on those with protected characteristics, in line with both its strong commitment to promoting fairness and its legal obligations under the public sector equality duty. In May, the Government announced over £15 billion of additional support targeted at those with the greatest need.

**Jessica Morden:** Single parents—nine in 10 of whom are mothers—are among those most exposed to the cost of living crisis, particularly those aged 25 and under, who get a reduced rate of universal credit. What are the Government doing to evaluate the impact of soaring prices on that group, and why have they not taken steps such as ending the age-related universal credit limit?

**Alan Mak:** The Government's support package targets the most vulnerable households, including single parents, providing a £650 cost of living payment. I would certainly urge her constituents to contact the local council to see whether the household support fund can also be of assistance.

**Anneliese Dodds** (Oxford East) (Lab/Co-op): Today's report from the Resolution Foundation shows that our economy is over a decade into a period of stagnation after 12 years of Tory rule, yet all we see from the Government Benches is a chaotic Tory tombola of tax cuts, and no plan for the more secure economy that women need. The impact on women has been stark, with 115,000 fewer women in employment now than before the pandemic. Does the Minister have any plans to halt that fall?

**Alan Mak:** The Resolution Foundation has actually praised this Government's handling of the cost of living pressures. The cost of living support package, totalling £37 billion this year, is in line with our international competitors and more generous than France, Germany and Japan.

**Anneliese Dodds:** There we have it: there is no Conservative plan to support women's employment. Women are being hammered by the Conservative cost of living crisis, which is getting worse by the day. After 12 years of economic failure, it is little wonder that Tory leadership candidates are trashing their own record. How else can the Minister explain the fact that by next April, average real pay for full-time women workers will have fallen by £670 since the Tories came to power?

**Alan Mak:** There are more people in employment and on payrolls than pre-pandemic levels, and women are driving that growth in our economy. The support programme this Government have introduced is helping women back into work, and I hope that will benefit the hon. Lady's constituents as well as mine.

**Kirsten Oswald** (East Renfrewshire) (SNP): According to the Women's Budget Group, the UK Government's erosion of the social security system is a key contributor to the current Tory cost of living crisis. Women—particularly those with disabilities or caring responsibilities and those from ethnic minority backgrounds—are disproportionately impacted by that crisis, which is a crisis unlike anything most of us have ever experienced. Knowing that, what specific steps has the Minister taken to make sure those equalities impacts are properly taken into account in the UK Government's response to the cost of living crisis?

**Alan Mak:** As part of our cost of living support package, we have introduced a very specific disability cost of living payment, worth £150 per person. I would add that in the spending review, the UK Government gave the Scottish Government £41 billion a year as part of its settlement: the biggest since devolution, and a 26% increase compared with the average across the UK.

#### **Female Entrepreneurs**

5. **Dame Caroline Dinenage** (Gosport) (Con): What steps she is taking with Cabinet colleagues to help support female entrepreneurs. [901079]

**The Minister of State, Department for Work and Pensions (Chloe Smith):** We set up a taskforce on women-led high growth enterprise, which met for the first time this month. It will use its convening power to influence high growth investors and the business community, and to raise aspiration of the next generation of female entrepreneurs right across the country.

**Dame Caroline Dinenage:** I thank the Minister for that answer, but the fact is that if women were starting and scaling businesses at the same rate as men it would add a staggering £250 billion to the UK economy. We need to turbocharge the investment and support we are giving to female entrepreneurship. What thought has been given to pivoting some of the existing financial packages, such as the enterprise investment scheme, to better support women-led enterprises?

**Chloe Smith:** The enterprise investment scheme has specific objectives. It is designed to encourage investment in higher risk early stage companies. However, the Government are committed to supporting women entrepreneurs in a range of ways, as highlighted by the implementation of recommendations from the Rose review. I would be happy to ask a colleague of mine to discuss the issue further with my right hon. Friend.

**Alison McGovern** (Wirral South) (Lab): The hon. Member for Gosport (Dame Caroline Dinenage) rightly points out some problems with the Government's schemes, but the Minister, who works within the Department for Work and Pensions, should know that the way that childcare functions within universal credit does not help women become entrepreneurs either. What conversations has she had with the other Ministers in that Department and civil servants on reform to childcare?

**Chloe Smith:** The Government are committed to a range of ways to help families—not just women, but parents—with childcare. There is a set of messages we could let go out from this exchange today, which includes encouraging families to take up the childcare options that are available. There will be more that we can do to continue to encourage people to take the work that is right for them and to support them as they do so.

### Women in the Workplace

6. **Joanna Cherry** (Edinburgh South West) (SNP): What steps the Government are taking to support women in the workplace. [901080]

**The Minister of State, Department for Work and Pensions (Chloe Smith):** Continuing the previous theme, we are committed to helping women in every workplace and we have announced new initiatives to do that. For example, we have called on all employers to provide salary information in job adverts. As the Minister for Women and Equalities, my right hon. Friend the Member for South West Norfolk (Elizabeth Truss) has already articulated, we are helping women to return to STEM roles where their talents are most needed, and, as already touched on, a new taskforce will increase the number of women-led high growth businesses.

**Joanna Cherry:** I thank the Minister for her answer. Will she join me in welcoming the unequivocal judgment of the employment appeal tribunal and the employment tribunal in the case of *Maya Forstater v. the Centre for Global Development*, to the effect that gender-critical beliefs are protected under the Equality Act 2010 and that women, and indeed men, must not be discriminated against, harassed or victimised for either holding those beliefs or stating them? Does she agree with me that all employers will require to review their workplace practices in human resources and their equality, diversity and

inclusion policies to ensure that they comply with the law as stated in that judgment? Can she tell me what steps she will take to ensure that that happens?

**Chloe Smith:** I thank the hon. and learned Lady for that question. She is, as we all know, very thoughtful on these issues and looks very carefully at the important consequences of the issues at hand. The rulings in that case and others reflect the important balances that the Equality Act already provides for. I think the key point to make in response to her is that we agree that we must protect free speech and allow open discussion. It is, of course, the responsibility of all employers to ensure that they comply with the law as set out in legislation, such as the Equality Act 2010, and interpreted by the courts.

**Dame Maria Miller** (Basingstoke) (Con): In March, the UK Government ratified the International Labour Organisation convention outlawing violence and harassment in the workplace, something that still disproportionately affects women at work. In ratifying that convention, the UK Government need to have in place a programme of work to prevent and enforce the law around those issues. Will the Minister outline how the Government will make sure that they live up to the important provisions in that convention?

**Chloe Smith:** My right hon. Friend, as always, makes vital points and I am very pleased that she does. I will ask the Minister for Women and Equalities to write to her with a fuller update so that she can be assured of the Government's commitment to these vital matters.

### Gender Inequalities: Armed Forces

7. **Sarah Atherton** (Wrexham) (Con): What discussions she has had with the Secretary of State for Defence on tackling gender inequalities in the armed forces. [901081]

**The Minister for Defence People and Veterans (Leo Docherty):** Women are an integral part of our armed forces and have thriving careers, as my hon. Friend will know from her report, which contained a number of important recommendations. Having tested those with the Army Servicewomen's Network, we are adopting almost all of them. We have a target of a 30% in-flow of women into the armed forces by 2030. We have improved equipment and uniforms and wraparound childcare. Most importantly, we want to generate a military culture that respects women.

**Sarah Atherton:** Since the Defence Committee's report that highlighted inequalities for women in the military, the Ministry of Defence has made good, if not excellent, progress and change is being felt on the ground. The MOD went further and committed to hosting an international Five Eyes conference to share best practice. Will the Minister commit to attending with me?

**Leo Docherty:** Yes.

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): Following the report from the Defence Sub-Committee, which was chaired by the hon. Member for Wrexham (Sarah Atherton), may I ask the Minister why, if the Government are taking gender equality in the armed forces seriously, they do not learn from the report from the Sub-Committee and make sure that rape goes into



civilian courts and does not remain on an unequal basis in the court martial system?

**Leo Docherty:** When the hon. Member sees the formal response to the report, he will have no doubt that we are taking note of these recommendations in absolute earnest. The feedback that I get from young women serving in all roles right across defence is that women should really look forward to service life. There are terrific role models that they can be very proud of.

### Transgender Conversion Therapy

8. **Dr Rupa Huq** (Ealing Central and Acton) (Lab): Whether her Department has undertaken an equalities assessment of the exclusion of transgender conversion therapy in the Government's forthcoming legislative proposals on conversion therapy. [901082]

**The Minister for Equalities (Amanda Solloway):** As we prepare legislation to ban conversion practices, we continue to assess equality impacts in relation to all protected characteristics, including gender reassignment. We intend to introduce a ban that protects everyone who attempts to change their sexual orientation. There are different considerations for transgender conversion practices and the Government remain committed to exploring them.

**Dr Huq:** There is a respectful debate to be had on single-sex spaces and on trans people in sport, but the Government's failure on their promise of a full ban on conversion therapy, which caused one equalities Minister to resign last week, is not it. Eight royal colleges and the British Medical Association want this. When will the Government act?

**Amanda Solloway:** We want to ensure that everyone is protected from the extensive harm that conversion practices cause. It is not unreasonable to take some extra time to avoid an unintended consequence and to build a consensus, so that, together, we can make our legislation as inclusive as possible.

**Mike Freer** (Finchley and Golders Green) (Con): I welcome my hon. Friend to her place. Will she reassure the House that the discussions and legislation on banning conversion practices will include protecting everybody from these harmful practices?

**Amanda Solloway:** I acknowledge all the work that my hon. Friend has done on this subject. I absolutely agree that the legislation to ban conversion practices is fundamentally about protecting LGBT people from harm. The experience of victims needs to continue to be at the heart of all considerations, as I know they were when my hon. Friend was the Minister.

### Transferring Asylum Seekers to Rwanda: Government's Equalities Policy

9. **Owen Thompson** (Midlothian) (SNP): If she will make an assessment of the potential effect of transferring asylum seekers to Rwanda under the migration and economic development partnership on (a) the Government's equalities policy, (b) LGBTIQ refugees and (c) refugees with protected characteristics. [901083]

**The Minister for Equalities (Amanda Solloway):** Rwanda is a safe and secure country with respect for the rule of law. We would only ever work with countries that we

know are safe, and we will treat asylum seekers in accordance with the relevant international human rights laws. Furthermore, Rwanda's constitution includes a broad prohibition on discrimination.

**Owen Thompson:** The United Nations said that the UK Government's cruel Rwanda policy breaches international law. The Home Office's equalities impact assessment of the policy clearly states the dangers for LGBTIQ+ people and the UK Government's website advises against travel to Rwanda for LGBTIQ+ people. Women for Refugee Women stated that threatening the removal to Rwanda of women fleeing gender-based violence

"exposes them to further risk of violence and harm".

How can the UK Government justify this cruel policy?

**Amanda Solloway:** We have published a robust country assessment, which will be used by caseworkers to inform relocation decisions for each individual case. Nobody will be relocated if it is unsafe to do so.

### Topical Questions

T1. [901090] **Julian Sturdy** (York Outer) (Con): If she will make a statement on her departmental responsibilities.

**The Minister for Women and Equalities (Elizabeth Truss):** The use of rape and sexual violence by Russian forces in Ukraine is central to their appalling war tactics. We are campaigning internationally for sexual violence to be treated as a red line in war, akin to the use of chemical weapons. We have sent a team of experts to the region to collect evidence so that those who commit these appalling war crimes can be held to account.

**Julian Sturdy:** Sadly, Lib Dem-run City of York Council is continuing with its restrictions, which have an impact on blue badge holders, and is dodging decisions on city centre parking. This is causing a huge disadvantage to rural communities in my constituency who have poor transport links. Does the Minister agree that city centres should be accessible to all?

**The Minister of State, Department for Work and Pensions (Chloe Smith):** Yes, passionately, and the Equality Act 2010 sets out ways in which local authorities should ensure that. I will make sure that departmental colleagues know of my hon. Friend's concerns.

**Mr Speaker:** I call the shadow Minister.

**Taiwo Owatemi** (Coventry North West) (Lab): I welcome the Minister for Equalities to her place. She sure has a lot to catch up on, whether that is finally addressing LGBT+ hate crime or finally publishing a women's health strategy. She will be aware that her predecessor resigned last week because of the Conservative party "creating an atmosphere of hostility for LGBT+ people".

That is a damning charge from a sitting Conservative MP. Does the Minister agree with her predecessor?

**The Minister for Equalities (Amanda Solloway):** The Government take all hate crimes seriously, and we have robust laws to respond to them. While police have recorded an increase in hate crimes targeting LGBT communities, the biggest drivers for this are an improvement

in police recording and the increased willingness of victims to come forward. It is taken very seriously by the Home Office, and we are working with the police on it.

T2. [901091] **Selaine Saxby** (North Devon) (Con): The Devon local authorities on the Social Mobility Commission's index start with South Hams, which is 49th out of 324, yet North Devon is 238th. What is my right hon. Friend doing to level up such regional inequalities?

**Elizabeth Truss:** My hon. Friend is absolutely right: one of the biggest issues that we face in this country is geographical inequality. That is why we have appointed Katharine Birbalsingh as head of the Social Mobility Commission. Her school, Michaela Community School in Brent, is fantastic at helping to level up among all groups of people. We want to see more of those types of schools all around our country.

T3. [901092] **Rachel Hopkins** (Luton South) (Lab): E-scooters can be difficult for people with sight loss to identify and avoid, especially when they are ridden illegally on a pavement, because they operate quietly. What assessment has the Minister made of the impact of the illegal and unsafe use of e-scooters on people with a visual impairment?

**Chloe Smith:** I will be meeting the Department for Transport's disability champion this very afternoon, and I will take that question to discuss with her.

T7. [901096] **Duncan Baker** (North Norfolk) (Con): Will my right hon. Friend congratulate my constituent, the jewellery designer Monica Vinader, whose roots are in North Norfolk and whose head office is on the Holkham estate, on winning the 2022 Queen's award for enterprise and sustainable development? Does she agree how wonderful it is to see women in business promoting ethical and sustainable business practices around the country?

**Elizabeth Truss:** I am pleased to say that I have been to the Holkham estate and seen her fantastic business operating in rural Norfolk. We need to turbocharge rural economies, and we need to get more women into business; we know that if women set up businesses at the same rate as men, it would add £250 billion to our economy. She is a fantastic businesswoman.

T4. [901093] **Neil Coyle** (Bermondsey and Old Southwark) (Ind): Some black women in Southwark are disproportionately at risk of HIV, but are statistically less likely to access designated sexual health clinics. Does the Minister agree with the report of the all-party parliamentary group on HIV and AIDS that access to PrEP needs to be improved for this group specifically, through maternity units, at GP clinics and in community pharmacies?

**Mr Speaker:** I think the team have left a bit early.

**Neil Coyle:** Any Minister is welcome to answer.

**Elizabeth Truss:** The hon. Gentleman is absolutely right. We need to make sure that we are protecting people from HIV.

**Dehenna Davison** (Bishop Auckland) (Con): I first got involved in politics when I was 16. One of my many motivations for joining David Cameron's Conservatives was his socially liberal stance on LGBT+ issues. One of our party's proudest achievements, in my view, is introducing same-sex marriage. Will my right hon. Friend confirm that, whatever the outcome of the leadership election is over the next few weeks, she and her Department will continue to prove that the Conservative Government are on the side of LGBT people?

**Elizabeth Truss:** I was proud to vote for and support gay marriage, which has been a very important step forward for our country.

T5. [901094] **Munira Wilson** (Twickenham) (LD): Given that almost a third of kinship carers have a disability or a chronic condition, and a given that a child in kinship care is twice as likely to be black as white, it is clear that kinship care is an equalities issue. Will the Minister meet me to discuss my Kinship Care Bill, and how we can help the kinship carers who step up to support a child in crisis?

**Chloe Smith:** Yes. *[Interruption.]*

**Mr Speaker:** Order. I want to hear the question answered. *[Interruption.]* I am sorry; I could not hear it. Please, Minister, try again.

**Chloe Smith:** I apologise for the confusion, Mr Speaker. The answer to the hon. Lady's question is yes: I am happy to do that.

**Mr Speaker:** Excellent. Thank you.

Before we come to Prime Minister's questions, I should point out that a British Sign Language interpretation of proceedings is available to watch on [parliamentlive.tv](https://parliamentlive.tv).

## PRIME MINISTER

### *The Prime Minister was asked—* **Engagements**

Q1. [901098] **Robin Millar** (Aberconwy) (Con): If he will list his official engagements for Wednesday 13 July.

**The Prime Minister (Boris Johnson):** From tomorrow—*[Interruption.]*

**Mr Speaker:** Order. *[Interruption.]* Shut up a minute. *[Interruption.]* Order! I say to the hon. Member for East Lothian (Kenny MacAskill) that I will not tolerate such behaviour. If you want to go out, go out now, but if you stand up again, I will order you out. Make your mind up. Either shut up or get out. *[Interruption.]* I warned the hon. Gentleman—*[Interruption.]* Shut up a minute. *[Interruption.]* Two at once! *[Interruption.]* Order! Sit down.

I now warn the hon. Members for East Lothian and for Kirkcaldy and Cowdenbeath (Neale Hanvey) that if they persist in refusing to comply with my order to withdraw, I shall be compelled to name both of them, which may lead to their being suspended from the House. *[Interruption.]* Order. I am now naming you, Neale Hanvey and Kenny MacAskill, and I ask you to

leave the Chamber. Serjeant, deal with them. Out—now. Serjeant at Arms, escort them out. Take them out. Serjeant, get them out!

Now then, let us just see if we can—*[Interruption.]* Mr Costa, you do not want to want to escort them to the Tea Room, do you? I suggest not. I think you are better behaved than that.

*The Speaker directed Neale Hanvey and Kenny MacAskill to withdraw from the House, and the Members withdrew accordingly.*

**The Prime Minister:** From tomorrow, the first instalment of the cost of living payment will start landing in the bank accounts of 8 million households across the country. This is a much-needed £326 cash boost for families, which forms part of the £1,200 in direct support that we are giving the most vulnerable households this year.

I am sure the whole House was appalled and saddened, as I was, to hear about the despicable attack on Shinzo Abe. Our thoughts are with his family and loved ones, and with the people of Japan, at this dark and sad time.

This week we remember the genocide in Srebrenica and the victims of those appalling events. We must learn the lessons of history, and do all in our power to prevent such a thing from happening again. We will continue to combat war crime deniers, both in Bosnia and Herzegovina and elsewhere.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

**Robin Millar:** I thank the Prime Minister for his personal interest in Aberconwy. Whether he has been eating ice cream on the pier in Llandudno, sampling Welsh Penderyn whisky or standing in the granite quarry in Penmaenmawr, he has seen why people love this constituency. He has also heard from them their gratitude for the vaccine and furlough programmes that this UK Government delivered. Will my right hon. Friend now support our plan to level up Aberconwy and our bid for almost £20 million of funding to invest in community and cultural programmes, and give us the opportunity to match our potential?

**The Prime Minister:** I thank my hon. Friend; he is a great champion for Aberconwy. I much enjoyed the Penderyn whisky that we sampled together, although I ignored the Revolver, as some of you may have noticed. We are committed to uniting and levelling up the UK, and as for the second round of the levelling up fund announcements, it will be coming this autumn.

**Mr Speaker:** We now come to the Leader of the Opposition, Keir Starmer.

**Keir Starmer** (Holborn and St Pancras) (Lab): I join the Prime Minister in his comments about the former Prime Minister of Japan—a deeply shocking moment—and of course in his comments about genocide.

May I welcome the new Cabinet to their places? We have a new Chancellor who accepted a job from the Prime Minister on Wednesday afternoon and then told him to quit on Thursday morning, a new Northern Ireland Secretary who once asked if you needed a passport to get to Derry, and a new Education Secretary

whose junior Ministers have literally been giving the middle finger to the public. It is truly the country's loss that they will only be in post for a few weeks.

The Prime Minister must be feeling demob happy since he was pushed out of office. Finally he can throw off the shackles, say what he really thinks and forget about following the rules! So does he agree that it is time to scrap the absurd non-dom status that allows the super-rich to dodge tax in this country?

**The Prime Minister:** It is perfectly true that I am grateful for the ability to speak my mind, which I never really lost, but what I am focusing on is continuing the government of the country. As I have just said, from tomorrow £326 is arriving—*[Interruption.]* Never mind non-doms. Doms or non-doms, I don't mind. From tomorrow £326 is arriving in the bank accounts of 8 million vulnerable people. And how can we do that? Because we took the decisions to get the strong economy that we currently have, which I am afraid were resisted by—*[Interruption.]* Growth in May was at 0.5%, which the Opposition were not expecting. As I have said before, 620,000 more people are in payroll employment than before the pandemic began, and one of the consolations of leaving office at this particular time is that vacancies are at an all-time high.

**Keir Starmer:** Cut him some slack—faced with an uncertain future and a mortgage-sized decorator's bill for what will soon be somebody else's flat, I am not surprised the Prime Minister is careful not to upset any future employers. So here is an even simpler one: does he agree that offshore schemes can pose a risk because some people use them to avoid tax that they owe here?

**The Prime Minister:** I am proud of the investment this country attracts from around the world. The right hon. and learned Gentleman talks about people from offshore investing in the UK, and I am absolutely thrilled to see we have had £12 billion of tech investment alone coming in over the last couple of months. It is possible that he is referring not to me but to some of the eight brilliant candidates who are currently vying for my job. Let me just tell him that any one of them would wipe the floor—*[Interruption.]*

**Mr Speaker:** Order. The furniture has to be repaired. One Member has already had a bill, and I am sure he does not want another.

**The Prime Minister:** Any one of the eight candidates would wipe the floor with Captain Crasheroony Snoozefest. In a few weeks' time, that is exactly what they will do. They will unite around the winner and do just that.

**Keir Starmer:** The Prime Minister has been saying all week that he wants revenge on those who have wronged him. Here is an idea: if he really wants to hit them where it hurts, he should tighten the rules on tax avoidance. At the very least, does he agree that anyone running to be Prime Minister should declare where they and their family have been domiciled for tax purposes, and whether they have ever been a beneficiary of an offshore tax scheme?

**The Prime Minister:** To the best of my knowledge, everybody in this Parliament and everybody in this House pays their full whack of tax in this country.



Members across the House should cease this constant vilification of each other. I think people pay their fair share of taxes, and quite right.

Thanks to the tax yield we have had, we are able to support the people of this country in the way we are. We have been able to increase universal credit by £1,000, and from tomorrow we are putting £326 into the bank accounts of those who need it most. Thanks to the policies we have pursued, as I have just told the House, we have unemployment at or near record lows. That is what counts.

The Opposition are very happy to see people languish on benefits. We believe in getting people into good jobs, and I am looking for one.

**Keir Starmer:** I am not sure the Prime Minister has been keeping up with what has happened in the last few days. Over the weekend, the candidates to replace him have promised £330 billion in giveaways, which is roughly double the annual budget of the NHS. Sadly, they have not found time to explain how they are paying for it, even though one of them is the Chancellor and another was Chancellor until a week ago. They all backed 15 tax rises, and now they are acting as if they have just arrived from the moon and saying it should never have happened.

Does the Prime Minister agree that, rather than desperately rewriting history, they should at least explain exactly where they are getting all this cash from?

**The Prime Minister:** The right hon. and learned Gentleman is completely wrong. I have been listening very carefully, and all the commitments I have heard are very clear. Whoever is elected will continue to put more police out on the street, exactly as we promised. There are already 13,576 more police, and it will go up to 20,000. The Opposition always complain about this, but whoever takes over will build the 40 new hospitals. *[Interruption.]* They do not like it because they voted against the funding that makes it possible. During the time for which the Leader of the Opposition has been in office, they have made extra public spending commitments worth £94 billion, which would be thousands of pounds of extra taxation for every family in the country. That is the difference between them and us.

**Keir Starmer:** Totally deluded to the bitter end. *[Interruption.]*

**Mr Speaker:** Order. Mr Holden, I think that is the last time I hear from you today, otherwise you might be able to buy a couple of other people a cup of tea.

**Keir Starmer:** To be fair to the new Chancellor, he has at least attempted to spell it out. He has promised tens of billions in tax cuts and confirmed that he would cut the NHS, the police and school budgets by 20% to fund it. *[Interruption.]* The right hon. Member for Stratford-on-Avon and Gibraltar is complaining, but he said it on TV. And yesterday he said:

“It is simply not right that families are seeing their bills skyrocket and we do nothing.”

Was the Chancellor speaking on behalf of the Government when he promised huge spending cuts and when he said they are doing nothing on the cost of living crisis?

**The Prime Minister:** This is really pitiful stuff from the party that voted against the £39 billion, which is necessary to pay for those 50,000 nurses—who we are recruiting and will recruit by 2024—and which is necessary to pay for those hospitals, those doctors, those scans and that treatment. Labour Members do not have a leg to stand on. I can tell the right hon. and learned Gentleman something else: the reason we have growth at 0.5% in May is that we took the tough decisions to come out of lockdown on 19 July last year, which he said was “reckless”. Never forget that he said it was reckless. Without that, our economy would not be strong enough now to make the payments that we are making to our fantastic NHS, and they know it.

**Keir Starmer:** I really am going to miss this weekly nonsense from the right hon. Gentleman. Let us move on from his current Chancellor to his former Chancellor, the right hon. Member for Richmond (Yorks) (Rishi Sunak). Last week, he resigned, accusing the Prime Minister of not conducting government “properly”, “competently” or “seriously”. He suggested that the Prime Minister is not prepared to work hard or take difficult decisions, and implied that the Prime Minister cannot tell the public the truth. Yesterday, he claimed that his big plan is to “rebuild” the economy. Even the Prime Minister must be impressed by that Johnsonian brass-neckery. Can the Prime Minister think of any jobs that his former Chancellor may have had that mean he bears some responsibility for an economy that he now claims is broken?

**The Prime Minister:** I think everybody who has played a part in the last three years has done a remarkable job in helping this country through very difficult times. I just want to say to the right hon. and learned Gentleman that the next leader of my party may be elected by acclamation, so it is possible that this will be our last confrontation over this Dispatch Box. *[Interruption.]* It is possible. So I want to thank him for the style in which he has conducted himself. It would be fair to say that he has been considerably less lethal than many other Members of this House, Mr Speaker, and I will tell you why that is. He has not come up—*[Interruption.]*

**Mr Speaker:** Order. I just say to Members at this end of the Labour Front Bench that I expect better behaviour, and I am certainly going to get it.

**The Prime Minister:** As I was saying, there is a reason for that: over three years, in spite of every opportunity, the right hon. and learned Gentleman has never really come up with an idea, a plan or a vision for this country. At the end of three years, we got Brexit done, which he voted against 48 times; we delivered the first vaccine in the world and rolled it out faster than any other European country, which would never have been possible if we had listened to him; and we played a decisive role in helping to protect the people of Ukraine from the brutal invasion by Vladimir Putin—it helped to save Ukraine.

I am proud to say that we are continuing, and every one of the eight candidates will continue, with the biggest ever programme of infrastructure, skills and technology across this country, to level up in a way that will benefit the constituents of every Member of this House. It is perfectly true that I leave not at a time of my choosing—*[Interruption.]* That is absolutely true. But I am proud of the fantastic teamwork that has been

involved in all of those projects, both nationally and internationally. I am also proud of the leadership that I have given. *[Interruption.]* I will be leaving, soon, with my head held high.

**Q2. [901099] Alberto Costa** (South Leicestershire) (Con): The convicted double child rapist and murderer Colin Pitchfork was granted parole last year by the independent Parole Board in the face of enormous opposition from whistleblowers and my South Leicestershire constituents. Only two months after he was released, he was recalled to prison for having breached his licence conditions. He has another Parole Board hearing scheduled for September.

The Prime Minister and I have communicated about this matter on numerous occasions, and he has assured me that he would do everything in his power to deal with this situation. Will he confirm before he leaves office that his Government will make all the necessary submissions that they can lawfully make to the independent Parole Board to make sure that this dangerous man is kept behind bars?

**The Prime Minister:** I thank my hon. Friend for his campaign. Our thoughts are of course with the friends and family of Pitchfork's victims, Lynda and Dawn. The Lord Chancellor and Secretary of State for Justice, my right hon. Friend the Member for Esher and Walton (Dominic Raab), will be submitting his views on the Pitchfork case to the Parole Board before Pitchfork's hearing. As the House will know, a root-and-branch review of the parole system is currently under way, and that includes plans for greater ministerial oversight for the most serious offenders. We will bring that forward as soon as parliamentary time allows.

**Ian Blackford** (Ross, Skye and Lochaber) (SNP): I associate myself with the remarks of the Prime Minister on the murder of Shinzo Abe—a dreadful event that took place last weekend.

I thank you, Mr Speaker, for last night hosting the charity Remembering Srebrenica. We should all take time this week, on the 27th anniversary of the genocide that took place there, to think of the circumstances, and the shame that we were not able to step in and stop the murder of so many innocent boys and men, and the rape of so many women. We must learn the lessons from that—of course, at this time we think very much of those in Ukraine who are facing a war criminal—and make sure that those responsible are ultimately held to account for crimes against humanity.

The Tory leadership contest is quickly descending into a toxic race to the right, and it is clear that whoever wins that race, Scotland loses. The former Chancellor has pledged to govern like Margaret Thatcher; the current Chancellor is threatening 20% cuts to the NHS and public services; and they are all trying to outdo each other on an extreme Brexit that will cost the economy billions. Is the real reason the Prime Minister will not endorse any of these awful candidates that whoever becomes the next Tory leader will make Genghis Khan look like a moderate?

**The Prime Minister:** I feel a real twinge that this may be virtually the last time that I will have the opportunity to answer a question from the right hon. Gentleman—

whether it is because he is going or because I am going, I do not know. All I would say to him is that the next leader of my party will want to ensure that we do everything we can to work with the Scottish Government—in the way that I have been able to do, and am proud to have done, over the last few years—to protect and secure our Union. My strong view, having listened to the right hon. Gentleman carefully for years and years, is that we are much, much better together.

**Ian Blackford:** I can say with all sincerity that I hope that whoever is the next Tory leader will be as popular in Scotland as the Prime Minister has been.

For people in Scotland, Westminster has never looked so out of touch. We have right-wing Tory contenders prioritising tax cuts for the rich, and a zombie UK Government failing to tackle the cost of living crisis. While the Tories are busy tearing lumps out of each other, MoneySavingExpert's Martin Lewis has warned that the energy price cap could rise by a sickening 65% in October—to £3,244 a year. After a decade of Tory cuts and Brexit price rises, that will mean that many families simply cannot afford to put food on the table and heat their homes. Scotland literally cannot afford the cost of living with Westminster. Does the Prime Minister not get that people in Scotland do not just want rid of him—they want rid of the whole rotten Westminster system?

**The Prime Minister:** What is actually happening in this country is that we are using the fiscal firepower that we have built up to cut taxes for working people and cut taxes for those on low incomes—we saw that last week with an average tax cut on national insurance of £330. We are increasing support for those vulnerable households, with another £326 going in from tomorrow. It is thanks to our Union that we were able to deliver the furlough scheme, which helped the entire country, and to make the massive transfers that boost the whole of the UK economy. The last thing that the people of Scotland need now is more constitutional wrangling when we need to fix the economy.

**Q5. [901102] Mary Robinson** (Cheadle) (Con): After securing almost £14 million in my towns fund bid for Cheadle, I was delighted last week to get the green light for our new Cheadle rail station and £4 million for our state of the art eco-business park. I have had tremendous support from the Cheadle towns fund board and local community, who understand how important it is to have connected towns and villages, bringing investment and high-tech jobs to our area. I am ambitious for Cheadle and I want to secure the redoubling of the Mid-Cheshire line and the extension of Metrolink through my constituency. Will my right hon. Friend join me in thanking the towns fund board and station working group for their support and agree with me that improving connectivity is key to economic growth and the future of our levelling-up agenda?

**The Prime Minister:** It is thanks to the massive exertions of this Government in levelling up, with the £650 billion investment in infrastructure, that we have a new railway station in Cheadle. I know that the bids that my hon. Friend has just mentioned are now being actively studied by those at the Department for Transport, and she should feed in more to them.

**Stephen Farry** (North Down) (Alliance): In a recent opinion poll, conducted by LucidTalk for Queen's University, only 5% of the people of Northern Ireland expressed any trust whatsoever in this Government. As the Prime Minister prepares to leave office shortly, will he apologise for his legacy in Northern Ireland, where power sharing has collapsed, the Good Friday agreement has been undermined, an unwanted protocol Bill has been imposed on the people and businesses of Northern Ireland, and Anglo-Irish relations are in their worst state for 40 years?

**The Prime Minister:** Well, no, Mr Speaker. What we have—and I know that every single one of the candidates will want to deliver this—is a Bill to fix the problem of the protocol. I accept that there is a problem, and I hope that the whole House will support the Bill.

Q6. [901103] **Jacob Young** (Redcar) (Con): As this is probably the last time that I will get to address this Prime Minister at the Dispatch Box, may I say on behalf of the people of Redcar and Cleveland how grateful we are for the support that he has given us and for delivering on the will of 17.4 million people in taking us out of the EU? Is he as optimistic as I am about our future as a free and independent nation?

**The Prime Minister:** I say to my hon. Friend that, if anything, I am even more optimistic. I have only one anxiety. We all know that there are people around the world who hope that this will be the end of Brexit. *[Interruption.]* I can see them all! Look at them! Did my hon. Friend notice those on the Labour Front Bench? That is them. They are wrong, Mr Speaker, and we will show that they are wrong.

Q3. [901100] **Martyn Day** (Linlithgow and East Falkirk) (SNP): If the UK truly is a voluntary Union of equal nations, there must be a democratic way for any of those member nations to withdraw from it. Does the Prime Minister think that the role of the UK Government is to decide whether to respect the mandate given by the people of Scotland to their Government and endorsed by their Parliament?

**The Prime Minister:** As I continually advise the members of the Scottish National party—or nationalist party, I should say—they should look at what is happening to educational standards in Scotland, which they are responsible for, instead of endlessly asking for a repeat of a constitutional event that we had in 2014. We had a vote, and they lost.

Q7. [901104] **Katherine Fletcher** (South Ribble) (Con): The Prime Minister knows how proud we are of our industrial heritage in the north of England and what it means for our future. Last Friday, it was a joy to be on the banks of the Ribble with the friends of the Old Tram Bridge—a group who are asking for this historic piece of industrial architecture that crosses the Ribble to be reopened, both for utility and because we are bloody proud of it. Does the Prime Minister share my hope that Preston City Council will include the plans to get the bridge reopened as part of its levelling-up fund bid?

**The Prime Minister:** It is possibly fair to say that I am responsible for building more river crossings and bridges than anybody else in this House, including the Suggitts Lane crossing, which I delivered for my hon. Friend the Member for Cleethorpes (Martin Vickers). At this stage in my political career, I could not in all honesty promise that I will deliver this bridge, but my hon. Friend the Member for South Ribble (Katherine Fletcher) has eight people to whom she can direct that request right now, and she is in a strong bargaining position.

Q4. [901101] **Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Lefarydd. Child poverty has increased in every part of Wales in the past seven years under Tory cuts to public services and malign welfare policies. In the communities I represent, 37% of children are now growing up in poverty. The Prime Minister has one last chance to make a real difference to those children's lives before he leaves office. Will he scrap the two-child limit and reinstate the £20 uplift for all families entitled to welfare?

**The Prime Minister:** Of course the Labour Government in Wales is responsible for schools, but what we have been doing is not only increasing the living wage by £1,000 and providing the £37 billion-worth of financial support that I mentioned, but helping councils with a £1.5 billion household support fund to get families such as those the right hon. Lady mentions through the tough times. We will come out very strongly the other side.

**Mr Speaker:** We now come to a closed question from Sir Mike Penning.

#### **West Hertfordshire Teaching Hospitals Trust: New Acute Hospital**

Q8. [901105] **Sir Mike Penning** (Hemel Hempstead) (Con): If he will intervene to ensure that the West Hertfordshire Teaching Hospitals Trust will commission the construction of a new acute hospital on a greenfield site in West Hertfordshire.

**The Prime Minister:** I am delighted that there will be a new hospital scheme in this area. I am told the local hospital trust has considered a full range of options and that it considers that new hospital builds at Watford General, alongside further investment at Hemel Hempstead and St Albans City hospitals, represent the best option for the health services in the area.

**Sir Mike Penning:** I thank the Prime Minister for delivering Brexit and the fantastic vaccine roll-out programme, which I was proud to be involved with and which saved so many lives in my constituency and around the country. Sadly, the trust has not considered all options—I know my constituents would be astonished by what it has said. It now wants £1.2 billion for the refurbished tower block situation in Watford. Can the Prime Minister do me a great favour before he leaves? Can he put a little note in the drawer of No. 10 for when the new incumbent comes in, saying, “Penning needs a new hospital on a greenfield site”?

**The Prime Minister:** I can tell my hon. Friend that I will ensure he gets a meeting with the relevant Minister to discuss his proposals.



### Engagements

Q11. [901108] **Jon Trickett** (Hemsworth) (Lab): We now know that every ambulance service in the whole country is in a critical state, but last week, well before the current national heatwave emergency, my constituent Mrs Meacham died after waiting for hours for an ambulance—an excruciating and prolonged delay. Her daughter tells me that the family tragedy was not caused by the staff, but by cutbacks by this Government. In any event, without immediate and drastic action we cannot be sure that there will not be many more Mrs Meachams. Does the PM accept that we are now living through an emergency health crisis? Given the disastrous state he is leaving the NHS in, why is he still in Downing Street?

**The Prime Minister:** The hon. Gentleman talks about staffing levels: the NHS now has a record number of people working in it, with 10,900 more nurses this year than there were last year and 6,000 more doctors. On ambulances, and he is right that this is absolutely critical, the crucial thing is to help the hospital staff to move patients through the system. Too often, I am afraid, it is impossible because a proportion of the patients sadly are in delayed discharge and that is making life very difficult for the ambulances as they come up to hospital. That is why it is so crucial that this Government, in addition to everything else we have done, are fixing social care and helping patients out of hospital. That is why we put in the £39 billion, which unfortunately his party voted against.

Q9. [901106] **Jack Brereton** (Stoke-on-Trent South) (Con): I thank the Prime Minister for all he has done to help to level up Stoke-on-Trent. The number of workless households in our city has halved over the past decade of Conservatives in government. Does he agree that the best way to level up Stoke-on-Trent is to get more people in well-skilled, better-paid employment opportunities?

**The Prime Minister:** My hon. Friend is absolutely right. The Leader of the Opposition knows a lot more about Stoke Newington than he knows about Stoke. *[Interruption.]* That is absolutely true. I am proud that we are getting young people into work up and down the country. I was at an event last night to celebrate the 163,000 kickstarters who we have helped into work. That is our ambition—to help people into good jobs. I am proud to say that I leave office with unemployment at roughly 3.8%; when Labour last left office it was at 8%. That is the difference between them and us.

Q12. [901109] **Stewart Malcolm McDonald** (Glasgow South) (SNP): Last night's "Panorama", and the joint investigation with *The Times* newspaper, have exposed yet more evidence of unlawful killings by special forces, this time in Afghanistan. Previously, the Government and the Ministry of Defence were determined to sweep this under the carpet, but those who serve in uniform, and the public they protect, deserve better. These are not vexatious claims from campaigning lawyers; they come from within the armed forces, and from our allies in Australia. Will the Prime Minister commit to an Australia-style independent inquiry, as backed by General Lord Richards? More broadly, has the case not been made again for democratic oversight of special forces?

**The Prime Minister:** It is a long-standing practice, I think accepted on both sides of the House, that we do not comment on special forces. That does not mean that we in any way accept the factual accuracy of the claims to which the hon. Gentleman has alluded; nor does it mean that anybody who serves in Her Majesty's armed forces is above the law.

**Mr Speaker:** I warn other Members that the matter is sub judice—I allowed the question because it was very general, which is the only way I would allow it to be discussed at the moment.

Q10. [901107] **Andrew Lewer** (Northampton South) (Con): In the past few years, campaigning and persistence have led to the construction of a new children's A&E, and this year a new main A&E, for Northampton General Hospital in my constituency. To build on that success, the town now needs an urgent treatment centre. Does the Prime Minister agree that that would be a hugely welcome step in providing top-quality healthcare in Northampton?

**The Prime Minister:** As I mentioned earlier, we are engaged in a massive programme of improvements and building and rebuilding in our NHS estate. With great respect to my hon. Friend, he is going to have to continue to lobby for this decision. The local NHS bodies will have to make up their minds on it, but I am sure he will continue to make lively representations.

Q13. [901110] **Patricia Gibson** (North Ayrshire and Arran) (SNP): Last week the Prime Minister was forced to announce his intention to resign after Ministers who supported him only days earlier changed their minds. Of course, people are allowed to change their minds, and this should be recognised. Why do the Prime Minister and his MPs believe that this principle applies everywhere except in Scotland, where the people delivered a clear mandate to the Scottish Parliament to hold an independence referendum?

**The Prime Minister:** As I understand it, the people of the SNP are currently deciding what to do with the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). Heaven forbid that they should change their minds.

Q14. [901111] **Mark Pawsey** (Rugby) (Con): Forty years ago, 10 young people from Rugby's West Indian community travelled to a house in New Cross Road, London for a birthday celebration for former Rugby resident Yvonne Ruddock. Tragically, there was a fire at the house where the party was held, and two of the group never returned home; others were traumatised. The fire cost 13 people their lives and has been the subject of two inquests, both of which were inconclusive. Those who survived, and the families of the bereaved, are calling for a further investigation. Does the Prime Minister agree that the appointment of the new Metropolitan Police Commissioner provides an opportunity to re-examine the events of that time?

**The Prime Minister:** I know from my own experience of running the city the anguish that that particular tragedy caused and the deep feeling that surrounds it, and I thank my hon. Friend for raising it. Whatever my own views, this is a matter for the independent Metropolitan Police Service, and I am sure that the new commissioner will consider what he has just said.



Q15. [901112] **Alan Brown** (Kilmarnock and Loudoun) (SNP): While the Prime Minister was editor of *The Spectator*, he published a poem about exterminating “The Scotch...a venomous race!”

He previously stated that

“a pound spent in Croydon is far more of value to the country...than a pound spent in Strathclyde.”

He called for an ending of the Barnett formula and stated that an MP from a Scottish constituency should not be Prime Minister. Given his anti-Scottish views and his abject failure as a Prime Minister, why does he think he has the right to try to block a democratic vote for Scotland to choose its future away from this corrupt Westminster?

**The Prime Minister:** May I say to the hon. Gentleman that after three years of listening to this delirium of monotony from the Scottish nationalists, I really think they need to change the record? What the people of this country want is a focus on the cost of living, on the economy, on schools and on standards in schools—those are the things he should fix, and that is to say nothing of the tragedy of drug deaths in Scotland, which the SNP still has not done anything to address. Everything I have seen has taught me that whether it is Ukraine, covid or furlough, there is absolutely no doubt that we are better off working together.

**Felicity Buchan** (Kensington) (Con): On behalf of the Ukrainian community that is at the heart of Kensington, I send huge thanks to the Prime Minister for his support for Ukraine.

Yesterday was the first anniversary of the devastating flooding that affected more than 1,000 homes in my constituency. People in basement flats lost all their belongings and many people are still in temporary accommodation. Will my right hon. Friend back my fight to ensure that we get serious investment in infrastructure in west London from Thames Water?

**The Prime Minister:** I know the problem of which my hon. Friend speaks very well. There is no single solution to tackling surface water flooding, but she is absolutely right in wanting to put more pressure on Thames Water to try to come up with sustainable solutions. That has to be done working with partners and councils, and with developers as well.

**Sam Tarry** (Ilford South) (Lab): A few short weeks ago, Zara Aleena was walking home through Ilford. She was dragged off the street and brutally murdered. Zara’s family made a touching tribute to her life. They said:

“She was authentic and refused to try and impress anyone, but she impressed us. She was the rock of our family.”

Last week, on 8 July, another woman was stabbed in St Johns Road, just yards from my family’s church that I have attended for 15 years, so I know the area like the back of my hand. Women in Ilford should not have to police themselves or impose curfews on their behaviour when they just want to go about their daily business. Will the Prime Minister commit to a greater allocation of policing funding targeted on specialist knife crime into Ilford and across all that part of north-east London? In addition, what measures will the Government take that will make a difference to the lives of women? Will

they toughen sentences for rape, stalking and domestic violence and put in place proper police support to end the epidemic of violence in this country against women and girls?

**Mr Speaker:** Before the Prime Minister answers, let me say to Members that, although I have allowed the matter to be raised, we should be careful about going into detail on the first person because the case is sub judice. I am sure the Prime Minister can answer the question in general terms.

**The Prime Minister:** I thank you for your guidance, Mr Speaker. I think we can safely say how much we sympathise with the victim and her family. Knife crime is a scourge, and I believe there are many different solutions, but one of them unquestionably is allowing the police to do more stop and search and making sure we have more police out on the street. That is why we have made the massive investments we have, and I hope that those investments will continue. I am sure that they will.

Rape and serious sexual offences—offences particularly against women—are a matter that is incredibly important to the whole House, and they are something we have worked on very hard over the past three years. We have done everything we can; not only have we introduced more streetlights, but we have invested more in independent sexual violence advisers and domestic violence advisers and all the people we need to give victims the confidence they need to get cases to trial, which is such a problem. In addition to putting more police out on the streets and specialist units to tackle—[*Interruption.*] Yes, we have. We have also introduced tougher sentences for rape and serious sexual violence. I have to say I am amazed that it is still the case that the party of the Leader of the Opposition voted against those tougher sentences. That was a great mistake, and I think they should take it back.

**Mr Speaker:** Order. At the start of Prime Minister’s questions, the hon. Members for East Lothian (Kenny MacAskill) and for Kirkcaldy and Cowdenbeath (Neale Hanvey) persistently denied the authority of the Chair. In their absence, I wish to proceed to name them, and I call on the Leader of the House to move the relevant motion.

*Kenny MacAskill, Member for East Lothian, and Neale Hanvey, Member for Kirkcaldy and Cowdenbeath, were named by the Speaker for wilfully disregarding the authority of the Chair (Standing Order No. 44).*

*Motion made, and Question put forthwith (Standing Order No. 44), That Kenny MacAskill and Neale Hanvey be suspended from the service of the House.—(Mark Spencer.)*

*Question agreed to.*

**Sir Mike Penning:** On a point of order, Mr Speaker.

**Mr Speaker:** I understand that the right hon. Gentleman wants to raise a point of order relevant to his question to the Prime Minister.

**Sir Mike Penning** indicated assent.

**Mr Speaker:** In which case I will take just this one point of order.

**Sir Mike Penning:** As a former Minister, I am very aware of the information that is given to Ministers and Prime Ministers when they are going to be answering questions, especially when they are pre-informed of a question. The information the Prime Minister was given was that my hospitals trust had looked at all options for

the decision on a new hospital in my part of the world. That is not correct, and I want to put it on the record that the Prime Minister has been misled by my trust. It is not the Prime Minister's fault that he had that information.

**Mr Speaker:** I am not going to carry on the debate raised in the question, but the right hon. Gentleman has certainly put the matter on the record. I am sure that the trust will be hearing of it as he sits down.

## Ambulance Services and National Heatwave Emergency

12.47 pm

**Wes Streeting** (Ilford North) (Lab) (*Urgent Question*): To ask the new Secretary of State for Health and Social Care if he will make a statement on ambulance services and the declaration of a national heatwave emergency.

**The Minister of State, Department for Health and Social Care (Maria Caulfield)**: Our ambulance service performs heroics every single day, and I put on the record my thanks to every single one of its staff for their dedication and hard work. We have a duty to support this vital service and give it the resources it needs.

The latest figures from the NHS in England show that ambulance service response time performance has improved month on month, and that ambulance hours lost are also improving month on month. However, we fully acknowledge the rising pressures facing the service, and there are three significant factors influencing the situation. First, bed occupancy is currently around 93%, which we would normally see during winter. Secondly, there are high rates of hospital covid admissions—whether “with covid” or “because of covid”—and that puts pressure on A&Es’ ability to admit patients. Thirdly, void beds are running at roughly 1,200, partly due to a 16% increase in the length of stays. Delayed discharges are another significant influence, but they remain flat. We also have record numbers of calls to the ambulance service—100,000 more compared with May last year. There is therefore significant pressure on the system.

We also have to be mindful of the weather in the coming days. We do have a heatwave plan for England, which was published earlier this year—I am sure the hon. Gentleman has read it—and we also have the hot weather plans that NHS trusts have put in place. In addition, we are providing sector-specific guidance setting out the best way to protect people who may be at risk. We are also supporting the service more widely to make sure it has the resilience it needs. We have allocated £150 million of extra funding for the ambulance service this year, and we are boosting the workforce too. The number of national 999 call handlers had risen to nearly 2,300 at the start of June, which is a considerable increase on the previous September, and we are on track to train 3,000 paramedic graduates a year nationally every year until 2024. On top of this, we have invested £50 million in NHS 111 to help give extra capacity to the service.

I will be meeting all 11 ambulance trusts over the coming days to make sure that they have the capacity and the resilience they need not just to deal with the pressures now, including with the warm weather, but to prepare for the forthcoming winter pressures that we know are inevitable. This is an important issue that I take extremely seriously, and I will keep the House updated as the situation develops.

**Wes Streeting**: Thank you, Mr Speaker, for granting this urgent question, but what a disgrace that the Secretary of State is not here. Our NHS is going through the biggest crisis in its history, every ambulance service is on the highest level of alert, patients are forced to wait hours in pain and discomfort, and he is yet to say a

word about any of it. The Home Secretary was not at the Home Affairs Committee this morning, and the Health and Social Care Secretary is not here this afternoon. This is not even a Government in office, let alone in power.

One person who is still in office, however, is the Minister. Her boss resigned saying he could not put loyalty above integrity any longer. Well, the Minister obviously made a different choice. Can she say whether any further meetings of Cobra are scheduled beyond the meeting held on Monday? As we saw during the pandemic, public health emergencies require clear communication from Government. Can she tell the House what the consequences of a national heatwave emergency would be for schools, public transport services and other public services, and what guidance will be provided to the general public? What assessment has she made of the suitability of care homes to protect residents from the extreme heat, and what contingencies are in place should further measures be necessary?

Every ambulance service is now on the highest level of alert, so what is the Secretary of State doing about it? The Minister talks about targeted help for ambulance services—she is going to be hitting the phones this week; presumably the Secretary of State is too busy—but, as I think she acknowledged, this is a crisis across the health service. Last month, a crew in the west midlands waited 26 hours outside A&E because clinical staff were not available to hand over to. What are the Government doing to provide additional support to A&Es during this heatwave? These pressures are not new. Average waiting times for stroke and heart attack victims are one hour. Patients in the north-east were told to phone a friend or call a cab rather than rely on emergency services. Is it not the case that, although extreme weather is of course putting further pressure on our emergency services, it is 12 years of Conservative underfunding that has left them unable to cope?

In conclusion, if people such as the Home Secretary and the Health Secretary cannot be bothered to turn up to do their jobs and are not interested in the business of running this country because they are too busy making endorsements for fantasy candidates with far-fetched promises, perhaps it is time they step aside so that Labour can give Britain the fresh start it needs.

**Maria Caulfield**: Can I say how disappointed I am at the shadow Secretary of State’s response? If he is not happy that a female Minister with over 20 years’ experience in the NHS is able to answer a question on NHS waiting times, I find that very disappointing.

As I said in the debate a few weeks ago, I do not want to bring politics into health because I think it is too important, but if the shadow Secretary of State wants to play politics, I will give him politics. If we look at Wales, where Labour runs the NHS service, we see that the ambulance service and A&E departments are facing exactly the same pressures. Only 51% of red calls in Wales are being seen in eight minutes; the target is 65%. If he looks at the call time for strokes, he will see that only 17% of those people are being seen in time. Those numbers are falling month on month, whereas in England our responses are improving month on month. On the four-hour wait in A&E in Wales, 34.9% of people have been seen within four hours.

**Wes Streeting** indicated dissent.

**Maria Caulfield:** The hon. Gentleman shakes his head, but he stood at the Dispatch Box just now and said that Labour would do better. It is not doing better in Labour-run Wales; it actually has either similar response times or worse response times.

I have set out a plan. It is clear that the hon. Gentleman has not read the heatwave plan for England, which was published earlier this year, because he would have the answers there. We are making sure that all NHS trusts are prepared. I am happy to work with each and every Member across this House to make sure that the ambulance service, our A&Es and hospital trusts have the support that they need, but if all he wants to do is play politics, I think that is extremely sad.

**Mark Pritchard** (The Wrekin) (Con): Would the Minister like to put on record her thanks to all the hard-working ambulance crews of the West Midlands Ambulance Service, particularly those working throughout the county of Shropshire? Does she agree with me that this is not just about ambulances, but about local authorities—in my case, Shropshire Council and the borough of Telford and Wrekin—working alongside acute trusts such as the Shrewsbury and Telford Hospital NHS Trust? A collective effort is required, not a single effort by a single ambulance service.

**Maria Caulfield:** I thank my right hon. Friend, who is absolutely right, because a number of factors are influencing the wait times at A&E. While delayed discharges are not increasing, there are still a significant number of them, which means that the NHS and local authorities have to be working together. That is why we have created the integrated care boards, which Opposition Members voted against, to better co-ordinate care between health and social care so that we can have better systems in place to discharge patients sooner. As I have said, we have 1,200 void beds, which is either due to infection control measures because of covid rates increasing or because patients cannot be discharged. I will be meeting every single ICB in the coming days, because as part of our winter preparation, we need to improve co-ordination in those areas.

**Daisy Cooper** (St Albans) (LD): Last October, I revealed through a parliamentary written question that every ambulance service in England was at the highest alert level. We are now nine months on, and we are in that situation again. We are facing warnings of extreme weather this weekend. The Government need to reinstate the funding for discharge packages into social care homes. We need primary care to be used to stabilise people in communities, and we must be using first responders from the fire service. Will the Minister agree to convene an urgent meeting of Cobra today to protect patients and paramedics, who are really operating at the brink?

**Maria Caulfield:** I say to the hon. Lady that we have put additional investment this year—over £150 million of extra funding—into ambulance services to help them meet demand, because they do have significant demand. The rates we are seeing at this time of year are the sorts of rates we would normally see in winter, and we are doing exactly as we would then. We have our heatwave

plan, which was published earlier this year, and we are confident that we are working with all NHS trusts, and all the ambulance trusts too, to make sure they have the support they need. Can I gently say to her that this is not just about funding? This is about bringing care together to ensure that hospital beds are freed up so that when ambulances arrive at A&E they can unload their patients. As I said to the shadow Secretary of State—I am not sure if he is going to take me up on this—I am happy to work with every single Member across this House to make sure that we support our emergency services.

**Scott Benton** (Blackpool South) (Con): I welcome the reassurance the Minister has provided regarding capacity and resilience planning over the coming weeks. A&E services at Blackpool Victoria Hospital have been under significant pressure of late, and the planned £15 million Government-funded improvements to increase capacity there frankly cannot come soon enough. Will the Minister meet me to discuss the progress of these plans to ensure that patients can see the benefits as soon as possible?

**Maria Caulfield:** I thank my hon. Friend, who has been campaigning vigorously for better healthcare provision in his local area. I am very happy to meet him to discuss those plans, and I recognise that there is an urgency about that. I can reassure him that six areas of the country account for about a third of the handover delays, and we are specifically focusing our efforts on them. This is about relieving the pressures in the system, whether through more capacity at A&E so that patients can be seen more quickly once they arrive by ambulance, or support for the ambulance service itself. I am very happy to meet him to discuss the problems in his local area.

**Grahame Morris** (Easington) (Lab): Despite the promises and assurances that the Minister set out in the heatwave plan and in her response, I am very disappointed that previous promises made in the House by the Minister, that she would speak with North East Ambulance Service whistleblower Paul Calvert, my constituent, have not been honoured. If Ministers will not engage with those who identify ongoing problems and learn lessons to fix our failing ambulance service, how can we expect the ambulance service to respond to an acute crisis such as the current heatwave?

**Maria Caulfield:** The North East Ambulance Service is one of three areas of concern in terms of performance. I reassure the hon. Member that I have met the families, and offered other families a meeting, to discuss the matter. In relation to his constituent, there is a tribunal ongoing. It is difficult for me to meet him while that is ongoing. Once that is over, however, I would be happy to meet his constituent to discuss the issues that he raised as a whistleblower.

**Theresa Villiers** (Chipping Barnet) (Con): The Minister will be aware that the chances of recovery for those who suffer a stroke are greatly improved if they get specialist care within the first half hour, 45 minutes or so. So will she do everything she can to address administrative blockages and other delays, to ensure that people get the chance of life-saving treatment at the earliest possible stage?



**Maria Caulfield:** Yes, and I thank my right hon. Friend for raising that point. Different response times are required, depending on the reason for the call. Strokes would be a C2 emergency, for which the target is 18 minutes. The latest figures we have are from May, when we were performing better than in April. The figures are not where we want them to be, but we are seeing month-on-month improvements. For C1 and C2 cases, which need urgent treatment as soon as possible, particularly for strokes, every minute counts and we want to see further improvements in those times.

**Barbara Keeley** (Worsley and Eccles South) (Lab): The *Manchester Evening News* is reporting that the North West Ambulance Service has raised its operational pressure level to “critical incident” level, which indicates a potential for failures as ambulance services try to cope with extreme pressure. A&E departments at the Royal Bolton and Stepping Hill Hospitals have admitted that they are extremely busy, with long queues of ambulances at some times. The Minister did not even mention social care in her response, which we know is so broken that it adds to delays and discharges. Twelve years of Conservative mismanagement and neglect have left those services, on which my constituents rely, so vulnerable. What does the Minister have to say to the patients suffering as a result?

**Maria Caulfield:** I am sorry that the hon. Lady did not hear my response. I specifically mentioned social care as well as the integrated care boards that we have set up to bring health and social care together—I think Labour Members voted against that. As I said, one factor affecting ambulance delays is the bed occupancy issue. Part of that—not all of it—is about delayed discharges and lengths of stay are 16% higher. We have a plan for fixing social care and it is unfortunate that Labour Members voted against it.

**Alex Chalk** (Cheltenham) (Con): Cheltenham General Hospital’s A&E was saved from a trust plan to close it, thanks to the fantastic support of more than 20,000 of my constituents. Does my hon. Friend agree that, in addressing the enormous challenge of the demands we face, capacity is important as well as flow through the system? In the light of that demand, the decision of the trust, and indeed the Government, to keep Cheltenham’s A&E open has been vindicated.

**Maria Caulfield:** I am pleased that my hon. and learned Friend is already seeing the benefits of the A&E in Cheltenham staying open. He is very modest—I am sure he played a significant part in ensuring that it stayed open. This is absolutely about capacity and there is no magic bullet that will make the pressures on the ambulance and emergency services any easier. This is multi-faceted and capacity at A&E is crucial. I am meeting the ambulance trusts to find out where good practice is making a difference, so we can help to share that across the country.

**Taiwo Owatemi** (Coventry North West) (Lab): In June, a 59-year-old man collapsed in the west midlands, going into cardiac arrest. Neighbours called an ambulance, but it took 90 minutes for one to arrive—six times longer than it should have taken. Sadly, the man soon passed away. We see this time and again across my region, where ambulance waiting times are among the

worst in the country. When will the Government provide the much needed extra support to stop horrific incidents such as that reoccurring?

**Maria Caulfield:** I am sorry to hear about the sad death of the hon. Member’s constituent. Her region is one of the six areas that have the worst handover times and at which we are targeting support. I would be happy to meet her and update her on the specific support that we are offering her region.

**Barry Gardiner** (Brent North) (Lab): When discussing ambulance response and waiting times, the Minister kept using the phrase “month-on-month” improvements. Can she specify which months? She will know that it depends on which month you choose as your baseline—if it was the worst month in recorded history, it is not difficult to show month-on-month improvements.

**Maria Caulfield:** When we look at our figures, of course we look month on month, but we also compare them with previous years. As I said in my opening remarks, we are seeing an increase in calls—over 100,000 more compared with May 2019. The hon. Member shakes his head, but those are the facts. We are comparing month on month, and comparing with previous years. We are seeing an improvement in response times and in the amount of ambulance hours lost to ambulances queuing at A and E.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): Of the 22,000 people who visited Newcastle’s Royal Victoria Infirmary A&E in May, 13%—more than 3,000 people—faced a wait of more than four hours. In the last month, people were facing waits of seven hours, and constituents with rapid heart fluctuations were told that they faced a wait of 11 hours for an ambulance and that they needed to get a cab. Is not it negligent of the hon. Lady’s Government to leave our NHS unable to protect my constituents, particularly facing a heatwave, and what is she going to do to ensure that they have the resources necessary?

**Maria Caulfield:** As I explained in answer to the shadow Secretary of State, these are problems facing all devolved nations. I highlighted the four-hour waits in Wales, but in Scotland there are similar pressures—in Ayrshire there is a three-hour wait. These problems are not specific to any one Government. I have set out what we are doing to help all ambulance trusts and regions of the country. We have put in funding to support the ambulance service and to support NHS 111 to try to take some pressure off the ambulance service. We are looking at the novel approaches that in some parts of the country are working well—whether that is having GPs in A&E to try to take pressure off people who are waiting a long time, or having paramedics in GP surgeries. Whatever works we will look at, to help to take pressure off the system.

**Tony Lloyd** (Rochdale) (Lab): Rochdale is especially vulnerable because its A&E was closed many years ago. It means people are dependent on an ambulance service that is not in crisis because of the heatwave; it has been in crisis for some considerable time. We do not need blandishments. Why does it take a crisis for the Minister to come before the House to explain what has not yet happened?

**Maria Caulfield:** We are not waiting for a crisis. I have set out the funding that we have put in place this year—£150 million extra funding for the ambulance service—and highlighted how we are boosting the workforce. In case the hon. Gentleman did not hear my opening remarks, there were nearly 2,300 more 999 call handlers at the start of June, and we have invested £50 million in NHS 111 capacity, to help us reduce demand. We have been doing this. There will be pressures on the ambulance service and our emergency services at times. We saw that with covid and the heatwave this week will put pressure on the NHS. There will also be pressures in winter. Opposition Members may think there is some magical way to avoid pressures, but there is not. We need to provide resources and capacity to ensure that the service can meet that demand.

**Hilary Benn** (Leeds Central) (Lab): Further to the question about strokes, as we know, every minute counts. The Minister just told the House that in not every case is the ambulance response meeting the 18-minute time that she said is the target. Given that, what advice would she give to members of the public who think that a loved one has had a stroke? Should they ring 999 and hope that the ambulance will turn up within the 18 minutes? If not, should they put the person in a car or taxi and take them to A&E? When they arrive at A&E and say, “I think my loved one has had a stroke”, what confidence might they have that they will be seen quickly, given that time is of the essence?

**Maria Caulfield:** As someone who has suffered a stroke myself, I am very aware of the urgency of seeing stroke patients on time. I am not going to give clinical advice at the Dispatch Box. It is important that, if a person suspects a stroke is occurring, they dial 999 immediately. The ambulance callers will normally stay on the line with that person, advise them on what to do, depending on their symptoms, and get an ambulance to them as quickly as possible. Once they arrive in hospital, if a stroke is suspected, they will be seen immediately—we are not seeing reports of stroke patients being delayed once they are in hospital. It is crucial that those patients are seen urgently, and the advice is to dial 999 and clinical advice will be given to them over the phone.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): The West Midlands Ambulance Service says that it has been at resource escalation action plan 4—the highest level of alert—for several months now, which is almost unprecedented. Has the new Secretary of State spoken to the chief ambulance officer for the west midlands yet about that terrible situation?

**Maria Caulfield:** The hon. Gentleman is absolutely right: ambulance trusts are under record pressures, the sorts of pressures that we would normally expect in winter. We are seeing them in the summer months, which is usually their down time, a fact that is extremely concerning for the months ahead as we head into winter.

As I said, I will meet all 11 ambulance trusts over the coming days. In the first few days of his appointment, the Secretary of State has already been out with ambulance crews to hear from them directly about the pressures they are facing. I hope the hon. Gentleman is reassured that we are both taking the issue extremely seriously.

**Margaret Greenwood** (Wirral West) (Lab): This is a situation that my constituents are desperately worried about. We know that ambulance waiting times were not being met before the pandemic, so this problem has a long background to it, as the Minister knows. We also know that there has been a crisis in A&E waiting times, and in my own hospital of Arrowe Park—a hospital in my constituency—in May this year, almost half of patients had to wait more than four hours.

Given that this problem has been a long time in the making, that the Government have known about it, and that one senior leader in the north of the country who does not want to be named has described the situation as “dire” for staff and patients, can the Minister tell us what the Government are going to do as a matter of urgency to sort it? My constituents are desperately worried about this issue. I have constituents who have lost people because of—well, we cannot say “because of”, but in circumstances that have involved very long ambulance waits, so this issue could not be more important to them. I would like an answer about what the Government are going to do urgently.

**Maria Caulfield:** There are two aspects to that question. In terms of urgency, we have procured a contract with a total value of £30 million for an auxiliary ambulance service, which will provide national surge capacity if needed to support the ambulance response during periods of increased pressure. That capacity is there, should we need it.

The hon. Lady also talked about long-term plans. We have been investing in the ambulance service since 2010. I talked about the extra paramedics: we are training 3,000 graduates every year to 2024 in order to increase our capacity. We have also made significant investments in the workforce, with an almost 40% increase since February 2010, so we are improving. Sometimes, those changes take time to come through, but we are investing in the workforce, providing more funding and training more paramedics, and we also have an auxiliary ambulance service procured should we need it.

**Naz Shah** (Bradford West) (Lab): “24 Hours in A&E” used to be a reality TV programme; now, it is Government policy. Can the Minister tell me why this Government have presided over a watering down of standards that will see the zero tolerance for 12-hour waits in A&E and the 30-minute standard for ambulance handover delays scrapped?

**Maria Caulfield:** The reason I am standing at this Dispatch Box is my experience of working as a nurse in A&E under the last Labour Government. I believe it was then who introduced the four-hour target. [Interruption.] Does the hon. Lady want to listen to my response? Those targets looked good on paper, but were very often just driven as tick-box exercises.

I used to look after patients. I remember an elderly gentleman who was waiting for over four hours on a hospital corridor when I was a nurse under the last Labour Government. He was lying there on his trolley, wanting to go to the toilet, and all we could do was wheel a curtain around him on a busy hospital corridor so that he could do so. That was the experience under the last Labour Government, so I will not take any lectures from Opposition Members about performance.

**Matt Rodda** (Reading East) (Lab): I urge the Minister to consider the position again, and consider declaring an emergency. I especially want to draw her attention to issues in the South Central Ambulance Service area, where there are long-standing, severe pressures, particularly around recruitment and retention of staff—linked to the high cost of living in central and southern England—and areas of very high house prices where NHS staff pay has not kept up with the local labour market. In particular, I draw her attention to the additional enormous pressure of the heatwave in the south of England and London, where temperatures are particularly high. I hope she will look at this issue on a national basis, but also consider the particular problems that exist in our parts of England.

**Maria Caulfield:** I have set out to hon. Members the work we are doing to increase capacity in the ambulance service, including £150 million in funding, training more paramedics, and increasing the workforce by 40%. We published the heatwave plan for England earlier this year—the shadow Secretary of State, the hon. Member for Ilford North (Wes Streeting), was not sure whether he had read it, but I urge all Members to do so. We are watching this issue on a daily basis. It is not just about the heatwave; it is about covid pressures, enabling hospitals to discharge patients, the winter pressures that will come later this year, and making sure we have resilience in the system.

**Mary Kelly Foy** (City of Durham) (Lab): I have heard from one of my constituents who suffered a stroke and was left to wait for nearly two hours for an ambulance, and is now severely disabled. That issue is being seen repeatedly across the country, so can the Minister tell me what she is doing now, urgently, to make sure that when my constituents in Durham need an ambulance urgently, they get one? The plans she has outlined and the investment she has spoken about are obviously not good enough.

**Maria Caulfield:** We are working urgently on this issue—as, I am sure, are the health services in Wales and Scotland, which are facing the same problems. We are all working hard to address them. As I have said, we have procured a contract with a value of £30 million for an auxiliary ambulance service to increase capacity, should we need it. I will be meeting all ambulance trusts in the coming days to make sure we have the resilience we need, not just to catch up with some of the pressures that existed before covid or to deal with the pressures that those trusts are facing now, but to future-proof them for the coming winter months.

**Matt Western** (Warwick and Leamington) (Lab): Joyce, a 96-year-old survivor of the Coventry blitz, sadly fell in her care home back in April, and lay in agony screaming for 10 hours. At the time of the 999 call, there were 63 people awaiting ambulances, and on that day, over 1,100 hours were lost due to hospital handover delays. Clearly, a major factor in those delays is the handover capacity in our A&E services and in wards. The Government have had 12 years to sort out the issue of social care, so does the Minister support the calls from various leadership candidates to make tax cuts and remove the national insurance increase that was supposed to support social care?

**Maria Caulfield:** I am not sure whether that means the hon. Gentleman is now supportive of the social care levy, which is there to pay for improvements to social care. This Government are making those changes and bringing forward the integrated care boards that are bringing health and social care together to deliver on those delayed discharges. I have been very honest: delayed discharges are having an impact on bed capacity and a knock-on effect on our ambulance services. If the hon. Gentleman has changed his mind and now supports the social care levy, I welcome that news.

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): With the greatest of respect to the Minister, I cannot fathom why the Secretary of State for Health and Social Care is not at the Dispatch Box when we are facing such a perfect storm. Given that the Home Secretary failed to turn up to the Select Committee on Home Affairs this morning, may I ask the Minister whether this is the Government's new approach: that members of the Cabinet no longer turn up to be accountable and so that scrutiny can happen in this House?

**Maria Caulfield:** I can reassure the right hon. Lady that I am the Minister responsible for ambulances, which is why I am standing here at the Dispatch Box. The Secretary of State has been out on visits this morning, meeting clinical teams; it is important that he hears at first hand from those who are on the frontline. I got into politics to make sure that those of us who work on the frontline—[*Interruption.*] The right hon. Lady rolls her eyes; maybe she does not have much respect for those of us who worked on the frontline. We are dealing with this situation, and will be supporting the ambulance service over the coming months. The right hon. Lady's response is extremely disappointing.

**Mr Speaker:** I granted the urgent question because the shadow Secretary of State tabled it and normally we would expect a Secretary of State to come. I recognise that they may be busy in other areas, but it is something we ought to be aware of. More and more, we are seeing fewer Secretaries of State across all Departments, not just this one.

**Helen Morgan** (North Shropshire) (LD): Last Friday, I passed by Royal Shrewsbury Hospital. It is in a neighbouring constituency, but it serves my constituents. It was not a particularly bad day, but there were eight ambulances with their doors open in the heat, waiting to transfer patients. This is not a new situation and I have repeatedly raised the issue in this place: on my first day in Parliament with the Prime Minister; with the Secretary of State for Health in an Adjournment debate; and in a Westminster Hall debate with the hon. Member for Charnwood (Edward Argar). All those people have now resigned. Shrewsbury and Telford Hospital Trust has declared its fifth critical incident this year. When will the Government end the chaos and infighting, and start taking steps to prevent avoidable deaths in Shropshire and across the country?

**Maria Caulfield:** I can reassure the hon. Lady that the hon. Member for Telford (Lucy Allan) has been working very hard behind the scenes to get more investment into that local hospital. We will be making announcements shortly on future funding for hospital trusts.



**Jim Shannon** (Strangford) (DUP): The Minister and the Government were able to respond to the covid-19 pandemic and showed that resources could be made available. Can I ask the Minister this question in a positive fashion? Is it possible to use some of the very successful covid-resourced helplines for people to contact to provide short-term advice on heat-related issues, rather than perhaps ringing, as they often do, the GP out of hours? What else can the Minister's Department do to take pressure off A&E and out-of-hours GP surgeries?

**Maria Caulfield:** The hon. Gentleman makes a very constructive suggestion—one of the first of the afternoon, if I may say so. There were lessons during covid that are being rolled out across emergency services. We are looking at best practice in those parts of the country where response times are better to see if we can share it. I am very keen to look at any option that relieves the pressure. We are investing in 111, which enables people to have alternative ways of getting urgent care directed to them. We are looking at 111 being able to make direct referrals as well, so there are a number of options. I am happy to take suggestions from any hon. Member if they are keen to see those happening in practice.

**Mr Speaker:** You have tempted me and I should not really, but it would be very helpful if you reopened Chorley A&E for 24 hours rather than 12 hours. It would reduce the number of ambulances queueing at Preston and Wigan, and we would have more ambulances on the road.

## Sri Lanka

1.22 pm

**Siobhain McDonagh** (Mitcham and Morden) (Lab): (*Urgent Question*) To ask the Foreign Secretary if she will make a statement on the state of emergency declared in Sri Lanka.

**The Minister for Asia and the Middle East (Amanda Milling):** We are closely monitoring the fast-moving and fluid political, economic and security situation in Sri Lanka. The Minister of State with responsibility for south Asia, Lord Ahmad, has engaged directly with our high commissioner and team on the ground. We encourage all sides to find a peaceful, democratic and inclusive approach to resolving the current political and economic challenges. Sri Lanka's political and economic challenges should be resolved through an inclusive and cross-party process. Any transition of power should be peaceful, constitutional and democratic. I call on all parties to exercise restraint and refrain from violence.

**Siobhain McDonagh:** A state of emergency has been declared in Sri Lanka by Prime Minister Ranil Wickremesinghe after President Rajapaksa fled the country last night. That follows weeks of protests on the island, with inflation running at more than 50%, rocketing the price of everyday goods. The health system is on the verge of collapse due to a lack of medicine. There is no fuel for essential transport services and medical vehicles. There have been power cuts, school closures and we woke this morning to protestors overtaking the Prime Minister's office, tear gas fired by police, a curfew imposed on the capital and the national TV broadcast suspended.

This is a crisis in democracy decades in the making. The world turned away when the Rajapaksa Government cluster bombed their own people committing genocide, murdered their journalists and enriched a small group led by one family. Their malign, dynastic control has stripped the country bare, leaving behind a broken nation on the brink of economic collapse. Sri Lanka is unable to buy essential goods from abroad and for the first time in its history it failed to make a payment on its foreign debt, a consequence of swingeing populist tax cuts at a time of economic instability—Tory leadership candidates beware.

An International Monetary Fund bailout is essential, but does the Minister agree that any financial assistance must go hand in hand with democratic and human rights reforms, in particular for the Tamil community which continues to fight for truth, justice and accountability as a result of the human rights abuses perpetrated at the end of the civil war by the outgoing Rajapaksa regime?

**Amanda Milling:** I am grateful to the hon. Lady for her question. As I say, we have been monitoring this very fast-moving and fluid political, economic and security situation. As she did, we urge a peaceful and democratic transition in line with the constitution and the rule of law. The Minister with responsibility for south Asia has been thoroughly engaged with the team on the ground in the high commission. I stress that he visited Sri Lanka earlier this year and met a range of civil society groups specifically to discuss the human rights situation. At that time, he met Ministers, including the President and the Foreign Minister, and urged them to take steps to



improve human rights, and to deliver justice and accountability following the conflict. I reassure the House that we are closely monitoring the situation on the ground, which is very fast moving and fluid.

**Dr Matthew Offord** (Hendon) (Con): I find it a pity that some people are seeking to use this urgent question to criticise the current Government in Sri Lanka. *[Interruption.]* The hon. Member for Mitcham and Morden (Siobhain McDonagh) can chunter from a sedentary position, but the elephant in the room is not the governance of Sri Lanka; it is the decision in 2019 to become an organic country within 10 years. That has led to food shortages and overseas remittances not being returned. The problem in Sri Lanka is that there is no food for people to eat. The UK Government need to assist Sri Lanka and agencies to ensure that food, fuel and other supplies are provided. We need to come to a Commonwealth country in its time of great crisis, not make silly political statements.

**Amanda Milling:** I am grateful to my hon. Friend for his question. As I say, we are monitoring the situation very closely. In answer to one of the points both he and the hon. Member for Mitcham and Morden (Siobhain McDonagh) made, economic support from the UK is forthcoming through multilateral institutions such as the IMF and the World Bank. The UK is the joint fifth-largest shareholder in the IMF and is a major contributor to the UN and the World Bank.

**Mr Speaker:** I now call the shadow Minister, Catherine West.

**Catherine West** (Hornsey and Wood Green) (Lab): Thank you, Mr Speaker. I welcome the urgent question on this emerging situation, tabled by my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh), who is a longstanding and consistent friend of Sri Lanka.

As we speak, Sri Lanka is convulsed by political and economic crisis. Months of mounting economic difficulties and political mismanagement have led to a chronic shortage of basic goods and medicines, and large numbers of people on the streets demanding systemic change to the political system. Reports now indicate that President Rajapaksa has fled to the Maldives in a military jet, rather than resigning and facing the consequences, leaving the country in political paralysis and the announcement of a state of emergency.

I sincerely hope that a new Government with popular support can be swiftly formed. From past evidence, we know that the Sri Lankan people have experienced extrajudicial killings and human rights abuses. The fear is that the chaos and the latest announcement may lead to increases in community tensions, reprisals or further examples of human rights abuses. It is a member of the Commonwealth family and that would be completely unacceptable. I am unimpressed by the Minister's response to date and by the fact that, although this urgent question was tabled for her boss, the Foreign Secretary, we instead have a response from another Minister—a pattern that is emerging in Parliament this week. It is clear that the Sri Lankan people will need our help quickly—not only in the days and weeks ahead as they grapple with chronic shortages and political instability, but in the months and years beyond—to secure a brighter and more stable future.

I have two brief questions. First, the Minister will know that I wrote to her on 29 June asking for a response to the emerging situation. This is not new—it has been bubbling away for two or three weeks—and yet I have not had a response to my inquiry. Will she give the House the courtesy of a reply and confirm that, on her return to the office, she will have officers draft a response that reflects the updated situation overnight?

Secondly, will the Minister outline the more immediate support offered to Sri Lanka, the engagement with partners in the region, including India, and whether the Government will now redouble their efforts to bring to justice those implicated in human rights abuses in Sri Lanka? We have this unique opportunity not only to support an ally, a friend and a member of the Commonwealth during their time of need, but to help to bring peace, justice and a brighter and more sustainable future to the Sri Lankan people.

**Mr Speaker:** Order. I remind Members—I have said this before—that if they go over time, I will cut them off. Please stick to the allocated time. We grant urgent questions on those grounds.

**Amanda Milling:** I am grateful to the hon. Lady for welcoming me to the Dispatch Box to answer this question. Frankly, I answer many questions on behalf of the Foreign Office, so it is not very unusual to find me at the Dispatch Box for an urgent question.

I am more than happy to respond to the hon. Lady's letter after the debate. I will not go over many of the things that I have said before. I will say that there are a number of stories relating to the situation on the ground, and I do not want to speculate. The situation is fast-moving and fluid, and we are monitoring it very closely. The Minister responsible for South Asia, Lord Ahmad, has been working very closely on this matter and does raise human rights issues.

**Dr Andrew Murrison** (South West Wiltshire) (Con): Clearly, the dire economic situation forced by ex-President Rajapaksa and his outfit lies at the heart of what is going on in Sri Lanka. Given Sri Lanka's indebtedness to China and the prospect of cheap fuel from Russia, does the Minister agree that the risk is that Sri Lanka stands every chance of falling within the maw of malign jurisdictions? Will she therefore do everything in her power to ensure that the International Monetary Fund is engaged to try to sort this out, particularly given that part of the issue would appear to be uncoded, unfunded, populist and inflationary tax cuts from 2019 that I am sure the IMF will take a very severe view of?

**Amanda Milling:** I reassure my right hon. Friend that UK economic support is forthcoming through multilateral institutions such as the IMF.

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

**Alyn Smith** (Stirling) (SNP): Sri Lanka is a wonderful place with wonderful people, and I am sure that all our hearts go out to them during this terrible crisis, which, as Members have said, has been a long time in the making. A concerted international effort is needed to get through the immediate humanitarian crisis. The UN

[Alyn Smith]

humanitarian needs and priorities plan has called for \$47.2 million in short-term emergency aid. I appreciate that the Minister might not give us a number today, but will she confirm that the UK will contribute to that?

The President has fled, but he cannot flee accountability. Does the Minister agree that the President and all his officials who are complicit in acts of humanitarian abuses will and must be held accountable, and will the UK contribute to those efforts?

On the wider point, this situation was triggered by economics, as we have heard, with inflation at 54% last month and likely to be 70% this month. That is a terrible cost of living crisis for ordinary Sri Lankans, and it was triggered in part by unmanageable debt. The UK is in an important position in the IMF and the World Bank. This does not just apply to Sri Lanka; I fear that other countries are having trouble with unmanageable debt. What talks has the Minister had on that?

**Amanda Milling:** On humanitarian support, I reassure the hon. Member that we remain very concerned about the impact of the economic and political situation on the humanitarian crisis. We are working with the United Nations and its agencies in co-ordinating their humanitarian needs and priorities plan.

On accountability, as Sri Lanka enters a new political settlement, the UK will maintain its advocacy of the importance of justice and accountability for alleged war crimes and human rights violations during the war. That remains crucial to building on peacebuilding efforts, supported through the United Nations Human Rights Council process, and for social cohesion.

**Ed Davey** (Kingston and Surbiton) (LD): I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing this urgent question. I agree that this horrible, appalling situation for the people of Sri Lanka has been brought about by the corruption of the Rajapaksa Government, their populist, unfunded tax cuts, their sky-rocketing defence expenditure, their draconian police powers and their cronyism and corruption, the likes of which we have rarely seen. I therefore urge the Minister to work with international partners for a full economic and political solution to support the democrats in Sri Lanka. Can that start with an economic package, with the IMF and others, so that we can give immediate support, and can that be followed by a political package that includes an international arrest warrant for President Rajapaksa and his cronies? Can that also include a demand for political freedom and respect for the rights and human rights of everyone on the island of Sri Lanka, including the Tamil and Muslim minorities?

**Amanda Milling:** I reiterate that the political and economic challenges should be resolved through an inclusive and cross-party process. We encourage all sides to find a peaceful, democratic and inclusive approach, and we work with our international partners on this matter. I have set out the economic support that we have provided through multilateral institutions such as the IMF, the World Bank and the UN.

**Valerie Vaz** (Walsall South) (Lab): There is a large diaspora of Sri Lankan people who live here and who are desperately worried about their family back in Sri Lanka. The Minister has made no mention of the Prime Minister's involvement. At the end of this urgent question, will she ask the Prime Minister to pick up the phone to the Prime Minister of Sri Lanka and ask him to stop firing at innocent people?

**Amanda Milling:** I completely understand the point that the right hon. Lady is making about the fact that there is a diaspora here who are concerned about their families. I reassure the House that the Minister responsible for South Asia, Lord Ahmad, is in regular dialogue with the high commission and the team on the ground in order to keep an up-to-date view of the situation, which, after all, is incredibly fluid and fast-moving.

**Sir Stephen Timms** (East Ham) (Lab): When David Cameron was Prime Minister, he visited Sri Lanka in 2013. After that, the UK, with Sri Lanka, jointly moved a resolution at the United Nations Human Rights Council setting out a mechanism for resolving the legacy of the issues that we have heard about. Sri Lanka has largely ignored its obligations under that resolution since then, and it has not even paid lip service to them in the past three years. Will it be a requirement of the medium-term support that will be needed for Sri Lanka that it comes back into compliance with its obligations under the decisions of the UNHRC?

**Amanda Milling:** Through our leadership in the UN Human Rights Council process, we have been encouraging Sri Lanka to respect democratic and international human rights standards as it makes its political transition. In March this year, the UK Government and our core group of partners led an ambitious new resolution on Sri Lanka at the UNHRC.<sup>1</sup>

**Barry Gardiner** (Brent North) (Lab): Thousands of Tamils in my constituency are deeply concerned. They look back to 2013, when the coalition Government supported the move to hold the Commonwealth Heads of Government meeting in Sri Lanka; and they look back to the measures that the UK Government took, as part of the European Union, to reinstate the generalised scheme of preferences plus, and to give trade preferences back to Sri Lanka. The Opposition advised against it all at the time, saying that the Government in Sri Lanka were no more than a kleptocracy. That has now been proven. The Minister needs to outline the measures that she will take to support a new, strong, inclusive and democratic Government in that state.

**Amanda Milling:** I think I have been clear throughout that we encourage all sides to find that peaceful, democratic and inclusive approach to resolving the situation. I stress to the House that the Minister for South Asia has been doing exactly that. He has been calling for that approach, but also engaging on the ground with the high commission and through all his ministerial contacts.

**Stella Creasy** (Walthamstow) (Lab/Co-op): Madam Deputy Speaker, I am sure that you, and indeed the Minister, would agree that dismissing any woman's urgent question in this House as "silly" is disrespectful to the subject matter in hand, because we all recognise how serious the situation is.

**Dr Offord:** How dare you?

1. [Official Report, 14 July 2022, Vol. 718, c. 5MC.]

**Stella Creasy:** The hon. Member may chunter from a sedentary position, but the women are talking now. We are talking about human rights because many of us recognise that, as the United Nations has told us, potentially more than 100,000 Tamils were killed during the 26-year genocide. The Minister will know that the Office of the UN High Commissioner for Human Rights has been investigating the matter. Further to the question that my right hon. Friend the Member for East Ham (Sir Stephen Timms) asked, there is due to be a report and further criticism after the resolution at the United Nations. Can the Minister tell us whether she has had any talks with the United Nations about whether the timetable will vary? When might our constituents finally see justice for the Tamil communities?

**Amanda Milling:** Given the situation on the ground, it is a very serious matter. We are seeing deeply concerning scenes, so I am more than happy to be at the Dispatch Box answering this question. As I have said throughout, we are concerned about the human rights environment in Sri Lanka. Our concerns are wide-ranging, from the harassment of civil society groups to the range of civilian functions being brought under military control, the increased anti-Muslim sentiment and the reversal of progress on post-conflict accountability and reconciliation. I reassure the House that we lead the way with the UNHRC process and that we encourage Sri Lanka to respect democratic and international human rights standards.

**Matt Rodda** (Reading East) (Lab): As we have heard today, Sri Lanka is a Commonwealth country, and there are very deep community ties to many towns and cities across the UK; I pay tribute to the local Sri Lankan community in Berkshire. The Minister has committed to writing to my hon. Friend the Member for Hornsey and Wood Green (Catherine West). In her response, will she set out, in some detail, what the UK will do to support the IMF process; the bilateral aid of any type that we can offer; and our action on potential human rights matters?

**Amanda Milling:** I will, of course, write to the hon. Member for Hornsey and Wood Green (Catherine West) after this urgent question. What I would say is that we are well within the timeframe for responding to the letter itself.

**Sarah Olney** (Richmond Park) (LD): The human rights abuses of the Sri Lankan police force have been well documented. It has been clear from their response to the widespread protests that their unacceptable treatment of people in Sri Lanka, particularly the Tamil community, and their draconian powers have been a key contributor to the current unrest. The UK Government have been funding police training in Sri Lanka, despite clear evidence of these abuses. Can the Minister confirm whether the police and security forces involved in the response to the protests have received funding from the UK Government? Will she commit to ending that funding as soon as possible?

**Amanda Milling:** The UK's police training in Sri Lanka has focused on the role of women in the police service and on improving responses to sexual and gender-based violence. Police Scotland has confirmed that it will not seek to participate in any future programmes in Sri Lanka.

**Sam Tarry** (Ilford South) (Lab): Does the Minister agree that the UK Government must play a role in the peaceful transition to a democratically elected Government in Sri Lanka who are inclusive and who allow for the self-determination of all peoples on the island of Sri Lanka? Will the UK Government make representations to the effect that the new Sri Lankan Government must be formed with a new constitution that is pluralist and ensures long-term stability, prosperity and self-determination for all communities on the island? Crucially, once that Government have been formed, they must ratify the Rome statute so that accountability for the mass atrocities and the alleged genocide can finally be agreed.

**Amanda Milling:** As I have said a number of times, we encourage all sides to find a peaceful, democratic and inclusive approach. We urge that the transition be in line with the constitution and the rule of law.

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): It has been reported that doctors in Sri Lanka have had to resort to using social media to source critical medicine and equipment. Will the UK Government provide any support for the nation's medical community to help ensure that Sri Lankans can access urgent medical treatment when it is needed?

**Amanda Milling:** I would like to reassure the hon. Lady that we are providing humanitarian support for those in Sri Lanka.

**Jim Shannon** (Strangford) (DUP): I thank the Minister for her response. What aid can the Government make available to those who rely on tourism for their income and who are now starving? That seems to be the story at the moment. What contact has been made to ascertain whether non-governmental organisations or churches can help? I know of many church groups in my constituency that have the capacity to distribute aid to those who are not involved in the unrest but who are watching their children starve because of what is happening on the streets of Sri Lanka.

**Amanda Milling:** I reassure the hon. Gentleman that the Minister for South Asia met a number of civil society groups and NGOs earlier in the year, when he visited Sri Lanka.

**Gareth Thomas** (Harrow West) (Lab/Co-op): What the Minister may not know is that Tory MP after Tory MP has taken trips funded by the Rajapaksa Government to this very troubled island. As a result, there has always been a striking lack of criticism of the Rajapaksa Government on human rights and governance. I do hope that the Minister will be able to tell the House that the Foreign Office had absolutely no involvement at all in the escape of Mr Rajapaksa from Sri Lanka. Can she also reassure the House that if the people of Sri Lanka want him back to face trial for corruption and poor governance, Britain will play its role in helping to get him back from the Maldives?

**Amanda Milling:** I am really disappointed by the nature of that question. I am here at the Dispatch Box because what we want is a peaceful, democratic and inclusive approach; we talked earlier about people who are worried about their family in Sri Lanka. We have been calling for restraint and for refraining from violence, so I am just not going to accept that question.



## Points of Order

1.49 pm

**Valerie Vaz** (Walsall South) (Lab): On a point of order, Madam Deputy Speaker. It relates to hon. Members visiting my constituency. Could you please advise me on how I should deal with a breach of protocol, in that I was informed by two hon. Members, the hon. Members for Walsall North (Eddie Hughes) and for Aldridge-Brownhills (Wendy Morton), that they would be visiting my constituency within a few hours of their visits? I have given notice that I would be making this point of order today.

On 4 February, the hon. Member for Aldridge-Brownhills told me, on the day, that she would be visiting Walsall College. On 25 April, I was informed by text. On 1 May, I was informed on the day of her visit that the hon. Member would be in my constituency. On 6 November 2020, 1 January 2021, 11 April 2022 and 1 July 2022, the hon. Member for Walsall North informed me that he would be visiting my constituency on the day in question. Both hon. Members are former Whips and should know the rules.

I should be grateful, Madam Deputy Speaker, if you could confirm that according to the protocol set out in “Rules of behaviour and courtesies in the House of Commons”, advance notice is required of visits to the constituency of another Member. May I also ask you to make a statement to confirm the rule that “advance notice” is not notice given on the day itself?

**Madam Deputy Speaker (Dame Rosie Winterton):** I am grateful to the right hon. Member for giving notice of her point of order, and also for notifying the Members concerned that she intended to raise this matter. The most recent edition of the “courtesies” booklet to which she referred states that if a Member intends to visit the constituency of another Member,

“All reasonable efforts should be taken to notify the other Member”,

although that obviously does not apply to a purely private visit. Not to take such action is considered very discourteous. Although the booklet does not specify a minimum notice period, I agree that receiving notice on the day of a visit does not reflect the intention of the guidance. I think we all know that it is highly unlikely that a visit would be organised on the day, so these visits are very likely to have been arranged beforehand.

I trust the Members concerned, in this instance, to resolve the issue without my assistance, but I am happy to clarify the general point. I would expect all Members to make efforts to respect not just the letter of the guidance but its spirit, and to give notice at least in advance of the day of the visit itself. I hope that this will be passed back through the relevant channels, in all parts of the House, to ensure that it is made very clear to right hon. and hon. Members. I think we will leave it at that.

**Dame Diana Johnson** (Kingston upon Hull North) (Lab): On a point of order, Madam Deputy Speaker. The Home Secretary was due to meet the Home Affairs Committee this morning—we arranged this in April—for an evidence session on, among other things, the new Commissioner of the Metropolitan Police, problems at the Passport Office, small boat crossings in the channel

and the Government’s Rwanda policy, and the lack of progress in prosecuting and convicting those who commit rape and other sexual violence against women and girls. Shortly before 5 pm yesterday, the Home Secretary wrote to me to say that she was withdrawing from the evidence session. That is tantamount to providing no notice at all, and it deprives the Committee of the chance to scrutinise the conduct of her Department before the summer recess. We have requested her presence next Wednesday, but as yet have received no response.

The Home Secretary told us that she could not come because of changes in her ministerial team and other “wider unprecedented changes” that had occurred since she had agreed to give evidence. I think that that is a very weak excuse to avoid scrutiny of the Home Office at this time. It was only ever the Home Secretary and the permanent secretary who were to appear before the Committee. In fact, the Home Secretary issued a statement last week in which she said that she had not resigned because the role of Home Secretary demanded that the holder of the office should be

“focused on the business of government and our national security.”

What steps can a Committee of this House take, Madam Deputy Speaker, when a Minister refuses to be scrutinised, and demonstrates such discourtesy to this House?

**Stephen Kinnock** (Aberavon) (Lab): Further to that excellent point of order, Madam Deputy Speaker. You will, I am sure, agree that Select Committees play a crucial role in this place in holding the Government to account, and our ability to do so depends on those Committees. We are seeing chaos in the Passport Office, a broken asylum system and an unworkable Rwanda plan. Crime is up, prosecutions are down, and confidence in the police at a record low. Can you please advise us, Madam Deputy Speaker, on what can be done to ensure that the Home Secretary does indeed attend the Select Committee next Wednesday?

**Madam Deputy Speaker:** I am grateful to the right hon. Member for Kingston upon Hull North (Dame Diana Johnson), the Chair of the Home Affairs Committee, for giving notice of her point of order. I am also grateful to the shadow Home Office Minister.

Mr Speaker has said repeatedly that Select Committee work is important, and that Ministers should do their best to facilitate it through timely appearances at evidence sessions. I share—as, I am sure, does Mr Speaker—the right hon. Lady’s frustration that her Committee’s evidence session has been cancelled at such short notice. I do not know the reasons that the Home Secretary has provided for the cancellation, so I will refrain from saying more now, other than that I hope, and I am sure Mr Speaker would hope, that the Home Secretary will very quickly provide an alternative date that is acceptable to the Committee, and that, again, I hope that those on the Treasury Bench will feed these points back through the relevant channels.

**Jesse Norman** (Hereford and South Herefordshire) (Con): On a point of order, Madam Deputy Speaker. As you know, the Government are at present in caretaker mode pending the election of a new Prime Minister. Is it your view that this caretaker mode extends to the Government’s interaction with Parliament? There are several pieces of potentially problematic—



**Madam Deputy Speaker:** May I ask the right hon. Gentleman to go back a bit? I was a little distracted.

**Jesse Norman:** I am so sorry, Madam Deputy Speaker; I apologise for my colleagues. Given that the Government are in caretaker mode, may I ask your advice on whether that extends to their interaction with Parliament? A series of potentially contentious pieces of legislation could be laid in the next few days, and I suggest that this may fall outside the remit of strictly attending to business in terms of the Government's relationships with the House. I seek your clarification and guidance, Madam Deputy Speaker. I have in mind particularly the broadcasting or media Bill that covers the potential privatisation of Channel 4, which is a matter of great interest and some political controversy across the House.

**Madam Deputy Speaker:** I thank the right hon. Gentleman for his point of order. I gather that a similar point of order was made yesterday by the right hon. Member for Haltemprice and Howden (Mr Davis).

The scheduling of Government business is not a matter for the Chair; it is a matter for the Government. I suggest that the right hon. Gentleman might like to raise this point during business questions tomorrow, which would provide a forum in which he could question the Leader of the House about the points that he has made about what is happening to Government business at the moment.

**Daniel Zeichner** (Cambridge) (Lab): On a point of order, Madam Deputy Speaker. During the debate on Report of the Higher Education (Freedom of Speech) Bill on 13 June, the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) made a series of charges about Jesus College Cambridge, which is in my constituency. I have informed the right hon. Member of my intention to raise this point of order.

The College is rightly concerned about the reputational damage that is done when Members of this House make such accusations, particularly when there is little opportunity for those being criticised to defend themselves. It is particularly galling, in that the college had written to the right hon. Member more than a year ago to correct previous misrepresentations. The college insists that intellectual independence is always safeguarded, and points out that the financial contributions in question had in fact been promoted and supported by the then Conservative Government. It is very happy to meet any Member who has concerns, to ensure that these often complex historical situations are properly understood. I seek your advice, Madam Deputy Speaker, on how such misrepresentations may be prevented in future.

**Madam Deputy Speaker:** I am grateful to the hon. Member for giving notice of his point of order and also for confirming that he told the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) that he intended to raise the issue. The Chair is not responsible for the content of Members' contributions. Also, freedom of speech is essential to our effective functioning and I am sure the hon. Member will appreciate that it is important that Members are able to set out their views, even if those views are questioned or opposed. I appreciate that he was keen to put on record his views and the response of the college, and he has obviously done that.

**Daisy Cooper** (St Albans) (LD): On a point of order, Madam Deputy Speaker. During questions to the Prime Minister the right hon. Member for Hemel Hempstead (Sir Mike Penning) inadvertently misled the House over the decision-making process to proceed with redeveloping west Hertfordshire hospitals at St Albans, Hemel Hempstead and Watford General. I have notified the right hon. Member by email and in person of this point of order. Unfortunately, in an earlier point of order he repeated the claim that the trust had not considered all sites when reaching its decision, implying that that was the wrong thing to do.

The right hon. Member might not be aware that the judicial review in October 2020, brought by campaigners who share his view, found that the trust had acted properly and legally when it concluded that developing one of the greenfield sites that he favours would be too risky and take far too long to bring to fruition. As such, it was quite proper that the trust did not consider those risky sites. Can you advise me, Madam Deputy Speaker, on the most expedient way for him to correct the record on this important point, and on how we as a House can press the Government urgently to release funds to our hospital trusts where buildings are literally crumbling down?

**Madam Deputy Speaker:** I thank the hon. Lady for her point of order. She is in effect continuing a discussion that took place during Prime Minister's questions. As I just said in response to another point of order, the Chair is not responsible for the comments made by hon. or right hon. Members. There are plenty of ways in which she can put her point of view on record, as she just has, and she can consult the Table Office about those. I do not want to continue a debate where there are different views, which is not appropriate for a point of order.

**Sir Mike Penning** (Hemel Hempstead) (Con) *rose—*

**Sir Bill Wigg** (North Herefordshire) (Con) *rose—*

**Madam Deputy Speaker:** If the right hon. Member for Hemel Hempstead wishes to make a further point of order, I must go to him first as he has been referred to, but I am anxious that we do not spend the whole afternoon debating different views about what was said earlier.

**Sir Mike Penning:** Further to that point of order, Madam Deputy Speaker. I thank the hon. Member for St Albans (Daisy Cooper) for informing me that she was going to contradict the comments that I made at Prime Minister's questions. I was exposing the contradictions that are going on in west Hertfordshire. My constituents, who I am responsible for looking after, do not want a tower block built in Watford for £1.2 billion. We want a new hospital on a greenfield site, and that is what we will continue to campaign for.

**Madam Deputy Speaker:** I thank the right hon. Gentleman for his point of order. As I feared, we are continuing this debate, and I am anxious to move on to the important business before the House.

**Sir Bill Wigg:** On a point of order, Madam Deputy Speaker. Would you be kind enough to pass on my thanks to Mr Speaker, who wisely and rightly curtailed

[Sir Bill Wiggin]

the debate on special forces during Prime Minister's Question Time? Those people are the bravest, most wonderful constituents I could ever hope to represent, and the attack on them and on Sir Mark Carleton-Smith by the BBC was without evidence, so curtailing that debate was very welcome.

**Madam Deputy Speaker:** I will pass on the hon. Gentleman's comments, but as Mr Speaker made clear, we must be very careful about making references to the matter at this point, so I will leave it there.

## Fashion Supply Chain (Code and Adjudicator)

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

2.4 pm

**Liz Twist** (Blaydon) (Lab): I beg to move,

That leave be given to bring in a Bill to provide for a Code of Practice to be followed by retailers of fashion clothing, footwear and accessories in their relationships with their suppliers; to set up an Adjudicator with the role of enforcing that Code of Practice and encouraging compliance with it; and for connected purposes.

The covid-19 pandemic saw major disruption within the retail sector. As shops shut, retailers cancelled orders from suppliers, refused to pay for goods already in production or in process, delayed payments by long periods and demanded reductions in price for clothes that had already been shipped. Meanwhile, issues of worker exploitation and covid-unsafe working environments made their way into the headlines. In June 2020, workers in Leicester garment factories were found to have been paid as little as £3 an hour and were alleged to have been trafficked, to have been forced to go to work despite testing positive for covid-19 and to have been involved in furlough fraud.

The revelations about working conditions were not confined to the UK: 2020 saw millions of workers—largely women—made destitute in Bangladesh, Cambodia, Myanmar, Pakistan, Sri Lanka and Vietnam as suppliers were forced to lay off workers and were unable to pay living wages. Indeed, the garment sector has been identified by the United Nations International Labour Organisation as one of the hardest hit by covid's disruption of trade. It estimates that 86 million garment workers worldwide are now in extreme hardship and unable to pay their rent, feed their families or send their children to school.

These problems are not new, but they are connected. They illustrate much wider problems in the garment production system. For decades, UK retailers have imposed purchasing practices on their suppliers that have at times amounted to illegal breaches of contract and can be abusive. The volatility facing suppliers as a result of these practices, and the need to meet their fixed costs, have led to the problem being passed down to workers in the form of wage reductions and mass unemployment. This problem was reported on in 2019 by the Environmental Audit Committee, which identified a

“race to the bottom culture”

in the fashion industry that

“creates an environment for precarious employment.”

The covid-19 pandemic shed fresh light on the power imbalance between buyers, suppliers and workers in the ready-made garment chain that drives these unfair practices. For example, in December 2021, retailers were still paying the same price for garments that they had been paying in March 2020, despite costs associated with the rising prices of inputs and covid-19 mitigation. These practices amount to an example of gross market failure and poor contract enforcement, which has become the mechanism by which a desire for cheap and flexible supply translates to poor working conditions and insecure employment. Many contracts do not have clauses enabling such practices, but supplier dependency on their consumers has created a climate of fear that has prevented suppliers from taking retailers to court.

So far, engagement with this issue by the Government has amounted to affirmation of their commitment to review issues of non-compliance with labour rights legislation. This demonstrates a misunderstanding of the relationship between abusive purchasing practices and labour law violations. Enforcement of labour laws will not prevent the conditions that drive their evasion. When suppliers feel that they cannot meet the demands of retailers without violating statutory minimums, their poor treatment of workers will be driven underground. Furthermore, the failure of retailers to make long-term commitments to purchase from suppliers precludes the possibility of establishing better working conditions in the future. There is an upshot to this predicament. Although the UK Government may be limited in their ability to intervene in the enforcement of worker protections overseas, introducing a fashion watchdog to regulate the purchasing practices of domestic retailers would reduce supplier incentives to evade labour laws both here in the UK and in supplier countries, creating a better foundation for establishing good working conditions across the globe.

Sadly, UK retailers are considered to be among the worst in the world according to analysis by Bangladeshi suppliers. According to evidence submitted by the charity Traidcraft Exchange to the Environmental Audit Committee, by June 2020 more than 80 UK retailers had cancelled orders worth more than £750 million owed to suppliers in Bangladesh alone. The decisions of individual companies have a significant impact. For example, as of June 2020, Primark had cancelled more than £98 million-worth of orders that had previously been placed with more than 100 Bangladeshi suppliers, impacting hundreds of thousands of workers. I am glad to say that Primark later committed to pay for outstanding orders.

We also saw in Traidcraft Exchange's evidence that, in the worst cases, suppliers received an email cancelling an order with no possibility of a follow-up or resolution. In this manner Peacocks, part of the Edinburgh Woollen Mill Group, sent emails advising its suppliers that products already landed in the UK would not be paid for, and cancelling more than \$4 million-worth of orders from Bangladeshi suppliers. One supplier wrote to their trade association:

"They are holding the goods at the destination port to pressure us to give huge discount. These unethical buyers don't care of our people starving and struggling...we are communicating with them every day and request them to release the goods, but they never reply."

And workers have been struggling and starving.

In Bangladesh, where the garment trade produces 85% of export earnings and employs 4 million workers, an estimated 50% of factory owners and managers say they have been subjected to one or more abusive purchasing

practices. During March and April 2020, at least 25% of workers in Bangladesh lost their job.

A recent survey of female garment workers in Cambodia—where 1 million people are employed in the sector—by the University of Nottingham and Royal Holloway found that 85% had been suspended from work by October 2020 and that average take-home pay had fallen by 20%. This disruption drove the problem of food insecurity and exacerbated an existing crisis of over-indebtedness among garment workers.

The victims of these practices are not only workers but small and sustainable businesses that are unable to compete in such an unfair environment. Paragraph 135 of the EAC's report says,

"We heard concerns about the extra costs and barriers that the UK's sustainable fashion businesses face. Innovators are faced with competition from businesses who are focused on reducing costs and maximising profits regardless of the environmental or social costs."

To end these abusive purchasing practices and regulate the relationship between retailers and suppliers, the Department for Business, Energy and Industrial Strategy should set out a timetable for establishing a garment trade adjudicator. This fashion watchdog would prevent fashion brands from cancelling orders without compensation or making last-minute changes, thereby levelling the playing field for fashion retailers and suppliers, and creating an environment in which suppliers are not compelled to evade labour law enforcement.

This proposal should be modelled on the Groceries Code Adjudicator, which was established in 2013. The evidence suggests that this adjudicator's enforcement of a fair purchasing code has drastically reduced the prevalence of abusive purchasing practices that were once widespread in the sector. In the annual supplier survey conducted to assess the effectiveness of this regulator, 79% of suppliers experienced a breach of the statutory fair purchasing code in 2014, reducing to 29% of suppliers in 2021.

The Government need to consult on what is included in the statutory code. It should include the principle of fair dealing to enable suppliers to act with certainty, and it should replicate the characteristics of the Groceries Code Adjudicator. These measures are necessary to break the climate of fear that has thus far prevented suppliers from challenging retailers.

*Question put and agreed to.*

*Ordered,*

That Liz Twist, Peter Aldous, Sir Stephen Timms, Mr Barry Sheerman, Mrs Pauline Latham, Kate Green, Catherine McKinnell, Daisy Cooper and Mary Kelly Foy present the Bill.

Liz Twist accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 25 November, and to be printed ( Bill 141 ).*



## Northern Ireland Protocol Bill

[1ST ALLOCATED DAY]

*Considered in Committee*

*[Relevant document: Oral evidence taken before the Northern Ireland Affairs Committee on 29 June 2022, on Brexit and the Northern Ireland Protocol, HC 285.]*

[DAME ROSIE WINTERTON *in the Chair*]

### Clause 1

#### OVERVIEW OF MAIN PROVISIONS

2.17 pm

**Sir Robert Neill** (Bromley and Chislehurst) (Con): I beg to move amendment 1, page 1, line 3, at end insert—

“(za) comes into effect only in accordance with section 26(2A) to (2D);”.

*This amendment is linked to Amendment 2 to clause 26, which would require parliamentary approval for bringing into force any provisions of this Act.*

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton)**: With this it will be convenient to discuss the following:

Amendment 26, page 1, line 3, at end insert—

“(za) requires Ministers of the Crown to set out a legal justification for altering the effect of the Northern Ireland Protocol in domestic law”

*This is a paving amendment for NC8.*

Amendment 31, page 1, line 4, leave out paragraphs (a) and (b).

Amendment 32, page 1, line 14, leave out from “Protocol” to end of line 15.

Amendment 5, page 1, line 15, at end insert—

“(e) provides powers to Ministers of the Crown that may be exercised only after good faith negotiations with the EU (through the mechanisms provided for in the Northern Ireland Protocol) have been exhausted and only with the approval of both Houses of Parliament and, where relevant, the consent of the Northern Ireland Assembly.”

*This amendment would give primacy to a negotiated outcome between the UK and the EU and reflect the consent required by both Houses of Parliament and, where relevant, the Northern Ireland Assembly for powers conferred by the Act to be exercised.*

Clause stand part.

Amendment 25, in clause 2, page 1, line 17, at end insert—

“(A1) This section is subject to section (Limitation of general implementation of the Northern Ireland Protocol: approval of Northern Ireland Assembly).”

*This paving amendment is linked to NC7.*

Clause 2 stand part.

Clause 3 stand part.

Amendment 6, in clause 15, page 8, line 47, at end insert—

“(1A) In this section “necessary” means the existence of a situation of grave and imminent peril that relates to one or more of the permitted purposes.”

*This amendment defines the standard against which a Minister can exercise powers conferred by clause 15.*

Amendment 14, page 8, line 47, at end insert—

“(1A) In this section “unpermitted consequence” means an outcome that would constitute a risk to or detrimental on—

- (a) Strand Two of the Belfast Agreement including the North-South Ministerial Council, cooperation and action under the Council or consultation and agreements in all its formats, areas of cooperation and agreed implementation bodies;
- (b) Strand Three of the Belfast Agreement, the British-Irish Council and cooperation, common policies or common actions on matters of mutual interest for relevant administrations including on issues, and in ways, referenced in that section of the Agreement;
- (c) the single electricity market;
- (d) Northern Ireland’s access to the EU Single Market to the fullest extent permitted by the Protocol;
- (e) continuing opportunities for institutions, economic operators and civic interests in Northern Ireland to access and participate in EU programmes and frameworks as permitted under and/or alongside the Protocol;
- (f) Northern Ireland’s access to trade deals between the EU and third countries to the fullest extent permitted by the Protocol;
- (g) the productivity of businesses in Northern Ireland and the competitive marketability of goods produced there (through costs or complications associated with possible dual route regulatory compliances).”

*This amendment provides that a Minister cannot exercise powers for the permitted purposes in Clause 15 in terms that could entail harmful impact on dimensions of the Good Friday Agreement and/or economic interests of Northern Ireland.*

Amendment 27, page 8, line 47, at end insert—

“(1A) But subsection (1) is subject to section (Excluded provision: Parliamentary approval).”

*This is a paving amendment for NC9.*

Amendment 7, page 9, line 8, after “if” insert

“it does not cause one or more unpermitted consequence and if”.

Amendment 8, page 9, line 15, at end insert—

“(d) Article 18 (Democratic Consent in Northern Ireland)”.

*This amendment adds Article 18 (Democratic Consent in Northern Ireland) of the Northern Ireland Protocol to the list of articles that a Minister of the Crown cannot exercise powers conferred by subsection (2) to provide cease to have effect in the United Kingdom to any extent.*

Amendment 9, page 9, line 15, at end insert—

“(3A) A Minister of the Crown may not exercise the power conferred by subsection (2) until and unless the Minister has laid a report before both Houses of Parliament setting out the Minister of the Crown’s assessment of the necessity to exercise the power for, or in connection with, one or more of the permitted purposes and to state the one or more permitted purposes in question.”

*This amendment places a reporting obligation on a Minister exercising powers conferred by section 15 to detail an assessment of why the regulations are necessary and to state the permitted purpose(s) relevant to that assessment.*

Amendment 10, page 9, line 15, at end insert—

“(3A) A Minister of the Crown may not exercise the power conferred by subsection (2) before full consultation on proposed changes with, in particular—

- (a) the Northern Ireland Human Rights Commission,
- (b) the Equality Commission for Northern Ireland,
- (c) the Committee of representatives of the Human Rights Commission of Northern Ireland and Ireland, and
- (d) persons whom the Minister considers appropriate as representatives of business, trade, economic interests and civic groups.”

Clause 15 stand part.

Amendment 40, in clause 16, page 9, line 19, leave out “the Minister considers appropriate” and insert “is necessary”.

*This amendment changes the threshold for giving a Minister power to make regulations under this Clause. The threshold is amended to make it objective rather than subjective.*

Clause 16 stand part.

New clause 1—*Maintaining levels of environmental protection*—

“(1) A Minister of the Crown must, before exercising the powers conferred by this Act, make a statement to the effect that in the Minister of the Crown’s view the exercise of the powers would not to any extent have the effect of reducing the level of environmental protection provided for by any existing environmental law.

(2) The Minister of the Crown must seek the views of the Office for Environmental Protection before making a statement under this section.

(3) Any statement under this section must be published in such manner as the Minister of the Crown considers appropriate

(4) The Minister of the Crown must lay a copy of any statement under this section before each House of Parliament.”

*This new clause would ensure that the powers proposed to be conferred by this Bill could be exercised only if in the relevant Minister’s view this would not undermine existing levels of environmental protection.*

New clause 2—*Environmental principles*—

“No regulations may be made under this Act unless—

(a) a policy statement on environmental principles has been laid before the Northern Ireland Assembly under paragraph 7(6) of Schedule 2 to the Environment Act 2021, and

(b) paragraph 8 of Schedule 2 to the Environment Act 2021 is in force.”

*This new clause would prevent the exercise of any powers proposed to be granted by the Bill until the Department’s policy statement on environmental principles has been finalised and Departments and Ministers are under a statutory duty to have due regard to it.*

New clause 3—*Meaning of “environmental protection”*—

“In this Act “environmental protection” means any of the following—

(a) protection of the natural environment from the effects of human activity;

(b) protection of people from the effects of human activity on the environment;

(c) maintenance, restoration or enhancement of the natural environment;

(d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c).”

New clause 7—*Limitation of general implementation of the Northern Ireland Protocol: approval of Northern Ireland Assembly*—

“Section 2 of this Act has no effect unless it has been approved by a resolution of the Northern Ireland Assembly.”

*This new clause would require the approval of the Northern Ireland Assembly before this Act could be used to limit the general implementation of the Northern Ireland Protocol.*

New clause 8—*Publication of legal advice*—

“(1) The Prime Minister must lay before each House of Parliament a copy of the legal advice considered by the Government in respect to this Act which it received before the day of the First Reading in the House of Commons of the Bill for this Act.

(2) The Attorney General must lay before each House of Parliament the assessment made by Her Majesty’s Government of the doctrine of necessity in relation to the operation of the Northern Ireland Protocol prior to the First Reading in the House of Commons of the Bill for this Act.

(3) The Lord Chancellor must lay before each House of Parliament a report on to what extent the Bill for this Act was in accordance with Lord Chancellor’s constitutional role in relation to the constitutional principle of the rule of law.”

*This new clause requires the publication of the legal justification for the Bill for this Act.*

New clause 9—*Excluded provision: Parliamentary approval*—

“(1) A Minister of the Crown may not make regulations that either bring into force any provision of this Act that makes any provision of the Protocol (or any related provision of the Withdrawal Agreement) excluded provision, or that make any such provision excluded provision, unless all three conditions in this section are met.

(2) The first condition in this section is that a Minister of the Crown has laid a statement before both Houses of Parliament setting out reasons—

(a) why, if no safeguard measures under Article 16 of the Protocol have been taken by the United Kingdom, the Minister of the Crown considers it appropriate to exclude a provision or provisions at that time rather than to do so only after the United Kingdom has taken such safeguard measures; and

(b) why and how, in the view of the Minister of the Crown, making the regulations is consistent with the international obligations of the United Kingdom.

(3) The second condition in this section is that the House of Commons has resolved, on a motion moved by a Minister of the Crown, to take note of the statement under subsection (2).

(4) The third condition in this section is that a motion for the House of Lords to take note of that statement has been tabled in the House of Lords by a Minister of the Crown and—

(a) the House of Lords has debated the motion, or

(b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (a).”

*This new clause would, except where the government had already adopted safeguard measures under Article 16, require Ministers to make a statement to the House as to why they thought it appropriate and lawful to treat provisions of the Northern Ireland Protocol or any related provision of the EU Withdrawal Agreement as excluded provisions; and to require a House of Commons vote, and a debate in the House of Lords, before those excluded provisions could be brought into force.*

New clause 10—*Condition prior to limitation of the Northern Ireland Protocol*—

“(1) This section sets out the condition which must be satisfied before a provision of—

(a) the Northern Ireland Protocol, or

(b) any other part of the EU withdrawal agreement, is excluded provision.

(2) The condition must be either—

(a) the agreement condition (see subsection (3)), or

(b) the Article 16 condition (see subsection (4)).

(3) The agreement condition is that the United Kingdom and the EU have agreed following negotiations that the provision is excluded provision.

(4) The Article 16 condition is that—

(a) the United Kingdom is unilaterally taking appropriate safeguard measures, in accordance with Article 16 of the Northern Ireland Protocol,

(b) before taking those measures, the United Kingdom has followed the procedure set out in Annex 7 to the Protocol (which governs the taking of safeguard measures), and

(c) the safeguard measures being taken necessarily require that the provision is excluded provision.

(5) Where the condition is no longer satisfied, then the provision ceases to be excluded provision, and as a consequence any regulations made dealing with excluded provision lapse to the extent that they relate to provision which is no longer excluded provision.

(6) For the avoidance of doubt, the provisions of this Act remain subject to section 7A(2) of the European Union (Withdrawal) Act 2018, save where a provision of—

(a) the Northern Ireland Protocol, or

(b) any other part of the EU withdrawal agreement,

is excluded provision which has satisfied the requirements set out in this section.”

*This new clause is intended to prevent Ministers from deviating from the international agreement that is the NI Protocol unless this has either been agreed to between the UK and the EU, or the UK have followed the procedure set out in Article 16 of the Protocol for unilaterally taking safeguard measures.*

**Sir Robert Neill:** Amendments 1 and 2, the latter of which amends clause 26, relate to the commencement and operationalisation of the provisions in the Bill. I have drafted them in this way because of the nature of the Bill itself. We will come to amendment 2 on day three, but amendment 1 paves the way for it, so it may be convenient if I set out the thinking behind both amendments.

As was debated at some length on Second Reading—I will not repeat everything that was said—this is an unusual and rather exceptional Bill, and not necessarily in a good way. If fully brought into effect, the Bill would lead to the United Kingdom departing unilaterally from an international agreement and therefore breaking its obligations under both customary international law and the Vienna convention on the law of treaties, which is a grave and profound step for any Government to take.

I recognise that there are circumstances in which that step can be taken, and the Government asserted on Second Reading that the operation of the Northern Ireland protocol gives rise, or potentially gives rise, to those circumstances. The essence of it, though, depends on applying a factual evidence base to a legal test. The legal test in this case is essentially the international customary law convention of necessity, which is now enshrined in article 25 of the articles on state responsibility, which were adopted by the International Law Commission in 2001 and are recognised by the UN General Assembly, by our Government and by the international community as an authoritative statement of the law. Article 25 sets out that necessity may be invoked if certain tests are met. The point of these amendments is to say that if the Government, or any Government, were to take that step, they should do so upon the most compelling grounds, so that the factual basis for their actions met the legal test. The reputational consequences, politically, internationally and legally, are very significant, so this should be done only when that is thoroughly tested and set before this House to be tested.

**Sir William Cash (Stone) (Con):** My hon. Friend is referring to certain tests of a reputational character, so I would be grateful if he would tell the Committee what those tests are right now.

**Sir Robert Neill:** I will be happy to talk about the essential tests of necessity, which are well recognised and well set out, as my hon. Friend knows. But the principle behind the amendment, which I will then go

into the detail of, is precisely to say, “If you are invoking that doctrine, a most unusual thing to do, you ought to come to the House and set out the basis upon which you seek to do so.” The House would then have the chance to say whether or not we were prepared, on the basis of what the Government had put before us, to take the very exceptional step of putting ourselves in breach of a treaty obligation. That is the point.

**Sammy Wilson (East Antrim) (DUP)** *rose—*

**Layla Moran (Oxford West and Abingdon) (LD)** *rose—*

**Sir Robert Neill:** I will give way to the right hon. Gentleman first.

**Sammy Wilson:** On the question of necessity, does the hon. Gentleman accept, first, that we have dysfunctional government in Northern Ireland, and that the terms of the Belfast agreement have totally broken down and some have been removed? Secondly, does he accept that that has been brought about as a result not of actions by this Government, but by the protocol, the actions of the EU and the way in which it has insisted that it be applied? Thirdly, does he accept that the EU has not even tried to remedy this, because it has refused to negotiate, so necessity has been proved?

**Sir Robert Neill:** Let me return to that once I have set out the tests, because that is one issue that, with respect to the right hon. Gentleman—I do have much respect for him—the House ought to consider on the factual basis that is set before it. The first test is that departing from the treaty is the only means available to the state party “to safeguard an essential interest against a grave and imminent peril”.

I quote from the case law and the text of the convention. Let us just break that down. On “an essential interest”, it might be that the Government could, at some point, make a case to say that the disruption in Northern Ireland, be it economic, societal or political, gets to a stage where it could threaten an essential interest of the UK. I concede that, but I have not, as yet, seen the evidence to justify that.

**Sir William Cash** *rose—*

**Sir Robert Neill:** Forgive me, but my hon. Friend asked me to set out the tests and I am doing so. The second test is the necessity to safeguard an essential interest against a “grave and imminent peril”. The Bingham Centre for the Rule of Law has helpfully provided a briefing, setting out that that imports something that very grave indeed—it is a high test—with a degree of urgency to the matter. A possible, contingent or proximate risk does not come within the test of being a “grave and imminent peril”, and that is a risk with the way in which the Bill is drafted at the moment. Again, evidence might be produced to show that it does apply, and the Government might be able to make their case—they ought to do so.

**Robin Millar (Aberconwy) (Con)** *rose—*

**Sir Robert Neill:** May I set out the tests, as I was asked to?

The Government need to show that this is also the only means whereby they can safeguard the interest in question. The difficulty they potentially have there is



that article 13 of the protocol makes provision for a renegotiation, which most of us would think is the right route to solve these problems, and that in the event of emergency measures, which one might think might be closer to meeting the test of an “imminent peril”, we would then use the unilateral safeguarding provisions under article 16. It might be difficult to argue that necessity is met if we have not attempted and cannot demonstrate that we have attempted those routes first, before moving unilaterally to breaching the protocol.

**Robin Millar:** My hon. Friend makes an interesting point about necessity, and one that has exercised my mind. The Northern Ireland Court of Appeal said that the Acts of Union had been “subjugated” by the protocol. Therefore, what gravity and what imperative does he attach to such an existential threat to the Union?

**Sir Robert Neill:** It does not avail us in relation to the international law test, and the difficulty with this Bill is that it is seeking to disapply parts of the protocol in domestic law, but in a way that breaches an international obligation. In any event, could it be said that all available means had been taken to rectify that potential difficulty? That comes back to my point that the Government—any Government—should have to come to the House and set that out.

**Dr Andrew Murrison** (South West Wiltshire) (Con): I admire the elegant way in which my hon. Friend has set out the three tests. However, the Joint Committee has been working at this for a long time and it has failed to make progress. At what stage, and in what circumstances, does he envisage that we could proceed on the basis of the provision we are debating at the moment? It seems to me that we have exhausted the possibilities and we are in the position of having to do this now to defend the Good Friday agreement. So why on earth is it necessary to have an amendment that would put another hurdle in the way of Ministers’ trying to resolve this?

**Sir Robert Neill:** With respect, I do not think the amendment would put another hurdle in the way, because it would not prevent the Bill from proceeding and it would not prevent what I know my right hon. Friend wants to see, which is a negotiated settlement. By far the best thing, which everyone in this Committee wants, is for the protocol to be renegotiated. I concede at once that the protocol is not working properly or as it was intended. I also readily concede that part of that is due to a rather intransigent stance taken by the European Commission and its refusal, for example, to give greater flexibility to Vice-President Šefčovič in his negotiating mandate. This is not an issue where all the fault is on one side at all. The EU has not acted wisely or helpfully in these matters, but that is not the same as saying that the international law test is therefore automatically made out as of now.

**Sir William Cash** *rose*—

**Sir Robert Neill:** I will give way to my hon. Friend, probably for the last time.

**Sir William Cash:** I think that would be fine at this stage. My hon. Friend refers to “grave and imminent peril”. Does he not agree that at the heart of this entire problem lies the issue of the democratic deficit? I will not go into it now, but I will explain later that I think

this is about the manner in which legislation is pouring into Northern Ireland from every side, like a tsunami, as we said in our European Scrutiny Committee report; we talked about starting with a small number of cars and turning into a motorway. The bottom line is that that is a grave and imminent peril, because of the constant and perpetual legislation, week in, week out, with no time or opportunity for people in Northern Ireland to say anything at any time.

**Sir Robert Neill:** The difficulty that my hon. Friend has is that that is an assertion. I am not sure that, as yet, we have had set out to the House the evidence base that the Government say they have and are working on. I referred the Foreign Secretary to that point on Second Reading, asking when we would see the evidence base that will set out the Government’s case and their reasoning.

**Jesse Norman** (Hereford and South Herefordshire) (Con): My hon. Friend will recall that the right hon. Member for East Antrim (Sammy Wilson) raised the issue of the necessity standard applying in a context where a state has not contributed to that state of necessity. Does he feel that that provision has been activated or in some sense triggered by the present situation?

**Sir Robert Neill:** That is, of course, the fourth limb of the five-limb tests—that an essential interest of the EU member states should not be imperilled. I have to say that I do not think an essential interest is imperilled by this Bill, because it is clear that the risk of leakage into the EU single market has been minimal, even with the way the protocol is operating—or partially operating—now. That is probably the strongest ground that the Government have. But there is then the argument as to whether the party that invokes the doctrine of necessity has in some way contributed to the situation. I think that is more finely balanced, in fairness. I have seen the briefing from the Bingham Centre that suggests that that test is not met either. I am more prepared to give the Government some slack in that regard, but we need the evidence for that as well. After all, at the end of the day, the Government agreed the protocol—not long ago, in 2020—and did so on the basis of intending to operate it in good faith. That, of course, is a rather important reputation that this country has. My right hon. Friend is right to flag up those stages, but even before we get to them, I am not at all sure that we yet have the evidence before the House to justify the provision.

2.30 pm

Let me return to the point made by my right hon. Friend the Member for South West Wiltshire (Dr Murrison) about why the amendment is necessary. As it stands, the Bill, as well as potentially setting up the risk of a breach of international obligation by directly disapplying certain areas of the protocol immediately, gives Ministers wide powers to go further than that, and effectively to create new law and change legislation through what has been described as one of the grandmothers of all Henry VIII clauses. Those are exceptionally wide delegated powers. I mentioned the potential reputational risk of unilaterally departing from an international agreement that we have entered into in good faith, without the most compelling grounds. That is not something, in my respectful submission to the Committee, that should be left to Ministers acting under delegated powers.

The consequence is of such importance that the decision should come back to the House, and that need not take long; my amendment 2 to clause 26 sets out the procedure, which would mean the process could be dealt with swiftly, by Ministers coming to the House, laying a motion to approve the relevant matters and setting out their case. If the case were made out, I would happily vote for it. If we had evidence that political stability and a functioning Executive would return to Northern Ireland—that great objective—that might persuade me, and many others, no doubt, to take a greater risk than might otherwise be the case, but as yet we do not have the evidence that that would happen, so at the moment we are in danger of giving Ministers a significant blank cheque on a matter that relates to our political and legal reputational standing in the world. That is my objection to the Bill in its current form. I do not rule out the possibility of the Government using the Bill, but they should come back to the House and make their case. That is the essence of my argument.

**Jim Shannon** (Strangford) (DUP): I thank the hon. Gentleman for the knowledge and experience that he brings to the House, which we all very much appreciate. Does he agree with me, and probably others on the Opposition Benches, that Northern Ireland has been used as a bartering tool between the EU and the UK in trying to sort out some of the problems? Examples include whenever the vaccine was stopped for us and was then made available, all the tariffs, and regulations and red tape. All those things show that the process quite clearly is not working. Northern Ireland does not want to be a bartering tool between the UK and the EU; we want to be part of the UK. Does the hon. Gentleman understand why these issues are so important to us? I think he does, but I would like to hear his opinion.

**Sir Robert Neill:** I do understand that, which is why I have made it clear from the beginning that I am as much in favour of changes to the protocol as anyone else. Of course, the protocol had provisions written into it to enable those changes to take place, and that is what we would all want to see.

Let us be blunt: there will be a change of Prime Minister soon, and a change of personnel under those circumstances may—I hope it does—make negotiations easier. There has been a degree of strain in relations with the EU and the heads of some major Governments in the European Union. I very much hope that one consequence of what has happened is that it may be easier to rebuild and repair relationships and trust, and that could lead to a negotiated change, which would mean that this legislation was never necessary. Nobody would be more delighted than I—or, I suspect, anyone else in this House, including those on the Treasury Bench—if that were to be the case, but if the Bill is taken forward, we need proper safeguards to ensure proper parliamentary and democratic oversight of the way it is taken into force.

**Stella Creasy** (Walthamstow) (Lab/Co-op): The hon. Gentleman is making a powerful speech. Of course, Henry VIII only had six wives; this Bill has 19 delegated powers within 26 clauses. Does he agree that if we set a precedent that such legislation could be written here, it may be tempting for some Ministers to expand that precedent to other forms of legislation, so it is important

that we confine whenever delegated powers are used—not just in this legislation, but to ensure that we uphold the primacy of this Chamber?

**Sir Robert Neill:** The hon. Lady makes a fair point. Those of us who have served as Ministers know that, frankly, all Governments use Henry VIII powers. We all tend to criticise them when we are in opposition and use them a bit when we are in government, if the truth be known. But the reality is that there are Henry VIII powers and Henry VIII powers; and this is Henry VIII, the six wives, Cardinal Wolsey and Thomas Cromwell all thrown in together, as far as I can see. The powers are almost Shakespearean or Wagnerian in their scope and breadth. That is the problem, and it is why we need some greater hold on how they are used.

The hon. Member for Walthamstow (Stella Creasy) raised another important point. Very wide Henry VIII powers have been criticised by the Hansard Society and in the other place—and for good reason, because part of the whole objective of what we have done is recent years has been to restore parliamentary sovereignty. The danger is that that becomes restoring power to the Executive, rather than to Parliament. I say to my hon. Friends on the Conservative Benches, we all know that Governments come and go, and once we set a precedent that gives sweeping powers to a Government with whom we may happen to agree, inevitably—as night follows day—there will be a day when a Government with whom we do not agree come in and use those powers in a way to which we might wish to object; it is better not to set too wide a precedent, anyway.

There is another difficulty with the powers. Clause 15 gives Ministers powers to add to excluded provisions. Not only is that extremely wide, but the clause refers to excluded provisions for “a permitted purpose”, without any further definition. In other respects, there is a test where the Minister may take any such measures in relation to the protocol as the Minister “considers appropriate”. That is an extraordinarily low test. Essentially, it lacks any kind of objectivity; it is a purely subjective test. Giving Ministers delegated powers to act in a purely subjective manner without requiring them to demonstrate the evidential basis on which they exercise those powers is a dangerous and difficult precedent to set.

In fairness, this Bill could not have been foreseen, but therefore could not be put in my party’s manifesto for the general election. It will be interesting to see—I know Ministers are well aware of this point—precisely what view the other place, which is anxious to examine the extent of delegated powers, takes on the matter. It might therefore be in the Government’s interest to progress the Bill to think about ways in which we can get a better balance, and ensure that there is a proper and proportionate hold on the powers.

I have covered the essence of what I needed to say. It comes down to whether the Government have a case—without going into the rest of the legal argument, I concede that they might be able to make that case—and whether that case might have grounds in law. I would say to my clients in the old days, “Just because it’s lawful doesn’t mean it’s a wise thing to do; just because you’ve got a case that you might argue, it might not necessarily be a good idea for you to go and argue it.” Sometimes litigation is best avoided and sometimes sweeping legislation is best avoided, if it is possible to find a better route.

It seems to me that if need be, it would not be unreasonable for the Government to come back to the House and make their case in relation to the specific items where they seek to disapply an international treaty. If they have a good enough case, the House will support them and they can get on with it; it can be done quickly and need not cause undue delay. That would at least ensure that we have acted within a reasonable and proportionate legal framework. At the same time, we could demonstrate that we are seeking, in good faith, to renegotiate. If we cannot do that, I suggest it would be prudent at the very least to invoke the article 16 safeguard provisions, either before or perhaps in parallel with those matters; we could show again that we have acted in good faith to do all that we could within the framework that exists, which is one of the important parts of a necessity test.

I hope that the Government will take on board those arguments, because they are pretty fundamental to the Bill itself and would not obstruct the objectives of the Bill—that is, getting the protocol changed or getting devolved government working in Northern Ireland, both of which we wish to see—but would enable them in a proportionate and constitutionally sound manner.

**Several hon. Members** *rose*—

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton):** Just a gentle reminder that quite a few hon. and right hon. Members are wishing to catch my eye. I cannot impose a time limit because we are in Committee stage, but Members may like to bear that in mind.

**Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill). We have become good friends since both serving together on the UK delegation to the Parliamentary Assembly of the Council of Europe, and I hold him in the highest of respect.

On behalf of my colleagues, I pay tribute to the former Secretary of State, the right hon. Member for Great Yarmouth (Brandon Lewis), who is in his place, for the work that he has done in bringing the Bill to this stage, and for the work that he did during his tenure as Secretary of State. He developed a good understanding of the difficulties in Northern Ireland with the protocol and the other issues. I know that it is his desire to move Northern Ireland to the next stage of the peace process to move towards reconciliation, but he recognised that there was a need to deal with these fundamental issues before we could get to that point. I thank him for the work that he has done in that regard. On behalf of my right hon. and hon. Friends, I extend our grateful appreciation.

I also welcome the new Secretary of State, the right hon. Member for North West Cambridgeshire (Shailesh Vara), to his place. I got to know him well when he was a Minister in the Northern Ireland Office and we look forward to working with him in the weeks ahead on the issues that confront us at this time.

I want to respond to the points that have been made in relation to amendment 1 and related amendments, to deal with the question of necessity in particular and the immediacy of the risk that has given rise to the Government introducing this legislation. I understand the points that

have been made cogently here. Therefore, it is important, representing one element of the political community in Northern Ireland, to outline why we believe the Bill is necessary. We counsel against impeding the ability of the Government to press forward with this legislation.

On the risk, I echo the comments made by the hon. Member for Aberconwy (Robin Millar). For us as Unionists, there is a risk to the Union in relation to how the protocol is being applied in Northern Ireland. Both the High Court and the Court of Appeal in Northern Ireland have stated that the protocol subjugates article 6 of the Act of Union. That article confers on Northern Ireland citizens the right to trade freely within their own country. It states that there shall be no barrier to trade between the constituent parts of the United Kingdom. No one could reasonably argue that the protocol does not put in place barriers to trade. It most certainly does and I hear that every day from my constituents, whether they are consumers or businesses, and the difficulties that they are facing in trading with the rest of the United Kingdom.

Those difficulties have led to political instability in Northern Ireland. They have had an economic impact in Northern Ireland and I would argue strongly that there is the potential for that to lead to societal problems. We on these Benches have worked hard to ensure that those problems have not arisen. When people have taken to the streets and engaged in violence, we have worked in local communities to prevent a repetition of that. That has been the case across the community. It does not mean, though, that there are not strong feelings, particularly within the Unionist community, about what this protocol means not only for trade, which is important, but for their identity and for their place in the Union. As we have seen over the years in Northern Ireland, when people feel that their identity is threatened, when they feel that their place in the United Kingdom is being undermined, that can lead to societal problems.

The hon. Member for Bromley and Chislehurst has rightly argued that, from his perspective, he is looking to see the immediacy of the risk, but I say to him that it is there, it is very real and I ask him to take on trust from my contacts within the Unionist community that it is bubbling beneath the surface and we have worked hard to try to ensure that that does not emerge.

2.45 pm

**Colum Eastwood** (Foyle) (SDLP): The right hon. Member has stated that the Union is at risk because of the protocol. I know that he is no big supporter of the Good Friday agreement, but does he not accept that very clearly written into that agreement is the principle of consent? That basically means that, no matter how much I want it, we cannot change the constitutional position of Northern Ireland until the people of Northern Ireland and the people of the Republic of Ireland vote for it.

**Sir Jeffrey M. Donaldson:** I will come to the Good Friday agreement in my remarks, but I simply say to the hon. Member that there is a difference of view as to how we interpret what is required in terms of consent. Lord Trimble, as one of the key negotiators of the Belfast agreement, has stated very clearly that the principle of consent does not just apply to the final question as to whether Northern Ireland should remain part of the United Kingdom. The term “constitutional status” extends



[*Sir Jeffrey M. Donaldson*]

to these circumstances, where Northern Ireland's constitutional relationship with the rest of the United Kingdom has been changed by virtue of the subjugation of the Acts of Union.

**Sir Geoffrey Cox** (Torridge and West Devon) (Con): The right hon. Gentleman knows with what affection I regard him, his party and Northern Ireland, having had the privilege of being Advocate General for Northern Ireland. What he is saying is a very good case for triggering article 16, which was the entire purpose of the inclusion of article 16 in the protocol. It is not necessarily a good reason, however, for changing the entire basis of the treaty, including writing out the jurisdiction of the Court of Justice of the European Union, and so on. How do we get from a position where we have societal impacts, with which I am perfectly willing to agree, to a position where we virtually rewrite the terms of a treaty that we solemnly signed only two and a half years ago?

**Sir Jeffrey M. Donaldson**: I have great respect for the right hon. and learned Member, and I know of his affection for Northern Ireland. I think back to those very difficult and challenging days when this House was dealing with the pre-departure discussions about the laws that would have to be put in place around the treaty to leave the European Union. I thank him for the time that he took to understand the situation in regard to Northern Ireland.

I would say two things in response to the point that the right hon. and learned Member has, understandably, made. First, the Command Paper published by the UK Government one year ago last July set out the basis on which they believed that the conditions had been met for article 16 to be triggered. We have been very patient. We have waited and waited, and we allowed time for the negotiations with the European Union to go forward in the hope that the EU would show more flexibility. I do not doubt the integrity of Maroš Šefčovič as the lead negotiator, but the difficulty is that his negotiating remit is so constrained that his ability to deliver the change that is required to meet the need—to resolve the difficulties created by the protocol—is so limited that in the absence of a change of his remit, I do not think those negotiations will get anywhere.

Article 16 and the triggering thereof is a temporary measure; it is not a permanent solution. What I need, what Northern Ireland needs and, especially, what business in Northern Ireland needs is certainty. That is why we believe that the Government are right to bring forward proposals for a longer-term solution, and not just to go for the temporary fix—the sticking plaster—of article 16. That will create more uncertainty rather than giving us certainty, and it is certainty that we are looking for. That is why I think that what the Government have done is right in the circumstances.

**Gavin Robinson** (Belfast East) (DUP): I think my right hon. Friend responded fairly to the former Attorney General, the right hon. and learned Member for Torridge and West Devon (Sir Geoffrey Cox), who has been a good friend to Northern Ireland over many years and knows our opposition not only to this protocol from the start, but to preceding arrangements that were proposed. Yet here we stand, with exactly the problems that we

foresaw—the problems experienced by businesses, communities and consumers throughout Northern Ireland and the impact to our political arrangements—and still we hear every objection and reason why Government should not move.

Many people who now ask whether article 16 should be triggered were aghast at the notion it should be triggered a year ago. The right hon. and learned Gentleman is shaking his head, and I do not include him in that number. But at every stage, when Government have accepted, heard and acknowledged the crisis and the difficulty we have had with political and economic instability within our Province, there has been a good reason not to act, and still we remain without a solution. Does my right hon. Friend agree that now is the time to get on and provide the solution, not for us, but for everyone in Northern Ireland?

**Sir Jeffrey M. Donaldson**: I agree entirely with my hon. Friend, and that brings me to the heart of the issue for us—the threat to the Belfast agreement posed by the current situation.

**Colum Eastwood**: On the point about consent—we did get slightly distracted—I totally and absolutely disagree with the right hon. Gentleman and Lord Trimble on how they say consent works. It is not an elastic principle; it is about one thing, the constitutional position of Northern Ireland. If it is elastic, however, does it apply to Brexit, since that was a constitutional rupture for the people of Northern Ireland, and the people of Northern Ireland voted against it? If it applies to the protocol, why does it not apply to Brexit?

**Sir Jeffrey M. Donaldson**: Brexit did not change the constitutional status of Northern Ireland as part of the United Kingdom. The protocol did that. The referendum on Brexit was a United Kingdom-wide referendum. The hon. Gentleman and I lead parties that have the word “Democratic” in their names; I accepted the democratic decision of the people of the United Kingdom to leave the European Union, and I have fought ever since for the basis of that departure to ensure that Northern Ireland's place within the United Kingdom is respected.

That is at the heart of article 1 of the Belfast agreement. All parties to that agreement, including the Irish Government, accepted that Northern Ireland remains part of the United Kingdom. Indeed, the Irish Government changed articles 2 and 3 of the Irish constitution to reflect the principle of consent and the reality that Northern Ireland remains part of the United Kingdom. When I voted for Brexit, I certainly never voted to change the constitutional status of Northern Ireland, and that is not something the people of Northern Ireland have been asked to do.

**Sammy Wilson**: Does my right hon. Friend accept that Brexit was all about the United Kingdom's relationship with Europe, not about relationships within the United Kingdom, and therefore it did not fall within the scope of the Belfast agreement? In response to the claim that article 16 is the way forward, would he accept, given the nature of the damage the protocol has caused, that even if article 16 were triggered, it is quite clear that any article 16 measures would have to be restricted in their scope and duration? We do not need a sticking-plaster; the problems that have been revealed with the protocol

require long-term change. It should be changed by legislation, not by some temporary measure such as article 16 would allow.

**Sir Jeffrey M. Donaldson:** My right hon. Friend makes a strong point. To be clear, the greater issue for us as Unionists is our place within the United Kingdom and our ability to trade freely within that United Kingdom in accordance with our rights under the Acts of Union. That is fundamental to us as Unionists. I understand why the hon. Member for Foyle and, indeed, perhaps the hon. Member for North Down (Stephen Farry) will argue strongly that the protocol should be retained. I have heard their arguments for that, but let us be clear: the Belfast agreement respects the right of Unionists to adhere to their position and to support and uphold their position as part of the United Kingdom. It represents for us a fundamental change that that is now threatened and, unless that is corrected and resolved, it means that our confidence in the agreement itself and its ability to protect our place in the United Kingdom is fundamentally undermined.

**Stephen Farry** (North Down) (Alliance): I think we all agree on the principle of consent as set out in that agreement, but does the right hon. Gentleman recognise that the one-sided approach taken by the Government and by his party is eroding support for the Union inside Northern Ireland and that, by contrast, finding a workable solution around the protocol would provide a soft landing, which might create a much longer perspective on the maintenance of the Union itself?

**Sir Jeffrey M. Donaldson:** The hon. Gentleman started out this journey as someone whose party advocated that the protocol should be rigorously implemented. Now he has shifted to saying that it should be rigorously retained. He cannot say that the protocol is creating problems and then not come up with viable solutions to deal with that. I have heard his solutions, but they do not have cross-community support in Northern Ireland. What we are looking to do—I believe that what the Government have proposed is capable of achieving this—is to resolve the issue in a way that meets the needs of everyone.

The Government's proposals meet the needs of the United Kingdom, so that the integrity of our Union and of our internal market is respected. They meet the needs of the European Union, in so far as it takes measures to protect the integrity of the EU single market, to ensure that goods at risk of entering the EU are dealt with properly by this country in a way that meets its requirements. The proposals enable the restoration of the political institutions in Northern Ireland so that the Belfast agreement can continue to be the basis upon which we move forward there.

I believe that what the Government are proposing is not one-sided, but reasonable, measured and fair. There is so much focus on how the Government are doing this that we have lost sight of what they propose to do. Any objective assessment of the Government's proposals can only conclude that they are reasonable and fair in all the circumstances and that their overriding objective is to protect the very delicate progress that has been made in Northern Ireland under the Belfast agreement.

In relation to agreement, and this is important, we have heard much about the need to ensure that the UK maintains its honour and its international reputation. However, I remind Members that the Belfast agreement is itself an international agreement, and the protocol undermines that agreement. It is an agreement whose co-signatories are the Irish and UK Governments. There was an international agreement attached to the Belfast agreement that was co-signed by those two Governments, making it an international agreement of international standing—indeed, one that has been approved in many international bodies across the globe. Therefore the protocol, in undermining that agreement, is harming an international agreement, and that needs to be addressed.

The basis on which the political institutions were restored in Northern Ireland at the beginning of 2020, after a three-year period in which Sinn Féin left Northern Ireland without a functioning Government, was the New Decade, New Approach agreement. Again, that was an agreement concluded by and involving the British and Irish Governments. The right hon. Member for Skipton and Ripon (Julian Smith), the former Secretary of State for Northern Ireland who was instrumental in bringing about that agreement, is in his place this afternoon. I remind the Committee that New Decade, New Approach—the basis on which my party committed to re-enter, and did indeed re-enter, government in Northern Ireland—included a commitment from the Government that they would protect Northern Ireland's place within the UK internal market. That commitment was fundamental to my party deciding to re-enter government on the basis of that agreement, but it has not yet been delivered. Northern Ireland's place within the UK internal market has not been properly restored. It is damaged by the protocol. It is impeded by the protocol. That is why in February this year I reluctantly took the decision to withdraw the First Minister from the Executive on the basis that other elements of New Decade, New Approach were being delivered, but the most fundamental element for the Unionist community was not being delivered. On that basis, we fought an Assembly election. My party obtained a mandate for the position that it has taken, and that mandate remains intact.

3 pm

Let me respond specifically to the question raised by the hon. Member for Bromley and Chislehurst about whether this Bill will lead to the restoration of devolved government in Northern Ireland. I believe that the Bill, if enacted, will help us to achieve that objective. I am absolutely convinced of that. My party has stated clearly that we believe that if the Bill becomes law, that provides the basis for restoring the political institutions in Northern Ireland, including the Executive. I have already committed to leave this place and to return to Stormont as Deputy First Minister as part of that Executive. I therefore have a personal commitment to the restoration of the political institutions, as does my party.

It is not just the internal institutions in Northern Ireland that are fractured at the moment. Let us not forget the relationships. My right hon. Friend the Member for East Antrim (Sammy Wilson) referred to that. At the heart of the Belfast agreement are three sets of relationships. There are those internal to Northern Ireland, which are fractured by the protocol. There is the relationship

between Northern Ireland and the Republic of Ireland in the form of the North South Ministerial Council, which is not meeting—not functioning—at the moment because relationships have broken down due to the protocol. There is the east-west relationship between the United Kingdom and the Republic of Ireland, which, as has been said in this House and elsewhere on a number of occasions, is at its lowest ebb for many years. So the protocol has harmed those relationships that are absolutely crucial to the success of the Belfast agreement. If we are to restore them to a better place, this Bill has the potential to help us to do that.

I would therefore answer the hon. Member for Bromley and Chislehurst in the affirmative. It is my belief—if there is any doubt about this, let me be absolutely clear—that this Bill, if enacted, provides the basis for the restoration of the political institutions in Northern Ireland and the other institutions. Of course we want to see the regulations that will be brought forward as a result of this enabling legislation, because those regulations will provide the solutions. I urge the Government to publish the draft regulations as soon as they can so that we can see what those solutions look like. That will also help to build confidence and provide the basis for restoring the political institutions.

**Sir Robert Neill:** I respect what the right hon. Gentleman is saying. He referred to the importance of an objective test. Does he agree that that may not be enough for proper parliamentary scrutiny, which we must have for the regulations, and that before the Bill completes its passage in this House, the Government ought to produce the evidence base that might support the ground that he asserts—that the necessity test is met? That might make it easier for many people to accept the provisions of the Bill, rather than giving a blank cheque, which is the concern, as I am sure he will understand. That might make the passage of the Bill through the other place easier, because at the moment enactment could be a long way off. If the situation in Northern Ireland is so grave, would we wait until enactment or some other measure?

**Sir Jeffrey M. Donaldson:** Of course that is a matter for the Government, but I am all in favour of proper scrutiny of this Bill. That is why we welcome the fact that the Committee stage will take place over three days on the Floor of the House. I commend the Government for the way in which they have handled this. They are not running away from scrutiny. I invite the hon. Member to come to Northern Ireland, when he has time, and I will gladly introduce him to the businesses that are being harmed by the protocol. He can meet consumers who find real difficulties in purchasing goods from businesses in Great Britain. Indeed, some businesses in Great Britain—many of them, now in the hundreds—have decided no longer to trade with Northern Ireland, because it is all too difficult.

**Sir William Cash:** On Second Reading, the right hon. Gentleman and I had an exchange on the democratic deficit. There is also the question of scrutiny. In terms of the political institutions and the voters of Northern Ireland, the situation is perfectly clear, as was indicated in the McAllister case where the judge used the word “subjugation”. The fact is that people—the voters—in Northern Ireland are being subjugated to the laws of

the European Union in a manner that is inconsistent with our leaving the European Union. Does he not therefore agree that that democratic deficit is absolutely crystal clear and does not require evidence because it is so self-evident *coram populo*?

**Sir Jeffrey M. Donaldson:** That brings me to my final point, which is on the democratic deficit.

**Stella Creasy** *rose*—

**Sir Jeffrey M. Donaldson:** But before addressing that I give way to the hon. Lady.

**Stella Creasy:** The right hon. Gentleman is talking about businesses and consumers who have been affected. Earlier on, his argument for this Bill was that it would somehow give the certainty that he says the protocol does not give to people. Can he, hand on heart, argue that he knows everything that will happen if the Government proceed with this legislation? Can he really tell his constituents that he can give them certainty in the chaos that we are talking about, which did not start with the protocol but started with Brexit? Where is his proof that this Bill provides certainty—the solution that he is missing—in comparison with what they know now? Better the devil!

**Sir Jeffrey M. Donaldson:** I am many things, but I am not a prophet, so I cannot say with certainty that this will happen or that will happen. But I can point to this: when the protocol, as part of the withdrawal agreement, was before this House, we warned then of the consequences of the protocol. We are not late to the table in recognising the real difficulties that the protocol would cause in Northern Ireland for businesses, consumers, and our place in the United Kingdom. I am certain that the proposals put forward by the Government in this Bill are reasonable, fair and proportionate, and will offer what business needs to continue trading within the United Kingdom and with the European Union. That is the kind of certainty that businesses are looking for.

Let me turn to the point raised by the hon. Member for Stone (Sir William Cash), for whom I have great respect. This is very important. When the Government, and indeed those who supported Brexit, argued very strongly the case for the United Kingdom to leave the European Union, it was about taking back control—control of our borders, our money and our laws. Yet in the part of the United Kingdom that I have had the honour and privilege of representing in this House for 25 years now, this does not apply. As he said, many regulations applying to business in Northern Ireland, and how we trade with the rest of our own country, are now being made in Brussels without any democratic input whatsoever from anyone in Northern Ireland—not from me and my colleagues as Members of Parliament, or from Members of the Legislative Assembly at Stormont.

There is a democratic deficit that means that we are having laws imposed on us over which we have no say. That is not taking back control in our part of the United Kingdom. In terms of money, our rules on VAT and on state aid, for example, are determined not by this Government—not by this place—but by the European Union. We have no input into how our VAT rules are drawn up or into the rules on state aid, which apply to support for businesses in Northern Ireland. We do not have complete control of our money in Northern Ireland



and we are losing out because of those restrictions. It is therefore very important for us that we get this right. I believe, as I said, that what the Government have proposed is fair and reasonable, and will restore Northern Ireland's place fully within the UK single market.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): Obviously the loss of input in being at the top table is a feature of Brexit. It is a feature of all countries that are members of the EEA single market, but not of the EU. Norway, Iceland and others do not get to make those decisions. Is the right hon. Gentleman suggesting that he would prefer it if Northern Ireland were completely out of the single market? Being in the single market is the privilege that Northern Ireland has. It is helping its economy and it is supported by all business leaders. It was what Scotland asked for and was refused.

**Sir Jeffrey M. Donaldson:** We are not Norway; we are Northern Ireland. Northern Ireland is not in the single market, and let us be clear about that. The protocol requires us to align our regulations on manufacturing of goods with those of the EU single market. We are out of the single market and we are out of the EU's customs union, but we are required to abide by its rules. That is the position in which we find ourselves, and I say to the hon. Lady that the solution the Government are offering will enable businesses to continue trading with the European Union in a way that is helpful and beneficial for cross-border trade, for my farmers and for our agrifood processing industry. Things will still work for Northern Ireland, but the Bill will also ensure that we can trade freely with the rest of the United Kingdom, which we believe is fundamental to our rights as part of the Union.

In conclusion, we believe that this Bill has the potential to move us forward in resolving the problems created by the protocol. The regulations that will be put in place when this Bill is enacted are fundamentally important to delivering those solutions. The Bill will address the democratic deficit and mean that once again, all the United Kingdom has a say in how our money, our laws and our borders are controlled. Finally, it will enable us to restore political stability in Northern Ireland by seeing the political institutions back up and running again and protecting the Belfast agreement and its successor agreements, including St Andrews and New Decade, New Approach, which was the basis upon which we re-entered government. We will not re-enter government until we are clear and sure that what the Government are taking forward will deliver what we need for Northern Ireland.

**The Minister for the Cabinet Office and Paymaster General (Michael Ellis):** I begin by thanking Members across the Chamber for their participation on Second Reading. I want to allow for thorough debate of the Bill in Committee, and to facilitate that, and because of the plethora of amendments and the number of people who wish to speak, I might not give way as much as I usually do. I want to facilitate the number of amendments and allow people to speak for themselves. I therefore want to make some good progress, because I am duty-bound to go through a large number of amendments in this opening speech.

As we have progressed to Committee—the House will know that the Government have generously allowed no fewer than 18 hours of debate time—it is necessary

to reiterate some key points that go to the heart of why the Government have introduced this Bill. The Northern Ireland protocol, as the Committee knows, was agreed with the very best of intentions, but it is causing real problems, as has already been accepted across the House, for people and businesses in Northern Ireland, including trade disruption and diversion, significant costs and bureaucracy for traders. This legislation will fix the practical problems that the protocol has created in Northern Ireland. It will enable us to avoid a hard border, to protect the integrity of the United Kingdom and to safeguard the European Union single market.

Turning to the clauses under scrutiny today, clause 1 summarises the effect of the Bill and gives vital clarity on how it will function. The clause sets out three things: first, that the Bill provides clarity that the specific areas of the Northern Ireland protocol that are causing problems would no longer apply in domestic law; secondly, that it clarifies how other legislation, such as the Acts of Union, are affected by the Bill; and thirdly, that it provides vital clarity on the operation of the Bill and its position in relation to other domestic law.

Clause 2 underpins the essential functioning of the Bill by confirming that any part of the protocol or withdrawal agreement that has been excluded by the provisions of this Bill has no effect in domestic law. That is necessary and technical, but it is vital for the Bill to function, as without that provision, there may be a lack of clarity as to whether the existing protocol and EU law regime or the revised operation of the protocol has effect. Where this Bill or its powers do not exclude provision in the protocol or withdrawal agreement, that provision will continue to have domestic effect via the European Union (Withdrawal) Act 2018, as it does today.

3.15 pm

Clause 3 supplements clause 2 and will remove the requirement for courts of law to interpret relevant domestic law in line with the withdrawal agreement, insofar as that would lead to an interpretation of domestic law that is incompatible with this Bill and any regulations subsequently made under it. This is done by the amendment of the relevant provision of the 2018 Act, which requires courts to interpret relevant separation agreement law—that is, domestic law—consistently with the withdrawal agreement. Instead, it is made clear that no such interpretation should be made, if that would be incompatible with the provisions of the Bill or any regulations made under it. That is vital to provide certainty as to how the regime should operate, ensuring that where the protocol no longer applies, courts are not required to interpret legislation in line with it.

Turning to the other two clauses we are considering today, clause 15 ensures that the Bill can fully meet its objectives by granting powers to make clear where additional elements of the protocol and withdrawal agreement are excluded, subject to carefully defined purposes. This means that Ministers can make regulations to adjust how the Bill interacts with the protocol and to reflect which elements are disapplied. To ensure that is done only if necessary to meet the Bill's objectives, the power is limited to a list of specified purposes set out in subsection (1), such as to ensure the effective flow of trade between Northern Ireland and another part of the United Kingdom. Subsection (3) provides that the power cannot be used to terminate the effect of the

provisions of the protocol that relate to the rights of individuals, the common travel area and other areas of north-south co-operation.

Those are not the only areas of the protocol left unchanged by the Bill. For example, the articles of the protocol relating to the single electricity market are not affected. They are specifically defined here to provide particular reassurance about those sensitive areas. Clause 15 is important to ensure that the Bill is flexible enough to tackle any unintended consequences or future issues that may arise that threaten the objectives of the Bill, particularly considering the importance of the issues that the Bill is intended to address.

**Sammy Wilson** *rose*—

**Michael Ellis:** I will give way in due course, if I may, because I will come on to the specific amendments, and it might be more prudent to give way at those points to the individual Members.

Clause 16 supports the functioning of the Bill by granting the power to make new arrangements in any cases where it becomes necessary to use the powers contained in clause 15. That means that new law can be made via regulations, if appropriate to do so, in relation to any element of the protocol or withdrawal agreement that has become excluded provision as provided for in the regulations made under clause 15. Clause 16 is vital to ensure the functioning of the Bill and prevent any gaps in the arrangements established underneath it. Without it, there is a risk of not being able to address properly any new issues arising from protocol provisions.

I thank Members for their contributions. The Government are committed to ensuring that the Bill goes through the appropriate scrutiny, with 18 hours set aside before the summer recess, while balancing the need for urgent action to ensure that protocol issues are rectified as soon as possible. Amendment 1, tabled by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), amends clause 1 and paves the way for his amendment to clause 26, which we will debate next week and which reflects a desire for Parliament to approve in a vote the provisions in this Bill before they can be commenced. I am cognisant of the fact that it was not two years ago that he famously introduced a similar amendment to another Bill, of which the Government broadly accepted the substance. However, the situation is not the same as it was two years ago.

Now, we face an urgent and grave situation in Northern Ireland, not a hypothetical one. We know that, as it stands, the EU is not prepared to change the protocol to resolve the problems we face—we have tried that repeatedly—and that there is no prospect of seeing a power-sharing Government restored in Northern Ireland if we are unable to tackle those problems. It is a simple fact. We need to be able to move swiftly, using the powers in the Bill to deliver the changes we propose and enable the protocol to operate sustainably.

**Sir Robert Neill:** I understand what my right hon. and learned Friend is saying, and I am grateful to him. However, if there is a need to act urgently, it is likely to be many months before the Bill completes its parliamentary passage. With respect, that is a contradiction. He is actually making a compelling case for using the article 16 safeguarding procedure.

**Michael Ellis:** I am grateful to my hon. Friend for his intervention. “Urgent” does not necessarily mean “immediate”; it means, “As soon as we can reasonably and practically do it.” I think he knows that. I will come to article 16 in due course, but we are going as fast as we can given when the House is sitting.

Additional parliamentary procedures after Royal Assent would risk delays to the regime coming into force, and undermine the certainty and clarity that we are looking to provide through the Bill. That would risk undermining the aim, which we all share, of seeing an Executive back up and running and delivering for the people of Northern Ireland, and risk real harm to businesses and citizens.

**Stephen Farry:** Will the Minister give way?

**Michael Ellis:** If I may, I will make some progress. The amendment is well-intentioned, but I hope the Committee will understand that our priority as a Government is to proceed in a way that best supports the functioning of the Belfast/Good Friday agreement and its institutions, which in this case means giving certainty to the people of Northern Ireland that the regime we propose under the Bill will be in place as quickly as possible. That is why I ask my hon. Friend the Member for Bromley and Chislehurst to withdraw the amendment.

**Jesse Norman:** Further to the point made by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), is the concession by the Government that “urgent does not mean immediate” not a plain acknowledgement of the fact that necessity does not apply, because it means there is no grave and immediate peril, which is one of the tests for necessity?

**Michael Ellis:** My right hon. Friend is conflating two issues. I will come to necessity in due course.

My hon. Friend the Member for Bromley and Chislehurst also mentioned article 16, and the reality is that it does not solve the problem at hand. It would only treat the symptoms without fixing the root cause of the problems. We need a comprehensive and durable solution to this urgent problem and certainty for the businesses and people of Northern Ireland.

**Julian Smith** (Skipton and Ripon) (Con): On durable solutions, does my right hon. Friend agree that the only durable solution is for the EU to listen to what my right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) articulated about the needs of Unionism and for a British Prime Minister, in place from September, not to go moaning to their counterparts, as has happened over the past two years, but to grip the issue and solve it politically?

**Michael Ellis:** Of course, it takes two sides to discuss such matters and come to a solution. I think it has been accepted by all who have spoken so far that there has been some intransigence on the European Union’s side. That is the clear reality. For example, there have been more than 300 hours of discussions between the parties, over 26 meetings involving my right hon. Friend the Foreign Secretary or her predecessor Lord Frost, and

17 non-papers. I am not sure how much more could be done in terms of negotiation; it does need two sides.

I will move on, as I have several amendments to address and I do not want to interfere with Members' right to speak in due course.

On amendment 26 and new clause 8, tabled by the hon. Member for Oxford West and Abingdon (Layla Moran), she is right to raise the important issue of this Bill's relationship with the UK's international legal obligations. However, the amendment is not necessary. The Government have already published a statement setting out their legal position that the Bill is consistent with the UK's international obligations. In line with the practice of successive Governments over several years, it summarises our position but does not set out the full detail of our legal advice. That is not something that any Government of any shade can do, and it is quite rare to give such a memorandum.

The statement makes it clear that the strain that the arrangements under the protocol are placing on institutions in Northern Ireland, and more generally on socio-political conditions, means there is no other way of safeguarding the essential interests at stake other than the Bill we propose. There is clear evidence of a state of necessity to which the Government must respond. As in other areas, it would not be prudent for the Government to publish evidence or analysis underpinning every point of legal detail—the lawyers in this House will know that that would be extremely inappropriate—particularly in advance of specific cases arising in potential future litigation. I therefore urge the hon. Lady not to move her amendment.

**Layla Moran:** Will the Minister give way?

**Michael Ellis:** I will because it is the hon. Lady's amendment.

**Layla Moran:** The Minister is arguing that future litigation is why we cannot see the full legal advice, but it is precisely because future litigation is quite likely that this House deserves to see the full legal advice.

**Michael Ellis:** It is long-standing convention for very good reason that legal advice is not published in full. We know that, famously, from the Labour Government a couple of decades ago, when there was an enormous controversy about that. It stands as a very good reason, as I have discussed. However, we have published a memorandum on the matter that goes some way towards answering the hon. Lady's question.

I move on to amendments 31 and 32 and new clause 10, tabled by the right hon. Member for Tottenham (Mr Lammy). The Bill is designed to bring swift solutions to the issues that the protocol has created in Northern Ireland. Those solutions are underpinned by the designation of elements of the protocol as "excluded provision". Put simply, by excluding some elements of the protocol and withdrawal agreement in domestic law, the Bill is able to introduce, with the necessary certainty, the changes that are needed in Northern Ireland.

These amendments, through the conditions they would impose, would undermine the ability to exclude elements of the protocol and therefore undermine the entire operation of the Bill. The first condition in particular—that provision is excluded only if the EU and the UK agree to it—is obviously unworkable. Negotiations with the

EU have so far been incapable of delivering the solutions that are needed, so to set that as a condition would clearly be dysfunctional. The second condition—that provision is excluded only if necessary as part of an article 16 safeguard—also fails to meet the needs of the situation. As I have said, article 16 has inherent limitations in its scope in that such safeguard measures could address some trade frictions, but not the broader identified impacts of the protocol.

In sum, the right hon. Gentleman's amendments would unacceptably caveat the core operation of the Bill. In other words, they would be wrecking amendments preventing it from delivering the swift solutions in Northern Ireland that it is intended to provide, and that is why I ask him not to press them.

**Hilary Benn (Leeds Central) (Lab):** The right hon. and learned Gentleman referred earlier to the three bits of the protocol that the Bill specifically prevents from being excluded—namely, rights of individuals, the common travel area and other north-south co-operation—which he described as particularly sensitive. Could he explain to the Committee why he does not regard article 18 of the Northern Ireland protocol, which relates to democratic consent in Northern Ireland, as equally sensitive? Why is that not covered by the exclusion? As I read the Bill, the Government could, if they wanted to, change article 18. Is that correct?

3.30 pm

**Michael Ellis:** I hope to come to the right hon. Member's point more specifically in due course, if he will bear with me.

I want first to turn to amendment 5. We have always been serious about negotiations, and we remain so. The whole matter is sensitive and the whole issue is one that we remain serious about. Our preference remains to resolve the issues with the protocol through negotiations, and the Bill provides for this, so I welcome and endorse the sentiment underlying the amendment. It is clear, however, as I have said—I have to emphasise this, because it is not emphasised often enough in my view—that there have been over 300 hours of talks to date, in which the United Kingdom has shared 17 non-papers with our counterparts in pursuit of a solution.

**Colum Eastwood:** Will the Minister give way?

**Michael Ellis:** I will not give way.

The European Union is not willing to entertain the changes that are necessary to fix the issues with the protocol, so the Government's judgment is that, absent a change in stance from the European Union, we have to be realistic. Good faith negotiations to resolve the issues with the protocol have already been exhausted. As I say, there have been 26 separate meetings with the Foreign Secretary and Lord Frost.

Amendment 5 would require that this judgment be endorsed by both Houses of Parliament and, where relevant, the Northern Ireland Assembly, but this would not be appropriate.

**Dr Whitford:** Will the Minister give way?

**Michael Ellis:** I am not giving way, as I have indicated. I will give way in due course.



[*Michael Ellis*]

It has long been the position that the Northern Ireland protocol and negotiations regarding it are, like any other treaty, a matter for the Government, operating under the foreign affairs prerogative. The Executive must retain that prerogative for very good reasons. Because of the protocol, there is anyway no Northern Ireland Assembly currently sitting to provide the consent that this amendment would require. This Bill aims specifically to restore stability in Northern Ireland and a working Assembly—that is the very essence of it—so there is an essential flaw in the amendment's logic in requiring the Assembly to approve the operation of the Bill. That is why I ask the hon. Member for Foyle (Colum Eastwood) not to press the amendment. Of course, the Government will continue to update Parliament and the Northern Ireland Executive, when they return, on the status of talks with the EU regarding the protocol, and to consult stakeholders in Northern Ireland on the operation of the Bill.

**Julian Smith:** Will the Minister give way?

**Michael Ellis:** I am very conscious of the time and the number of amendments I have to get through, but I will give way again.

**Julian Smith:** Just on a point of clarification for the Committee, if the Northern Ireland Assembly is not up and running, the provisions in the Bill state that when the consent vote comes, the Assembly will be recalled and there will be a vote on that consent. I say that just so there is no lack of clarity for the Committee about the current provisions within the consent mechanism.

**Michael Ellis:** I thank my right hon. Friend for making that point.

With your permission, Dame Eleanor, I will speak to amendment 25 and new clause 7 together, which are in the name of the hon. Member for North Down (Stephen Farry). The Bill is designed, as I have said, to bring swift solutions to the issues that the protocol has created in Northern Ireland. These solutions are underpinned by the designation of elements of the protocol as “excluded provision”. Put simply, it is by excluding some elements of the protocol and withdrawal agreement in domestic law that the Bill is able to introduce, with the necessary certainty, the changes that are needed in Northern Ireland. By requiring the prior approval of the Northern Ireland Assembly, the amendments would undermine the ability to exclude elements of the protocol, and therefore undermine the entire operation of the Bill. That is unworkable. Because of the protocol, no Northern Ireland Assembly is currently sitting to pass the approving resolution that the amendment would require. The Bill as introduced aims specifically to restore stability in Northern Ireland, and a working Executive and Assembly. Therefore, in requiring the Assembly to approve the operation of the Bill, there is an essential flaw in the logic of the amendment.

As the hon. Member for North Down will be aware, the Sewel convention applies to this Bill, as it does to all Bills of this Parliament that intersect with devolved competence. I confirm that in the absence of functioning institutions, senior officials in the Foreign Office have already made contact with the head of the Northern Ireland civil service regarding legislative consent, and

we hope to reach a positive solution as soon as the institutions are restored. By contrast, the amendment would allow the Northern Ireland Assembly to constrain the UK Parliament's power to legislate, even if that legislation related to a reserved matter. That, of course, is wholly inappropriate under devolution arrangements. The Government will consult stakeholders in Northern Ireland, including Members of the Assembly, on the operation of the Bill during its passage and thereafter. I therefore ask the hon. Gentleman to withdraw his amendment.

**Stephen Farry:** The Minister has mentioned the word “logic” on several occasions and linked the necessity of the Bill to the restoration of power sharing. Does he recognise that there is a real danger in setting a precedent of linking the two together? Have the Government considered a scenario in which Sinn Féin reacts to the Bill and, very regrettably and irresponsibly, withdraws from power sharing? Where does that leave us? Are we any better off? Are we not in a different form of crisis?

**Michael Ellis:** I will come on to the hon. Gentleman's question—forgive me; I was distracted. Would he reiterate his point?

**Stephen Farry:** I will happily do so. I am talking about a situation in which the Government have linked the passage of the Bill to the restoration of power sharing in Northern Ireland. I am asking on a point of logic: if a dangerous precedent is set by that, how do the Government respond to a situation where, as a reaction to the passage of the Bill, Sinn Féin, very irresponsibly and regrettably, walks out from power sharing devolution and leaves us no better off overall?

**Michael Ellis:** My understanding is that Sinn Féin is willing to go back in and has not set preconditions. That is the actuality of the position, rather than the hypothesis raised by the hon. Gentleman.

**Karin Smyth (Bristol South) (Lab):** Will the Minister give way?

**Michael Ellis:** Forgive me, but may I move on to the issue of necessity, since a number of Members have mentioned that and it may be relevant? On amendment 6, I understand the desire of the hon. Member for Foyle for the Bill to be clear about the powers that it confers to the Government. However, it is essential that the Bill confers necessary powers for the Government to deliver a durable solution to the serious difficulties that the current implementation of the protocol is causing. Those include, as we know, the undermining of the functioning of institutions established by the Belfast/Good Friday agreement.

Amendment 6 confuses an international law concept—the doctrine of necessity, which is long established and well understood—and a domestic statutory one, which concerns the appropriate tests for Ministers exercising powers given to them by Parliament. It is essential that the Bill delivers clarity and certainty for the people of Northern Ireland, and amendment 6 would undermine that. I add the caveat that it is the responsibility of Government to deliver a durable solution to the issues the protocol is causing, in order to protect the Belfast agreement. Any unnecessary additional conditions to the exercise of the powers necessary to deliver that

solution will only reduce the clarity and certainty of the Bill and what it does to provide for the people of Northern Ireland. That would undermine our ability to get the Executive back up and running, which is a desire I know we all share. I therefore ask the hon. Gentleman to withdraw the amendment.

Amendments 7 and 14 were also tabled by the hon. Member for Foyle. The Bill will fix the practical problems that the protocol has created in Northern Ireland. That avoids a hard border, protects the integrity of the UK and safeguards the European Union single market. I am therefore entirely sympathetic to the sentiment behind the amendments. The Government are motivated by the same concerns that underlie them. We are moving quickly with this Bill—as quickly as possible. That is our focus, because the situation is pressing.

The power in clause 15, which among other things would allow Ministers to reduce the amount of the protocol that is excluded, is designed to ensure that we are able to get the final detailed design of the regime right. Its use is subject to a necessity test against a defined set of permitted purposes. It is essential that that power can be used quickly if needed. Amendments 7 and 14 would pre-emptively prohibit certain uses of the power, but I submit to the Committee that the proper way to scrutinise its use is in this place. All regulations are subject to scrutiny, under either the negative or the affirmative procedure, so it is not as if anything would be set aside without that scrutiny. The hon. Gentleman's amendments would also do nothing to resolve a potential clash between the permitted and the unpermitted—for example, a security and global market access intention—so they would risk tying the Government's hands behind their back just when they would need to be most agile. For those reasons, I ask him to withdraw amendments 7 and 14.

**Sir William Cash:** I am listening with great interest to the series of amendments that my right hon. and learned Friend has been dealing with and asking Members to withdraw. Has he noticed that amendment 1 is neither chicken nor egg, and that there is no reference in it to any evidence test? I am slightly surprised that at the moment, we are not quite clear as to whether it is going to be suggested that that amendment be withdrawn.

**Michael Ellis:** I am sure that my hon. Friend the Member for Bromley and Chislehurst will have heard what my hon. Friend has said.

I will now turn to amendment 27 and new clause 9, tabled by the hon. Member for Walthamstow (Stella Creasy). The Bill is designed to provide swift solutions to the issues that the protocol has created in Northern Ireland. Those solutions are underpinned by the legal designation of elements of the protocol as excluded provision. Put simply, it is by excluding some elements of the protocol and withdrawal agreement in domestic law that the Bill can introduce the changes that are needed in Northern Ireland with the necessary certainty. Through the conditions they would impose, the hon. Lady's amendments would undermine the ability to exclude elements of the protocol, and therefore undermine the entire operation of the Bill. I would also argue that they are unnecessary, because the actions they require are already being taken in practice during the passage of the Bill. By voting on its passage, both Houses of

Parliament have an opportunity to indicate their approval for the principle of excluding elements of the protocol.

The Government have already clearly set out in the statement of 13 June that we consider the legislation to be lawful in international law. We have also already been clear on why we are not using the article 16 safeguard mechanism: it has inherent limitations on its scope, in that such safeguard measures could address some trade frictions but not the broader identified impacts of the protocol. It is therefore unnecessary to oblige the Government to repeat those statements before exercising the powers conferred by the Bill, which is why I ask the hon. Lady to withdraw her amendments.

**Stella Creasy:** The Minister has said that my amendments are not necessary. That is very welcome, because new clause 9 requires the Government not just to tell us that they believe they are acting within international obligations, but to set out how, so that the House has a chance to confirm that it is not in breach of those obligations. If that is not necessary, can the Minister set out for us how he believes the legislation is in line with international obligations—not that it is, but specifically how?

**Michael Ellis:** I commend to the hon. Lady the legal memorandum that was published by the Government. It is, I think, only the second time that a Government of the day has published such a legal document, and it is exceptionally useful. We cannot publish the full legal advice—no Government can do that.

I will now turn to amendment 8, tabled by the hon. Member for Foyle. I certainly sympathise with the intention of the hon. Gentleman's amendment, but I reassure him that it is also entirely unnecessary. The Government have no intention whatever to use the power in clause 15 to alter the operation of the domestic consent mechanism, which I think answers the point that was made earlier on the Opposition Benches.

3.45 pm

The hon. Member for Foyle will recall that securing the consent mechanism was one of the key concessions that paved the way for the Government to agree to the revised Northern Ireland protocol back in 2019. It was a concession that this Government secured, so it made no sense for the Government to subsequently remove one of their key negotiating successes through the Bill. It is perhaps because that point is so self-evident that we did not see the need to protect this element of the protocol under clause 15(3). I hope that answers the point made by the hon. Member for Foyle and others. For the avoidance of doubt, however, I can confirm that the democratic consent process remains an integral part of the protocol. The protocol should not, and indeed cannot, continue unless it maintains the support of the majority of Members of the Northern Ireland Assembly. I hope I have provided the assurance the hon. Gentleman requires and I urge him not to press amendment 8.

Amendment 9 has also been tabled by the hon. Member for Foyle. The Government have already been very clear why it is necessary to seek to exercise such powers. They are needed to fix the practical problems the protocol has created in Northern Ireland, as it is currently undermining the Belfast/Good Friday agreement and power sharing, and with it, peace and stability in Northern Ireland. We published a policy paper and legal statement

on 13 June setting out the Government's position in detail. I appreciate, however, his desire to ensure the regulations that implement the full details of the model are properly scrutinised. The full details of the new regime will be set out in regulations alongside and under the Bill, including economic impacts where appropriate. The regulations will be the product of engagement with business to ensure the detail of the new regime is as smooth and operable as possible, and that is what we are getting on with now. The House will have the opportunity to scrutinise the regulations in the usual fashion under the normal parliamentary procedures, as it regularly does. The additional requirement amendment 9 seeks for the Government to publish a report each time they make regulations using this power is therefore not necessary and I ask him not to press the amendment.

As the Government set out in the legal statement on 13 June, to which I have referred, the strain that the arrangements under the protocol are placing on institutions in Northern Ireland and more generally on socio-political conditions has reached the point where the Government have no other way of safeguarding the essential interests at stake than through the adoption of the legislative solution that is being proposed as quickly as possible. There is, therefore, clear evidence of a state of necessity to which the Government must respond, so I ask the hon. Gentleman not to press the amendment.

**John Redwood (Wokingham) (Con):** Has the Minister ever heard the Opposition point out that the EU is breaking the protocol by diverting our trade and undermining the Good Friday agreement? Has he ever heard them asking to see the legal advice that the EU purports to use when it is so clearly violating the protocol?

**Michael Ellis:** My right hon. Friend makes an excellent point, as usual. I have to say that I have never heard those requests.

Amendment 10, again tabled by the hon. Member for Foyle, relates to the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland. They are, of course, important and well-respected institutions. They were established on the basis of the Belfast/Good Friday agreement. They undertake important duties and any change to their remit should not happen arbitrarily. The Government engage regularly with the commissions and they have powers to provide advice to the Government on issues arising from article 2 of the protocol. The Government have engaged broadly on the issues created by the protocol with stakeholder groups across business and civic society in Northern Ireland, the rest of the United Kingdom and internationally. In fact, the engagement has been considerable. As the Committee will know, the Bill provides specific powers to establish a new regime in Northern Ireland which addresses the issues with the current operation of the protocol. We are consulting stakeholders on the detail of how the powers are to be used. We will give plenty of notice to those affected in due course. Therefore, amendment 10 would compel the Government to do what, in many cases, they already intend to do.

We are moving quickly with the Bill because the situation in Northern Ireland is pressing. The power in clause 15 that would, among other things, allow Ministers to reduce the amount of the protocol that is excluded is designed to ensure that we can get the final, detailed

design of the regime right. Its use is subject to a necessity test against a defined set of permitted purposes. It is designed to provide stakeholders in Northern Ireland with certainty that the Government will deliver the solutions that we have outlined to the problems that the protocol is causing.

It is essential that the power can be used quickly if needed. Although, in normal cases, the Government will of course engage with stakeholder groups in Northern Ireland, there may be occasions when the urgency of a situation means that the Government need to act swiftly. This amendment risks tying the Government's hands behind their back, and that is why I ask the hon. Member for Foyle not to press it.

Amendment 40 is in the name of the right hon. Member for Tottenham, who I do not think is in his place. This is the first of a number of amendments from him in the same vein, to which the Government have a single view. The amendment would replace the test of "appropriateness" in the use of the Bill's delegated powers with one of "necessity". Members should not confuse this with the international law doctrine of necessity, as the right hon. Member is doing.

The question covers well-trodden ground. Members may remember the extended debates on this topic during the passage of the European Union (Withdrawal) Act 2018. The powers there are similar to those in this Bill, the European Union (Withdrawal Agreement) Act 2020 and the European Union (Future Relationship) Act 2020. I note that the House and their lordships in the other place ultimately accepted that the word "appropriateness" in this context was, in fact, appropriate.

The word "necessary", which this amendment seeks to import, is a very strict legal test for a court to interpret. Where there are two or more choices available to Ministers as to what provision is appropriate to address the issues that the protocol has created, arguably neither one is strictly necessary, because there is an alternative. Ministers need to be able to exercise their discretion to choose the most appropriate course. That is why the word "appropriate" is the correct word.

There are clearly multiple choices in how to replace the elements of the protocol that no longer apply in our domestic law. The Government must propose that which would be the most appropriate choice. That is why we have chosen that word. I therefore ask the right hon. Member not to press his amendment.

**The Chairman of Ways and Means (Dame Eleanor Laing):** Order. Before the Minister comes to his next point, I draw to his attention that a great many people wish to speak in the debate. A lot of people have a right to do so because they are proposing amendments to which I would like to give them time to speak. The Minister has had the floor for 41 minutes. I hope that he might soon be able to draw his remarks to a close, possibly by addressing just the essential parts without the peripheral parts. In that way, there might be enough time, as we have only an hour and a half left of the debate.

**Michael Ellis:** I am in full agreement with you, Dame Eleanor, and I am coming rapidly to a conclusion with my points on new clauses 1, 2 and 3, which relate to the Government's approach to environmental protection and principles as related to the Bill. They introduce new



provisions to the Bill that require Ministers of the Crown to provide statements on the environmental impacts of any powers taken under the Bill prior to being able to exercise those.

I understand the desire of the hon. Member for Foyle to ensure that our high environmental standards are upheld across the United Kingdom. In the UK, we already have some of the highest standards of environmental protection in the world. We have no intention of weakening or lowering those standards. The Government are proudly committed to enshrining better environmental protections in law to demonstrate a firm commitment to the highest environmental standards, as we did in the Environment Act 2021.

The UK Government and the Northern Ireland Executive are already held to account by the independent Office for Environmental Protection, which was created under the Act and has a statutory duty to monitor and report annually on progress on improving the environment in accordance with the UK Government's environmental improvement plans. The OEP also monitors the implementation of, or any proposed changes to, environmental law, and may hold the Government and public authorities to account for serious failures to comply with it. In addition, the Act already creates a duty on Ministers to be guided by five internationally recognised environmental principles when making policy.

In that context, new clauses 1, 2 and 3 are not necessary, as their purpose is served by existing protections, both practical and legislative. I therefore ask the hon. Member for Foyle not to press the new clauses.

May I return very briefly to the consent mechanism, which operates on an international level? We are committed to the 2024 consent vote, which was a principal goal of the Government's negotiation, as I alluded to a short time ago.

**Peter Kyle (Hove) (Lab):** I am grateful that you are in the Chair today, Dame Eleanor, and that I have the opportunity to speak in this debate. As the new Secretary of State, the right hon. Member for North West Cambridgeshire (Shailesh Vara), is in his place, may I start by welcoming him to the job? I hope that we will have the chance to have exchanges into the future. As I have already reassured him, when this divisive period—which includes the contents of this Bill—passes, I hope that there will be more opportunity to find common ground. His predecessor, the right hon. Member for Great Yarmouth (Brandon Lewis), was present a little earlier; that would have been a good opportunity to pass on my sincere gratitude for the way in which he dealt with me when he was in the Department.

Clauses 1 to 3 of the Bill deal with the intention and the main powers. New clause 10, which I will be pushing to a vote, attempts to inject at least some respect for the rule of law into the Bill. The Opposition are also supporting the SDLP's amendment 8.

The Bill tells us everything we need to know about the Tory party of today, because it represents an abdication of all responsibility—the responsibility to play by the rules, the responsibility to be honest about our actions and their consequences, the responsibility to honour our commitments made on behalf of our country. On Second Reading, the Foreign Secretary declared herself a patriot. Patriotism includes our flag, of course, but it

is also about our values. To me, those values should unite all democratic politicians, irrespective of political party. They include respect for the rule of law and equality before it; respect for human rights and the institutions that defend them; and respect for commitments, foreign and domestic, voluntarily entered into and collectively applied.

It says a lot that simply describing those values sounds like a criticism of the Conservative party, the current Prime Minister and almost certainly the next. It is most certainly a criticism of the Bill, which not only breaks convention—the law—but betrays our values as a Parliament and as a country. The Bill exists because the Prime Minister was not honest about the full nature of the Brexit deal. That was followed by a manifesto that promised that his deal was “oven-ready” and vowed to the public that there would be no renegotiations of it.

It is easy for Ministers to dismiss my criticisms, because they are the words of an Opposition spokesman, so how about the words of one of their leadership contenders—of someone running to be their next leader and our Prime Minister? All the contenders have trashed the Tory record in office, so let us take just the most recent example. This morning, the right hon. Member for Portsmouth North (Penny Mordaunt) said:

“The British people...are fed up with us not delivering, they are fed up with unfulfilled promises”.

She is right, and the Conservative manifesto promise not to renegotiate is presumably part of the problem that she describes.

**Sir William Cash:** Can the hon. Gentleman explain how it is right for the voters of Northern Ireland to be subjugated to laws that are passed in the Council of Ministers behind closed doors, without even a transcript? How does he justify that? Does he not agree that that is a grave and imminent peril to the people of Northern Ireland?

**Peter Kyle:** The question that the hon. Gentleman is asking is three years too late. It should have been asked as the Government were negotiating, proposing and delivering the protocol in the first place. The debate here today is not about the nature of the protocol as signed into international law; it is about the way in which the Government have failed to negotiate their way forward, and seek to break the commitment that they made.

**Ian Paisley (North Antrim) (DUP):** I am appealing to the hon. Member. He can use this opportunity to stand here and slag off the Government—a slagging off that they probably deserve—but that is not going to solve the problem. Can he confirm that he will support the clauses that will fix the problem?

4 pm

**Peter Kyle:** I certainly do support the new clauses and the amendments that I am putting forward, which I believe will go some way towards fixing the problem, and of course I will, in the hon. Gentleman's words, “slag off” the Government and the Prime Minister, because it was the Prime Minister who went to the people of Northern Ireland and promised that over his dead body would there be a border in the Irish sea, and then went home and delivered it. I will be critical of the

[Peter Kyle]

Government who treated Northern Ireland in this manner. I accept that the Democratic Unionist party, and others in the Unionist community, opposed the protocol from the beginning, and they oppose it now. They have been consistent, while the Conservative party has not.

**John Redwood:** Will the hon. Gentleman give way?

**Peter Kyle:** I certainly will not be giving way to someone who did not show the courtesy to be here for the whole debate.

**John Redwood** *rose*—

**Peter Kyle:** No, I will not give way. If the right hon. Gentleman were really committed to this issue, he would not have walked in halfway through and started intervening on people. The time to be here was at the beginning, and then he should be here in time to make a speech.

**Dr Whitford:** Will the hon. Gentleman give way?

**Peter Kyle:** I will give way, but then I will make some progress, because I am very keen to hear from other Members.

**Dr Whitford:** Is not the problem with this Bill that it will not give voice to people in Northern Ireland or their representatives? It puts all the control in the hands of a Government Minister here in Westminster.

**Peter Kyle:** As we have seen throughout the Government's response to the challenges of Brexit, they have repatriated powers from the EU but have hoarded them, often not just for Whitehall but for themselves. These often end up being the powers of patronage that Ministers have wielded for their own benefit, and for the benefit of the political party that we see opposite us, rather than for the benefit of our entire country.

For 25 years, the balance between majority opinion and the power-sharing between both communities in Northern Ireland has been a delicate one, but, extraordinarily, this Bill fails on both. To gain the support of one community, they are in danger of losing another. On top of that, a majority of Assembly Members have signed a letter rejecting the Bill. The Bill might persuade some in the short term, but it will not get Northern Ireland back on track into the long term.

**Sammy Wilson:** Will the hon. Gentleman give way?

**Peter Kyle:** I will make some progress, because I know that many of the Members who are now seeking to intervene will be making speeches, and I look forward to those.

The legislation before us today flies in the face of our values as a country, and those that many of us used to associate with the Conservative party. It will break international law, and in so doing will damage our reputation with our closest allies; and for all that damage, we get so little benefit. The Bill will not move us forward one iota in addressing the long-term challenges facing the trading circumstances of Northern Ireland while respecting the unique circumstances that have delivered peace, stability and progress in the years since the Belfast/Good Friday Agreement was signed.

The Government's stated preference is still a negotiated solution. However, at the very beginning of the Bill, clause 1(a) states:

"This Act...provides that certain specified provision of the Northern Ireland Protocol does not have effect in the United Kingdom".

Unilaterally changing an international agreement does not further negotiations. With months of falsehoods, sleaze and squalor, the Conservative party has brought the Government into disrepute. Now they are in danger of bringing our country into disrepute as well.

Even worse, Northern Ireland is again being used as a plaything in the Conservative leadership contest. The Foreign Secretary, who is supposed to be leading negotiations with the EU, is instead parading her inability to reach agreement with it as a key reason for people to vote for her. Multiple contenders have now said that they are willing to leave the European convention on human rights, which would be a straightforward and outright breach of the Belfast/Good Friday agreement that they all claim to cherish.

Yesterday I read an extraordinary article in *The Times*, written by the current Attorney General. This Bill is legally contentious, and it is the Attorney General who provides the legal basis for it. Her advice is supposed to be impartial, yet she wrote:

"The Northern Ireland Protocol Bill needs to be changed so that it actually solves the problem. That means VAT, excise and medicines should be under UK law from day one—currently they are not. The bill's 'dual regulatory regime' lets EU law flow into Northern Ireland in perpetuity. We need to sunset that and provide a mechanism for moving to Mutual Enforcement. Otherwise we're giving Brussels a legislative blank cheque. These are all changes I've been fighting for while in government. Without them, the bill treats people living in Northern Ireland as second-class citizens."

We have collective responsibility in this country: one Cabinet Minister speaks for all. Will the Government be taking forward the amendments that the Attorney General has suggested because she represents collective responsibility? Can publishing these views as part of a leadership pitch be reconciled with the duty to give impartial advice on this Bill? And can we trust the previous advice she has given, which seems contrary to so many expert views? These questions should all be answered before the Government proceed with this Bill.

This lamentable, unprecedented situation underscores the sheer irresponsibility of a caretaker Government proceeding with a Bill of this nature. It is contentious, it has become a political football in a surreal leadership contest and it breaks a manifesto pledge. Today marks one new low, even for this rule-breaking, convention-trashing Government.

**Karin Smyth:** My hon. Friend is making some excellent points. I want to refer him back to the point made by the hon. Member for North Down (Stephen Farry) about the illogicality of the Government deciding that one party should go back into the Assembly. Does my hon. Friend agree that that might not stop in the future, and that another party could come to the UK government and say, "We will go back and we will want something from you." What would the Government say then? Being bipartisan has been an important part of our history in this House, both in ignoring Northern Ireland since 1920 and then in trying to do something about it. Does my hon. Friend agree that the point about one side being adhered to was a useful one?

**Peter Kyle:** I am grateful to my hon. Friend for her thoughtful contribution; I know that she cares deeply about these issues. Since I have been in this job I have striven, as I hope my friends in the DUP will acknowledge, to take them on their own terms when they express so strongly the existential challenge they face in the protocol. I have also tried to do so for other parties representing other communities in Northern Ireland. It is a shame that, to date, the Government have not striven so hard to take other parties on their own terms and engage with them right the way through. If they had done so, I simply do not believe we would be in the position we are in today.

This afternoon we will quite simply be voting on whether to uphold the rule of law. Expecting a Government to keep their legal obligations should not be partisan. Many Members on the Conservative Benches spoke powerfully on Second Reading about the weakness of this Bill. The right hon. Member for Maidenhead (Mrs May), the former Prime Minister and former leader of the party, said the following:

“My answer to all those who question whether the Bill is legal under international law is that...it is not.”

She went on to say:

“As a patriot, I would not want to do anything to diminish this country in the eyes of the world. I have to say to the Government that this Bill is not in my view legal in international law, it will not achieve its aims and it will diminish the standing of the United Kingdom in the eyes of the world. I cannot support it.”—[*Official Report*, 27 June 2022; Vol. 717, c. 64.]

The hon. Member for North Dorset (Simon Hoare) said:

“The Bill risks economically harmful retaliation and runs the risk of shredding our reputation as a guardian of international law and the rules-based system. How in the name of heaven can we expect to speak to others with authority when we ourselves shun, at a moment’s notice, our legal obligations?”—[*Official Report*, 27 June 2022; Vol. 717, c. 55.]

The right hon. Member for North Thanet (Sir Roger Gale) said that

“the Bill we are proposing to put through this House tonight will be a gross breach of international law if it is enacted and implemented.”—[*Official Report*, 27 June 2022; Vol. 717, c. 88.]

We also have the views of experts such as the Bingham Centre for the Rule of Law, which said:

“The Bill is in clear breach of international law as it seeks to change unilaterally the domestic effect of an international agreement that the UK has signed up to, without legal justification.”

New clause 10 is intended to prevent the Government from breaking our legal obligations by requiring either of two conditions to have been met before they can use powers to start to exclude parts of the protocol.

**Sir William Cash:** Will the hon. Gentleman give way?

**Peter Kyle:** No, I have given way once. The hon. Gentleman is seeking to catch the Deputy Speaker’s eye, and I look forward to his contribution.

New clause 10 would ensure that all legal avenues are pursued, which I hope is entirely in line with the intervention made by the right hon. and learned Member for Torridge and West Devon (Sir Geoffrey Cox). He sought to clarify this point with particular reference to article 16, which I will address momentarily. I am pleased that he is still in his place.

The condition must be either the agreement condition or the article 16 condition:

“The agreement condition is that the United Kingdom and the EU have agreed following negotiations that the provision is excluded provision.

The Article 16 condition is that the United Kingdom is unilaterally taking appropriate safeguard measures, in accordance with Article 16 of the Northern Ireland Protocol”.

New clause 10 does not wreck the Bill or prevent its provisions from ever being used; it simply ensures the Government stick to our legal obligations before taking action.

It is wrong to rely on the doctrine of necessity to justify this Bill, as the Government’s legal position does. For necessity to be applicable, the Bill would have to be the only way for the UK to safeguard an essential interest against a grave and imminent threat. Uniquely, the Government’s position is that the protocol they designed and agreed is a grave and imminent threat. By their own admission, this Bill cannot be the only way to address the protocol because Ministers still say they are seeking a negotiated solution with the EU. It just does not make sense.

Labour has been clear all along that we want the EU to show more flexibility in the negotiations. The Government must think progress is possible, too, because they are still pursuing negotiations even at this point. The agreement condition of new clause 10 recognises that, as a legitimate starting point for improving an international settlement that we have signed up to, article 13.8 states that the UK and the EU can supersede the protocol, so long as any subsequent agreement indicates the parts that will be altered—in other words, if it is negotiated. The Government should be focusing all their energies on reaching an agreement instead of wasting time on this Bill, which will do more harm than good and is never likely to make it into statute anyway.

The article 16 condition is another route the Government could take if they were going to act within the law. Negotiation should be the top priority for addressing the protocol challenges but, if the point comes where negotiation is no longer viable, safeguard clauses already exist in the protocol itself. Let me be clear that necessity cannot be relied on if the safeguard clauses have not even been attempted by this Government.

Article 16 sets out what either party can do in circumstances where one party to the protocol feels it needs to take unilateral measures to prevent serious economic, societal or environmental difficulties, or diversions of trade, that are likely to persist. It would be in compliance with international law if the Government sought to use the safeguard clauses of the agreement they signed. Instead of following the process in that agreement, however, they are unilaterally scrapping the agreement altogether.

New clause 10 would ensure that the extraordinary powers in this Bill, which will otherwise breach the terms of the protocol, are exercised only in accordance with the UK’s international obligations. All Members who respect the rule of law should vote for it.

Time and again, Labour has called for the EU and the Government to get back around the negotiating table. There are large areas of common ground that have shown that successful negotiation is possible. Indeed, this is the only negotiation in history that is failing



[*Peter Kyle*]

because all sides seem to agree. The way to unlock progress on the protocol is through negotiation and leadership, the very things that Britain used to be good at.

A Labour Government would get around the negotiating table, because “negotiation” is not a dirty word—it is just statecraft, diligence and graft. Statecraft and commitment are needed to deliver for our country, alongside a determination never to be blown off course by internal partisanship. As Churchill put it, we should “put country before party.” That is not a slogan but a principle, at least on this side of the Committee. Where this Government see challenges as an opportunity to have a row, Labour sees the imperative to rebuild. While this Government walk out of negotiations, Labour will be around the table, staying the course and delivering for our country. While this Government play politics with Northern Ireland’s fragile progress, a Labour Government would engage, respect and deliver.

4.15 pm

**Sir Geoffrey Cox:** How would the hon. Gentleman propose to negotiate to permit the voters of Northern Ireland to have a say in the laws that are being made for them?

**Peter Kyle:** It was a Labour Government who delivered the framework for the Good Friday agreement in the first place. We respect devolution to Northern Ireland. The key thing is that, yes, Northern Ireland has been suffering the existential challenges posed by the protocol, but, fundamentally, Northern Ireland has been suffering from neglect. When the Executive collapsed, there was no visit from the Prime Minister for five months; there were no multi-party talks, in Downing Street or in Belfast; there was no attempt at getting people around the table; and not a single statement was made to this House about Northern Ireland by the Northern Ireland Secretary at the time, the Prime Minister or the Foreign Secretary. Just imagine for one second what would happen if the Welsh Senedd or the Scottish Parliament collapsed and this House of Commons went five months before there was any action whatsoever. The only time the Prime Minister visited Northern Ireland was once the Assembly failed to be assembled, after the elections. At that point, when the difficulties in Northern Ireland became so deeply entrenched, the Prime Minister finally went over there for one quick, fleeting, in-and-out visit. That is not good enough. We know that Northern Ireland—all of Northern Ireland—deserves the full attention of the UK Government. It also needs the attention and engagement of this House, where Northern Ireland parties can have their say regularly, on an ongoing basis, not just once a month at oral questions.

**Sammy Wilson:** Does the shadow Secretary of State accept that if the Prime Minister had set up residence in Northern Ireland and become a member of a political party there, he still would not have been able to resolve the issue that has just been raised with the shadow Northern Ireland Secretary: that this situation is a result not of the Good Friday agreement not working, but of the protocol where laws made in Europe cannot be debated and cannot be changed, and have to be implemented, under a threat of sanction from the European

Court of Justice, in Northern Ireland? That is where the democratic deficit lies; it is not because the Government paid little attention to Northern Ireland, but because they gave us a protocol which imposes EU law and has created a democratic deficit. How would he deal with that?

**Peter Kyle:** I suggest that had the Prime Minister gone to live in Northern Ireland and gone to camp out there—bearing in mind that he is the person who went to Northern Ireland and promised that over his dead body would there be a border in the Irish sea, and bearing in mind what we now know he has been engaging in and the squalor with which he delivered the duties of his office, based on the resignation letters of members of his own Government—he is not the person who could ever have hoped to muster the statecraft to deliver the settlement that Northern Ireland needs.

**Sir Geoffrey Cox** *rose*—

**Peter Kyle:** I am going to finish now, so that we can hear directly from Conservative Members. We have always to remember that the Conservative party was the one that enabled, delivered and sustained that Prime Minister in office, and all the time that was done, the politics of Northern Ireland did not just fail to move forward—it sank. So this Bill, from that Government, who their leadership candidates are only too happy to support, is an affront to the UK’s values and to our international interests, at home and abroad. This Bill will not deliver the progress that is needed in Northern Ireland and it will only harm our interests abroad.

**Several hon. Members** *rose*—

**The Chairman of Ways and Means (Dame Eleanor Laing):** Order. We had three hours for this debate. The first four speeches have taken more than two hours. We have about 55 minutes left and 10 people wish to speak. I do not have the power to put on a time limit, but you all have the power to act decently, and speak for four or five minutes and no longer. I hold you all to honour. You should take four to five minutes, otherwise you are preventing other people from speaking. I call Sir Geoffrey Cox.

**Sir Geoffrey Cox:** I will be quick. I have listened with fascination to the contributions and speeches made this afternoon. If I thought that the Bill would produce a durable and permanent solution, I would support it, but I do not believe it will produce a durable and permanent solution. The fact is that we cannot impose on Northern Ireland, or on any other party to a treaty that we signed, unilaterally a political solution. A political solution has to be reached politically; it cannot be imposed by this House through legislation. The EU—like it or not—and the Irish Government are a party to these negotiations. Unless we are able to achieve assent to the arrangements that we propose, they will not last. It will have to be resolved ultimately by agreement. It is much the same as the Northern Ireland Troubles (Legacy and Reconciliation) Bill—another attempt by the Government to impose a political solution on Northern Ireland, without first having reached the solution and then produced the legislation that works out and implements that solution. I do not believe that this legislation will produce a permanent solution.

We come to the question of necessity. I am not prepared to say that there is an impossibility that the basis of necessity could not justify the actions that the Government are taking. I have the gravest of misgivings about it, and the deepest of scepticism about whether or not it affords a proper legal basis as a matter of international law, but we have not seen the evidence. It is possible that the Government and my right hon. and learned Friend the Attorney General have seen some evidence that we have not seen that could crystallise at least the plausible case that this action needs to be taken.

I support the amendment tabled by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), but the fact of the matter is that even necessity is not a legal basis for a permanent solution. The doctrine of necessity in international law requires the measures that have been implemented as a necessity to answer the urgent and imminent peril to be removed as soon as the basis for taking action on the grounds of necessity has gone. Indeed, necessity does not even remove the breach; one is still in breach of the agreement. Necessity simply removes the wrongfulness, which further emphasises the fact that necessity cannot produce a permanent solution as a matter of international law. Only agreement—only the reaching of a political solution—can do so.

Nobody need tell me about the politically tone deaf intransigence of the European Union in negotiation. I recall vividly in my visits to Brussels in the early months of 2019, saying to Michel Barnier, “But do you not see, Michel, that this produces an anomalous situation? If a farmer in Northern Ireland wants to take up the issue of cattle tagging, to whom does he go? When the law is imposed by the European Union, the only place he can go is either to Brussels itself or to Dublin, and how will that feel for one whole section of the community of Northern Ireland?” I must tell the Committee that the European Union representatives reacted as if they had been stung by wasps. We have to understand that those at the European Union believe the protocol to be the very zenith of creative diplomacy. They cherish and prize it, as if it were their own child. But that does not mean that we do not need to engage in the patient effort—maybe it will take months, maybe years—gradually to make them see that this is an unsustainable situation.

What we should not do is reach immediately for a solution, over which there are the gravest doubts as to its efficacy as a matter of international law, over which there are the gravest doubts about the sincerity and good faith of the Government—for I take it that the Government have advanced their case on the basis of necessity sincerely. I assume that they must mean, and genuinely mean, that they genuinely believe that there is a respectable case on the basis of necessity. If they do, why should we not at least be told the evidence—the evidence! We can gist it, we can summarise it if it is security sensitive, but at least let this House acquit itself of the doubt that exists over its legal efficacy as a matter of international law. It is no light thing for this House to take a step—

**Sir William Cash** *rose—*

**Sir Geoffrey Cox:** No, I will not give way. Too many need to speak.

It is no light matter for this House to take a step that is in contravention of its international obligations. The dignity of this nation rests upon its word being seen to

be implemented once it is given. Therefore, I think it a small thing—a reasonable thing—that my hon. Friend the Member for Bromley and Chislehurst has asked.

My right hon. Friend the Foreign Secretary talked about Members as patriots. I do not believe that there is a person in this House who is not a patriot, not a person in this House who does not believe—*[Interruption.]* There may be some exceptions on the Opposition Benches, but I certainly do not believe that of those on the Labour Benches. The fact is that I want to give credit and the benefit of the doubt to everybody, but patriotism can also be the belief that we should stand by our word and that we depart from it only if there is a proper legal basis for doing so.

There is plenty of precedent for the Attorney General coming to the House—I should know, I did it—to answer questions about the international law compatibility of a measure in this House. Indeed, it goes way back, I think, to either the Wilson Government or the Heath Government. Attorneys General would come to the House to answer questions on the compatibility of statutes with international law. I invite the Minister, my right hon. and learned Friend the Member for Northampton North (Michael Ellis), to invite the Attorney General to come and answer those questions, because, in my judgment, it is an obligation to the House. The Attorney General has a residual duty to advise the House on matters such as this.

I say to my right hon. and learned Friend that I will not be able to support this Bill—that comes as no surprise—but I sympathise with the plight in which the Government find themselves. We should all be a lot better if we united in this House to besiege the European Union with requests so that it sees that it must effect real change in this protocol. That is why I asked the hon. Member for Hove (Peter Kyle) what is his solution to the democratic deficit of which my hon. Friend the Member for Stone (Sir William Cash) has properly and accurately spoken.

These are really intransigent, intractable problems. It is no use sitting, as the hon. Member for Hove does, attacking those of us on the Government Benches for not having solutions if he just talks more and does not propose constructive, new replacement agreements that might fulfil the legitimate wish of the Unionist community to feel that they are not separated and segregated from the rest of the kingdom, while doing justice to the European Union’s desire to protect its single market.

**Peter Kyle:** New Zealand has been able to negotiate quite diligently and swiftly a veterinary agreement with the European Union. Turkey has been able to agree a customs arrangement with the EU. There has been no law breaking, no storming out of negotiations; representatives sat round the table and got it done. Why does he think that this Government have failed where other Governments have succeeded?

**The Chairman of Ways and Means (Dame Eleanor Laing):** Order. Before the right hon. and learned Gentleman answers the question, I must say that his rhetoric is matchless, but his arithmetic is rubbish. He has held the Committee for 10 minutes with his matchless rhetoric, and I beg him to draw to a conclusion.

**Sir Geoffrey Cox:** Dame Eleanor, you rebuke me entirely justly. Let me see if I can answer the question. Yes, of course there are trade mitigations, and I had a sincere hope two and a half years ago that they would be resolved in the joint committee. They have not been resolved in the joint committee.

**Peter Kyle:** Why?

**Sir Geoffrey Cox:** I do not know, but it is no use the hon. Gentleman's using the tactic of deflection to try to put me off my question to him. The democratic problem is what I put to him, and Labour has no answer to that problem. If the party is to be taken seriously, it needs concrete proposals that might work. On that note, Dame Eleanor, I will conclude.

4.30 pm

**Richard Thomson** (Gordon) (SNP): I take this opportunity to welcome the new Secretary of State to his place; I look forward to working with him.

I rise to speak to amendments 29 and 30 on the Order Paper and to give notice to the Committee that I intend to put clause 15 to a vote, as it is the heart of the Bill. My party is opposed very much to the Bill in principle. In our view, the hard reality is that Brexit is not working for any part of the UK.

It was Brexit that created the need for a protocol, and we have been clear that within the ambit of that protocol there ought to be room for flexibility. It should be possible for a UK Government who are acting in good faith and are trusted to be able to negotiate constructively within the workings of that protocol to deliver better outcomes, which I think none of us would object to seeing.

We have seen that there is considerable overlap between the proposals of the UK Government and the European Union in terms of the opportunities presented by sanitary and phytosanitary checks and the labelling of goods to eliminate many of the checks currently causing so much difficulty and interrupting trading arrangements. However, introducing a Bill that will break international law and relies on the rather flimsy—at least in the context of the information we have—concept of necessity, is certainly not the way to go to build that trust.

The Bill will damage the UK's standing in the world. Without a shadow of a doubt, it undermines the UK's commitment to the rules-based international order. The Law Society of Scotland, which is not known as a revolutionary or radical organisation in such matters, has gone so far as to say that the UK Government should,

“as a matter of principle, comply with public international law and the rule of international law, *pacta sunt servanda* (agreements are to be kept)”.

That should be honoured. It strikes me that even citing the legal doctrine of necessity is tantamount to an admission of a potential future illegality, since the defence is only relevant when international law is being broken. On a political level, there is tremendous difficulty for the Government in seeking to put this argument across. The agreement was freely entered into, on terms that they in many respects insisted upon, which was not only lauded, but which the UK Government actively curtailed the time and opportunities for parliamentary scrutiny in respect of. That takes a considerable amount of chutzpah.

Although we do not consider it unreasonable for the UK Government, in light of experience, to seek to renegotiate the terms on which our future trading relationship with Europe is based and how that impacts Northern Ireland, we do not believe the Bill will create the conditions where such a negotiation might progress or allow the Government to act within the letter and spirit of international law. It also brings the risk of consequences, a reaction and a potential harshening of the trade situation, which would simply make matters worse for everyone right across the United Kingdom.

**Dr Whitford:** Is my hon. Friend not concerned that, if this Bill were successful and therefore both the European Court of Justice and the rules of the single market were set aside, untold harm would be done to the economy of Northern Ireland?

**Richard Thomson:** Yes, I think untold additional harms could befall Northern Ireland—and not just Northern Ireland, but all parts of the UK. That is why it is important that the Government's stated position of preferring negotiation is the one that they pursue wholeheartedly. I am very concerned at the suggestion that there has been no direct dialogue between Her Majesty's Government and the European Union on this since February; I sincerely hope that is not true.

Time does not permit me to speak on further amendments, but I am particularly attracted to amendment 1 tabled by the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who seems to be rapidly becoming the critical friend that this Government perhaps do not deserve, and whose argument is very sound. We also fully support new clauses 7, 8 and 10.

The only way forward on this is negotiation, and the Bill will risk our ability to take that forward. I urge the Minister to accept the amendments that have been tabled in good faith but fundamentally to put the Bill on ice until the Government are back in a stable position, and then proceed on the basis of that reorganised mandate to achieve the negotiated settlement that each of us desperately needs.

**Sir William Cash:** Section 38 of the European Union (Withdrawal Agreement) Act 2020 includes the word “notwithstanding”. In relation to section 38(2)(b), the use of that word applies to direct effect and direct applicability. I have some experience over the past 38 years of dealing with a lot of these treaties. We have had to implement every one of them as they have gone through, much to my regret—Maastricht and so forth. If there is the necessity, to use that expression, to have to pass legislation in order to implement a treaty into domestic law, I see no reason at all why we should not introduce legislation when that treaty does not work, as in this case, to disapply it. It cuts both ways.

There is a lot of huffing and puffing over this international law business. I was shadow Attorney General during the time of the Iraq war, and I saw things going on with the then Prime Minister, now Sir Tony Blair, implementing arrangements and bringing forward the Attorney General's opinions. In fact, it was I, on the Opposition Front Bench, who instigated the necessity for him to bring forward his truncated opinion, which was done in order to assuage Labour Back Benchers.



I do not get too worried about the idea of disavowing treaties where they necessarily have to be disavowed in the sovereign national interest of a country. There is a lot of pretty rank huffing and puffing going on about how solemn and sacred all this is. If a treaty does not do something that it is in the interests of the voters and is seen to be doing damage, it requires review. The Bill will do a great deal of good in mitigating the damage. It does not rip up the protocol; it amends it in a sensible manner.

I do not need to repeat my point about the democratic deficit. I am grateful to my right hon. and learned Friend the Member for Torridge and West Devon (Sir Geoffrey Cox) for acknowledging that this point needs to be made. The right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) made the same point himself. He and I have had long discussions about all this. It is unanswerable, perfectly clear and self-evident. It is *coram populo*. It has nothing to do with an evidence base—the amendment does not even refer to one; it talks about parliamentary approval for a Bill. It is neither chicken nor egg, nor are there any feathers on the chicken. For practical purposes, with great respect to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the amendment is not worth pursuing, but I leave it to him to make his own decision.

When I heard my right hon. Friend the Member for Maidenhead (Mrs May) attack this Bill, I was reminded, because I have been watching these matters as Chairman of the European Scrutiny Committee for a very long time, that the Northern Ireland protocol had its origins in her Administration. Let us not think for a moment that the protocol was an invention of the Prime Minister; it was conceived of over a long time. The pass was sold during the previous Administration. That is the point I needed to make.

I have heard the condemnations from the former Prime Minister, which I find to be completely unjustified in the circumstances. I was privy to the negotiations going on when Lord David Frost and Oliver Lewis were involved. I know a little about the background, and I suspect my right hon. and learned Friend the Member for Torridge and West Devon (Sir Geoffrey Cox) knows a great deal more than me. I can tell the Committee that the whole thing was conceived in the previous Administration. Let us not put up too much—or at all—with criticism made of this Government, or as it proceeds, a new Administration with a new Prime Minister reasonably shortly, on the basis that they are responsible for the protocol, when it was the previous Administration in the first place.

**Claire Hanna** (Belfast South) (SDLP): I rise to speak to the amendments tabled in my name and that of my hon. Friend the Member for Foyle (Colum Eastwood), in which we hope to address some of the issues around consent, protection of the Good Friday agreement, environmental protection and the economy of Northern Ireland, because those are the stated aims of the Bill. While the Social Democratic and Labour party believes that the Bill is damaging, we are in the business of finding and providing solutions, and that is what we have tried to do throughout this process. Our amendments offer a constructive way forward that is negotiated, is compatible with international law, is genuinely square with the Good Friday agreement and is in the interests

of the people and the economy of Northern Ireland. Anyone who shares those aims should have no issues with the amendments.

The Minister in fact made the case for a number of our amendments by indicating that the Government have no intention of doing some of the things that we are trying to guard against. I respectfully advise him that taking assurances from this Government, who pinball about on this issue and pinball about on their legal obligations, would be, to quote the SDLP founder Paddy O'Hanlon, like asking Atilla the Hun to mind your horse. We will press ahead with our amendments to try to get some of those commitments in the Bill.

The irony will not be lost on people that in Committee of the whole House, considering a Bill that is supposed to be about stability and consent in Northern Ireland, no amendments will be entertained from elected Members for Northern Ireland. Once again, in Committee of the whole House, Members of Northern Ireland are scrambling to barrel through their points in the scraps of minutes at the end of the debate.

The recent focus on the distortion of the principle of consent in Northern Ireland has been a bit of a political earworm since supporters of the Bill picked it up a few years ago, but it was not always so. Until the plans for a very hard form of Brexit finally collided with reality, Brexit was being presented as a consent-free adventure. My party and others, in this House, in Stormont and through the courts, attempted to insert mechanisms to give a voice to the people of Northern Ireland. They were dismissed by some champions of the Bill, who were adamant that there could be, should be and needed to be no role for people in Northern Ireland and insisted that the Good Friday agreement was irrelevant to these procedures.

The SDLP is content to acknowledge the frustrations of some people, but it is annoying that some of the arguments about consent are “Now you see them, now you don’t”. People are left with the view that the consent of certain parts and certain voters are all that a party is concerned about.

The result of our efforts on consent and the belated acknowledgement of that by others in this House was the insertion of article 18 into the protocol, so it is bizarre that the Bill seeks essentially to override the wishes of the people of Northern Ireland. Under our amendments, once the bulls are allowed into the china shop—as they would be with the extravagant powers that Ministers are being granted in this Bill—the wishes of the people of Northern Ireland would be protected. That would be further enhanced by our amendment 14, which would provide that a Minister cannot harm either the Good Friday agreement or the economic interests of Northern Ireland. Again, that should not pose a problem to anybody who seeks to protect those issues.

In a similar vein, amendment 10 would provide for consultation with human rights groups, business groups and other civic voices before powers are exercised. The Minister made some comments about the sociopolitical impacts and damage in Northern Ireland, and I ask him to clarify that, because bringing in those groups would in fact ensure much more consent and consensus in Northern Ireland.

In addition to consent and protecting the agreements, supporters of the Bill suggest that they seek a negotiated outcome, and we are told that the EU is engaging insufficiently. Our amendment 5 would include in the

[Claire Hanna]

Bill the requirement that the powers can be used only after good-faith, documented negotiations that are endorsed by this House and by Stormont. It would be useful for us to see exactly what is being discussed—not just that people have tabled the same paper 17 times—and to be allowed to see past the spin to see which parties to the negotiation are in fact moving their position.

With our amendments, we are offering Members the chance to make the protection of the Good Friday agreement, in all its parts, a real and reliable standard, not a vague and variable part-time application. We offer a way to uphold international law and abide by the treaty while using the flexibilities and room for adjustment within the treaty. Instead of the destructive abandonment of the rule of the law in the Government's clauses, we are outlining a pathway of constructive adjustment, applying both the structures of the protocol and the ethos of the Good Friday agreement.

4.45 pm

**Jesse Norman:** It has been a splendid debate, and it is my happy privilege to stand as the thorn between two legal roses in my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), the acuity of whose interventions has been noted by the House, and my right hon. and learned Friend the Member for Torridge and West Devon (Sir Geoffrey Cox), the former Attorney General, with his soaring rhetoric and legal genius.

I will be brief. Everyone in this House recognises, I am sure, that it is vital to make the Northern Ireland protocol work better; that the EU, as described and discussed today, has been intransigent and could do with more direct input from our friends and allied member states, France, Germany, Holland and the rest; and that we need an improved and supported political settlement and situation in Northern Ireland. Unfortunately, however, for reasons contemplated and discussed today, and which I will briefly summarise, this Bill is not the answer.

It has been properly pointed out that the doctrine of necessity does not apply in anything like the way the Government describe it. I am not a lawyer, but even I can see that when the Minister concedes at the Dispatch Box that immediacy is not at stake and is not implied by the conception of urgency that the Government wish to deploy. In breaching international law, for the reasons that my right hon. and learned Friend the former Attorney General set out, the Bill breaks the general principle that promises must be kept. However, that is itself an unwritten principle of the British constitution, so this Bill is also a contravention of our constitution. Of course, it appears to breach article 5 of the withdrawal agreement, in which both the UK and EU state that they will faithfully enact the measures to fulfil their obligations arising from the new agreement. Finally, as has been pointed out, the wide powers contemplated under clause 4 are themselves in clear conflict with the rule of law in the ministerial discretion that they confer.

In principle, this Bill is extremely unwise to say the least, but it is also, just in pragmatic terms, misguided and likely to be counterproductive. As my right hon. and learned Friend mentioned, there is no long-term solution to be reached by a unilateral attempt to impose

one side's will on a shared international treaty. Of course, there is no reason to think that this will change the EU's behaviour in relation of Northern Ireland. Why should it? The EU's concern is that the UK has been untrustworthy, and far from allaying that concern, the Bill actively reinforces it. If the EU made a concession in response—if by chance it struck a new agreement with the UK on the basis of the pressure supposedly conferred by this legislation—why should it believe that the UK would then abide by such an agreement? That whole rationale would already have been destroyed. Of course, for reasons already discussed today, this is merely the beginning of the potential trouble involved.

The right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) properly talked about the integrity of the United Kingdom, and he was absolutely right to flag that up. However, another kind of integrity is at stake here: the integrity of our overall British patriotic desire to project ourselves as a nation with a historic willingness to lead in matters of reputation and international law. That integrity is being put at risk by this piece of legislation.

I am not going to support amendment 1, tabled by my hon. Friend the Member for Bromley and Chislehurst, not because it is not a perfectly fine piece of drafting, but because this Bill is unamendably bad, in my judgment. I very much hope that this House will not see it through, and that if it does, the Bill will be rejected on Second Reading by the other Chamber.

**Layla Moran:** It is a pleasure to follow the right hon. Member for Hereford and South Herefordshire (Jesse Norman), and I completely agree with him. I and the Liberal Democrats intend to vote against this Bill when it eventually comes to its Third Reading. I will speak today particularly to new clause 8 and its paving amendment 26.

First, however, I want to put on record my huge disappointment that the Bill is in Committee today because, since Second Reading, we have had a lame duck Prime Minister and a Foreign Secretary who cancelled her meeting with G20 leaders in Bali, where she should have been, and instead came back to start her leadership campaign. This Bill is an incredibly controversial move, and it would have been right and proper for it to have gone away for a while—under the definition of “urgent” that the Minister put forward, that would have seemed to make sense—and then come back when it is clear what direction the Government really want to take. Make no mistake, this Bill is going to affect our standing on the world stage.

My amendments relate to the release of the legal advice. It is absolutely right and proper that the Conservative leadership election has turned our eyes to honesty, integrity and, in particular, trust following what has happened with the current Prime Minister, and that is what my amendments do. They ask the Government, “What have you got to hide?” If there is nothing to hide, they should publish the full legal advice and trust this House to scrutinise it properly.

I urge Government Members to look carefully at what the Attorney General has said since giving her advice on this Bill, because she is also running to be leader of the Conservative party, and she has suggested pulling out of the European Court of Human Rights. As we know, the Court underpins the Belfast/Good

Friday agreement. The Attorney General does not seem to understand how that correlates with the Good Friday agreement, yet we are relying on her legal advice. I would suggest that that is nothing we can rely on. We understand from newspapers that the Government shopped around for legal advice, and reportedly they even spoke to a former adviser of President Trump. However, if they have nothing to hide, they should publish the advice.

In the Minister's response to my question earlier, he said the Government may well go to litigation over this and may well be taken to court over the definitions in relation to the doctrine of necessity. As a reason for advice not to be published, he said:

"We know that, famously, from the Labour Government a couple of decades ago, when there was an enormous controversy about that."

That suggests that we should not see the legal advice because of what happened following the release of the advice on the Iraq war, but we know from the inquiry that that is nonsensical because the Government in that case did have something to hide and were found out later. If this Government want to get the trust of Parliament and do not want to have egg on their face in the international courts, they should release the advice. I urge them to support amendment 26, which I hope—by your leave, Dame Eleanor—we can push to a vote later.

**Stella Creasy:** We are now nearly three hours into the debate and we have not named what the actual problem is. The honest truth is that the problems did not start with the protocol; the problem is Brexit and the necessity of the protocol. For the avoidance of doubt, to acknowledge that Brexit is the problem is not to say that we do not need to change the protocol, it is not to call for us to rejoin the European Union and it is not to call for a second referendum. It is to recognise that selective democratic deafness when trying to discuss what we need to do will continue to damage all our opportunities unless we recognise that there is not a protocol solution that is as perfect as the previous trading arrangements we had.

The risk is that this Bill will make a bad situation worse, like someone having a bad tattoo and taking a blowtorch to it to try to get rid of it. The Government are like the drunk at a party spilling red wine everywhere and then deciding that throwing white wine after it is the solution. That is what this Bill is, which is why Members need to stop saying, like Homer Simpson, that Brexit is a "crisotunity" and recognise that problems are coming from the opportunities they are looking for. There are problems for civil servants who have to go through 2,500 pieces of legislation, and problems for our constituents, especially if the Bill goes through and we have a trade war with Europe. That will hit everybody—not just those in Northern Ireland, but people in my constituency. There are problems caused by the fact that the EU has already launched legal action and could "restrict co-operation", and problems for the 33% of businesses that have already given up trading with the European Union, including those mentioned by the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson)—I am sorry he is not in his place to talk about these things. *[Interruption.]* I apologise; he has moved and I could not see him.

We knew these problems were going to happen, yet the Government have done nothing other than introduce this Bill to make things better; they look only to provoke

and to make things worse. We talked about oven-ready deals, yet the Foreign Secretary says that the problems were baked in. Frankly, Mary Berry would see the Bill as having a soggy bottom because it is so rubbish.

The report by the Bingham Centre for the Rule of Law states clearly that the Bill is in breach of international law, and that is why I tabled new clause 7. I hope the Minister will recognise that simply repeating again and again, as the legal memorandum does, that the Government believe that the Bill meets the test of necessity under international obligations, without explaining how, is not tort, it is just a tautology. We cannot say something is necessary and not say why it is necessary, or whether the conditions might change—I agree absolutely with the right hon. Member for Hereford and South Herefordshire (Jesse Norman) on those matters. We know there are things we could do to make that clear, and at least to take back control—after all, the Government said that Brexit was about democracy, but it is turning out to be about Downing Street instead.

New clause 10 would ensure that the Government act within international law. New clause 7 is about evidence that we are acting within international law, and about explaining to our constituents why it would be necessary to take such extreme measures. As the Hansard Society tells us, the Bill is breathtaking in the additional powers it takes and the exercise of those excessive powers, with 19 delegated powers under 26 clauses—I have never seen anything like it in this place in the past 12 years. Those powers are based on ideas that Ministers consider "appropriate", just as they consider what is "necessary". As we have seen today, however, they cannot really define what "urgent" means. Most people would recognise that "urgent" probably means "immediate", rather than "sometime in the future." Considering that any provision can be made by an Act of Parliament, as the hon. Member for Bromley and Chislehurst (Sir Robert Neill) recognised, if we allow that with the Bill, we could see it for other Bills—literally taking back control from these Benches and sending it to the road opposite.

Finally, there is no way that the Bill supports the Good Friday agreement, which, in and of itself, is an international agreement. We want to stand and challenge President Putin as he rips up the rule of law, yet we say that there are rules of law that we think no longer apply to us. How can we say that we will also guarantee the protections of the Good Friday agreement? How can we give the constituents of the right hon. Member for Lagan Valley the certainty they want, and that we recognise they should have, to be able to go about their business and have peace and prosperity, if we act as if the rule of law does not matter or can be bent to shape the will of a particular political movement?

The Bill is about the Government needing Europe to be a bogeyman, and as we have seen from the leadership contest, there are bogeymen aplenty. In reality, this can do only harm. We must recognise that the problem does not start with the protocol. The problem starts with Brexit, and how we negotiate a trade agreement and deal with the problems that arise from leaving the single market and customs union. Our constituents in every part of the United Kingdom deserve that honesty. New clause 7 is about Governments being honest, and just as new clause 10 should not have needed to be tabled, nor should new clause 7, but it did need to be tabled under current circumstances. The people who rely on this



[Stella Creasy]

place to make reasonable regulations, to admit their problems, as though they were 12-step problems, and to make amends, need and deserve nothing less.

**Ian Paisley:** Why is the Bill necessary? That is what the Committee has just been asked. That is the question. Well, the preamble to the protocol states clearly that its objective is to uphold the Belfast agreement. Why is its objective to uphold the Belfast agreement? Because the Belfast agreement creates something called power sharing. Power sharing has clearly broken down. Some people may not like the reasons for that, but it has broken down, therefore the Bill is necessary. It is as plain and obvious as that—perhaps we have to say it slower for some people to pick up on the reality that power sharing has broken down, and therefore the Bill is necessary. Do not take my word for it: last week in the Select Committee on Northern Ireland Affairs, two international lawyers gave us expert evidence. I think there is only one international lawyer in the Chamber today, the right hon. and learned Member for Torridge and West Devon (Sir Geoffrey Cox), who has stated his position. I respect those opinions, but I do not think there has been any other international law expert or practitioner in the Chamber. I can therefore only quote from experts who have given the Committee their expert opinion through the Northern Ireland Affairs Committee.

5 pm

Professor Alan Boyle from Edinburgh Law School and Professor Hestermeyer from King's College London have made clear that a derogation in the law—a law change—in an effort to restore power sharing is, in Professor Boyle's words,

“lawful, legitimate and entirely consistent with the protocol”

and with international law. That is the expert opinion that has been afforded to Members through the Select Committee process of this House, so if people are asking why the Bill is necessary, they should read the evidence. It is clear: power sharing has broken down because of the protocol, and Unionists will not go back in and share power until it is fixed. Therefore, the way to fix it is through legislation. We have that legislation in front of us. That is why it is necessary—it is pretty obvious to anyone who is following this.

Yesterday, we had the great, glorious 12 July celebrations in Northern Ireland. Some Members are seeking perfection; they think that they can get perfection, and will not support the Bill because it is not perfect. I agree that it is not perfect. I would like to see other things in it but, yesterday, a very important speech was made from every single platform across Northern Ireland, saying that this is a step in the right direction. The reason why there is an element of calm in Northern Ireland at the present time is that this step in the right direction is being taken. If Members on one side of this Committee want to bash the Government, or if Members on the other side of this Committee do not think the Government have got the Bill quite right, they should weigh their actions carefully, because the reason we have an element of calm in Northern Ireland is that it appears to loyalism and to Unionism that steps in the right direction are being taken to protect their precious Union, defend their place within this kingdom, and repair the damage to economic trade that is taking place as a result of the protocol.

Someone asked, “What damage has really been done?” The Consumer Council of Northern Ireland has said—these are not my words—that 65% of Northern Ireland consumers cannot get goods that they order because of the protocol. If people are asking about damage, it is plain and obvious for everyone to see—consumers cannot get British goods in a part of the United Kingdom—and it is pretty obvious why that damage is being done.

Some of the amendments that have been tabled fall into what I can only call the can-kicking mode: “Let's kick this can further up the road, and we'll see if we can get more negotiations.” As the Minister for the Cabinet Office made very clear, there has been a year and a half of negotiations—hundreds of hours of negotiations. We have run out of road to kick the can up, and the can is battered to death. It will not kick any further. If this House does not get its skates on and get this matter through Parliament *ex post facto*, we are going to be in even deeper trouble. There really will be something called peril in Northern Ireland, because people will just accept that this House is not able to fix the problem. Unfortunately, when those circumstances are presented in Northern Ireland, I am afraid that other factors take over.

I will briefly place on record the comments of Professor Boyle and Professor Hestermeyer. Professor Boyle said to the Northern Ireland Affairs Committee that the proposed legislation

“does not violate international law. It does not violate the protocol. I have heard people who should know better saying that it does, but I am afraid that they are wrong. They are obviously not international lawyers.”

He went on to say:

“The Government are proposing to derogate from those articles, and article 16 allows them to do so, where they consider it necessary in one of three circumstances. The one that is relevant here is societal difficulties”

which are now obvious for all to see. He finishes with the words:

“If the collapse of power sharing in Northern Ireland is not a societal difficulty, I do not know what is.”

So it is very, very clear that there is a necessity. Society has broken down. The political arrangements have broken down. We cannot get stability rebuilt and re-engineered in Northern Ireland until this matter is addressed.

I appeal to those Members searching for perfection that they will never find it. This House never does anything perfect. But we are stepping in the right direction. Let us keep taking those steps in the right direction.

**Hilary Benn:** We clearly have a problem, the absence of the Assembly and the Executive, and the cause is the operation of the protocol. I have said many times to European colleagues I have spoken to that the Commission needs to move in the negotiations. But one of the consequences is that we now have an absolutely terrible relationship with our biggest, nearest and most important trading partners. That is one reason why this is an extremely unwise Bill.

The honest answer to some of the questions that have been put in the debate is that there is not an easy answer because of the contradictions inherent in Brexit, the point my hon. Friend the Member for Walthamstow (Stella Creasy) made so eloquently a moment ago, although one of the consequences is that Northern Ireland, alone in the United Kingdom, has access to the single market of the European Union as well as to the market of the rest of the United Kingdom.

The reason for me why the Bill is so egregious is that the Government have chosen to pursue it when they have a means of taking the problem to the European Union in the form of article 16. One wonders what the negotiations were like when article 16 was drafted. “What if we have a disagreement about the way the protocol works? Let’s set up a mechanism for dealing with it.” Yet the Government have refused to use it. When I asked the Foreign Secretary why, she said she was a patriot and a democrat. Those are two very worthy things to be, but that is not a reason for abrogating a treaty you have negotiated and signed. It is a long time since I said this to the right hon. and learned Member for Torridge and West Devon (Sir Geoffrey Cox), but I agree completely with the argument he made as to why this is not something the Government should do. It is damaging our relationship and I do not think it will solve the problem.

The Bill is very clever. It is very well drafted and it is a unilateral switch that allows Ministers to turn stuff on and off. That is what it does. Clause 15, which has been part of this debate, contains, in the words of the seventh report of the House of Lords Delegated Powers and Regulated Reform Committee

“a power of the sort we rarely see—a power that in essence allows Ministers to rip up and rewrite an Act of Parliament.”

The Government claim that is necessary because things may come along that they want then to exclude, but there is a point of principle here. If Ministers decide that an Act of Parliament is not working in the way in which it was intended, they should come back to Parliament and Parliament should look at it, rather than Ministers saying, “In that eventuality, I want to take powers to do it by delegated legislation.”

Clause 15(1) lists a series of purposes for which the powers can be used. With no irony, one of the purposes—I could not believe it when I read it—is:

“securing compliance with, or giving effect to, any international obligation or agreement to which the United Kingdom is a party”.

The Government have tried to be virtuous in writing that in, but they then say that there is one exception to that, which is the EU withdrawal agreement and the protocol.

On article 18 of the withdrawal agreement itself, I note the commitment the Minister gave from the Dispatch Box. I urge him, for the avoidance of all doubt, to write that into the three specific exceptions. He has done it for the rights of citizens and the other two, and I advise the Government to put it in there for the avoidance of all doubt.

Along with many Members, I voted against the Bill on Second Reading. I think that it is beyond repair, as has been said, but that does not mean that we should not vote for things that will make it slightly less egregious. That is why I support the amendments tabled by the hon. Member for Bromley and Chislehurst (Sir Robert Neill) and new clause 10, which was advocated for so ably by my hon. Friend the Member for Hove (Peter Kyle), who speaks for the Opposition on Northern Ireland matters.

**Carla Lockhart** (Upper Bann) (DUP): Today in my constituency, more than 100,000 people will gather in the small, rural village of Scarva for what is the largest parade of the year and what many believe to be the biggest one-day festival in the whole of Europe. It is a fantastic day of colour, music, pageantry and tradition—a celebration of civil and religious liberty for all. I am

very sorry to miss it, but I know that those gathered there will be very supportive of what I am in this place to say about the Bill and the protocol. They would want me to reiterate that the Irish sea border must go.

It has been encouraging in recent days to hear some of those who have declared that they are standing to be our next Prime Minister state that they are committed to the Bill. Furthermore, it is welcome to hear from the new Secretary of State—I wish him well in his post—that his priority is to see a Northern Ireland Executive restored. Indeed, we share that priority.

The pathway to the restoration of a fully functioning Assembly and Executive at Stormont is through the Bill, the removal of the sea border and a return to the consensus politics that has been the trademark of our political progress to date. I therefore feel compelled to draw attention to a number of amendments in the names of—but not exclusively—the hon. Members for North Down (Stephen Farry), for Belfast South (Claire Hanna) and for Foyle (Colum Eastwood). Amendments 3 to 5 and new clause 7, which move to restrict the operation of the Bill unless it is approved by the Northern Ireland Assembly, make no mention of cross-community consent, meaning that they are clearly majoritarian in outlook.

The Committee understands that, in Northern Ireland, when one community feel ignored or marginalised or that their views are downtrodden, it brings tension and instability. It is a matter of deep regret that the parties who, for years, have preached consensus and consent now appear to want to tell Unionists that their views do not matter. “We shall overcome” has become “We shall overrule”.

The consequences of such an approach will be vast and extremely damaging. I cannot be clearer on the consequences: Stormont will not come back; community relations will further deteriorate; and the progress made on the basis of consensus will be ruined. No one with a shred of political leadership or responsibility would want that. That is why the amendments that prerequisite approval of the Northern Ireland Assembly must be rejected.

In the time remaining, I turn to the amendments that suggest that EU approval ought to be secured prior to the Government acting or the article 16 provisions being followed. Are those who have tabled such amendments aware that we have reached this point because such agreement has not been possible? The EU position is crystal clear—no renegotiation—yet Members of this House, who are elected to serve the interests of this country and its people, are handing a veto to the EU.

This Government were elected on the back of wanting to “take back control”. Any Government that would accept such amendments would be doing the reverse. It is disappointing, but the amendment paper can be seen for what it is: a wreckers’ charter—to wreck not only the Bill, but our political process in Northern Ireland. I urge the Government to reject the amendments.

**Jim Shannon:** Thank you, Dame Eleanor, for the opportunity to speak for all of a minute or thereabouts.

The Bill is not perfect in any way, but it is the Bill before us. We have to support it, because it makes us as British as England, Scotland and Wales, which at the moment we are not. I am very mindful that Northern Ireland has been the football that everybody has kicked

[Jim Shannon]

about, so it is important for us to see a Bill coming forward that gives us a chance to make a change. All my local businesses, or 99.9% of them, say that they are disadvantaged by what is in place. The fishing fraternity in Portavogie, Ardglass and Kilkeel says the same thing about tariffs, bureaucracy and red tape, and so does the farming community.

Many hon. Members have said today, mischievously, that this is about Brexit. For us, it is about being British. I want to be as British as every Member on either side of the Committee who wants to be British, but it is more important for me to see a Bill coming forward that will make that happen. I urge right hon. and hon. Members to agree to go forward and support us in Northern Ireland, because this is the way to do it.

**Sir Robert Neill:** This has been a most useful debate. I will not press my amendment 1 to a vote tonight, because amendment 2, which is scheduled for debate on the third day of Committee proceedings, will permit the Committee to revisit the topics if matters develop.

I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment proposed:* 26, in page 1, line 3, at end insert—

“(za) requires Ministers of the Crown to set out a legal justification for altering the effect of the Northern Ireland Protocol in domestic law”.—(*Layla Moran.*)

*This is a paving amendment for NC8.*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 231, Noes 313.

**Division No. 40]**

**[5.15 pm]**

# **AYES**

Abrahams, Debbie	Carden, Dan
Ali, Rushanara	Chapman, Douglas
Ali, Tahir	Charalambous, Bambos
Amesbury, Mike	Cherry, Joanna
Anderson, Fleur	Cooper, Rosie
Antoniazzi, Tonia	Cooper, rh Yvette
Ashworth, rh Jonathan	Corbyn, rh Jeremy
Bardell, Hannah	Coyle, Neil
Barker, Paula	Creasy, Stella
Beckett, rh Margaret	Cruddas, Jon
Benn, rh Hilary	Cryer, John
Betts, Mr Clive	Cummins, Judith
Black, Mhairi	Cunningham, Alex
Blackford, rh Ian	Daby, Janet
Blackman, Kirsty	Davey, rh Ed
Blake, Olivia	David, Wayne
Blomfield, Paul	Davies, Geraint
Bonnar, Steven	Davies-Jones, Alex
Bradshaw, rh Mr Ben	Day, Martyn
Brennan, Kevin	De Cordova, Marsha
Brock, Deidre	Debbonaire, Thangam
Brown, Alan	Dhesi, Mr Tanmanjeet Singh
Brown, Ms Lyn	Docherty-Hughes, Martin
Brown, rh Mr Nicholas	Dodds, Anneliese
Bryant, Chris	Dorans, Allan
Buck, Ms Karen	Dowd, Peter
Burgon, Richard	Duffield, Rosie
Byrne, Ian	Eagle, Dame Angela
Byrne, rh Liam	Eagle, Maria
Callaghan, Amy	Eastwood, Colum
Cameron, Dr Lisa	Edwards, Jonathan

Efford, Clive	MacNeil, Angus Brendan
Elliott, Julie	Madders, Justin
Elmore, Chris	Mahmood, Mr Khalid
Eshalomi, Florence	Mahmood, Shabana
Esterson, Bill	Maskell, Rachael
Evans, Chris	Mc Nally, John
Farron, Tim	McCabe, Steve
Farry, Stephen	McCarthy, Kerry
Fellows, Marion	McDonagh, Siobhain
Ferrier, Margaret	McDonald, Stewart Malcolm
Fletcher, Colleen	McDonald, Stuart C.
Flynn, Stephen	McDonnell, rh John
Foord, Richard	McGinn, Conor
Fovargue, Yvonne	McGovern, Alison
Foxcroft, Vicky	McKinnell, Catherine
Foy, Mary Kelly	McLaughlin, Anne
Furniss, Gill	McMahon, Jim
Gardiner, Barry	McMorris, Anna
Gibson, Patricia	Mearns, Ian
Gill, Preet Kaur	Mishra, Navendu
Glindon, Mary	Monaghan, Carol
Green, Kate	Moran, Layla
Green, Sarah	Morden, Jessica
Greenwood, Lillian	Morgan, Helen
Greenwood, Margaret	Morgan, Stephen
Griffith, Dame Nia	Morris, Grahame
Haigh, Louise	Murray, Ian
Hamilton, Fabian	Murray, James
Hamilton, Mrs Paulette	Nandy, Lisa
Hanna, Claire	Newlands, Gavin
Hardy, Emma	Nichols, Charlotte
Harman, rh Ms Harriet	Norris, Alex
Harris, Carolyn	Olney, Sarah
Hayes, Helen	Onwurah, Chi
Healey, rh John	Oppong-Asare, Abena
Hendrick, Sir Mark	Osamor, Kate
Hendry, Drew	Osborne, Kate
Hillier, Dame Meg	Oswald, Kirsten
Hobhouse, Wera	Owatemi, Taiwo
Hodgson, Mrs Sharon	Owen, Sarah
Hollern, Kate	Peacock, Stephanie
Hopkins, Rachel	Pennycook, Matthew
Hosie, rh Stewart	Perkins, Mr Toby
Howarth, rh Sir George	Phillips, Jess
Huq, Dr Rupa	Qaisar, Ms Anum
Hussain, Imran	Rayner, rh Angela
Jarvis, Dan	Reed, Steve
Johnson, rh Dame Diana	Rees, Christina
Johnson, Kim	Reeves, Ellie
Jones, Darren	Reynolds, Jonathan
Jones, Gerald	Ribeiro-Addy, Bell
Jones, rh Mr Kevan	Rimmer, Ms Marie
Jones, Ruth	Rodda, Matt
Jones, Sarah	Russell-Moyle, Lloyd
Kane, Mike	Saville Roberts, rh Liz
Keeley, Barbara	Shah, Naz
Kendall, Liz ( <i>Proxy vote cast by Chris Elmore</i> )	Sharma, Mr Virendra
Khan, Afzal	Sheerman, Mr Barry
Kinnock, Stephen	Siddiq, Tulip
Kyle, Peter	Slaughter, Andy
Lake, Ben	Smith, Alyn
Law, Chris	Smith, Cat
Leadbeater, Kim	Smith, Jeff
Lewell-Buck, Mrs Emma	Smith, Nick
Lewis, Clive	Smyth, Karin
Lightwood, Simon	Spellar, rh John
Linden, David	Stephens, Chris
Lloyd, Tony	Stevens, Jo
Long Bailey, Rebecca	Stone, Jamie
Lucas, Caroline	Stringer, Graham
Lynch, Holly	Sultana, Zarah
	Tami, rh Mark



Tarry, Sam  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine

Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

#### **Tellers for the Ayes:**

**Mr Alistair Carmichael and  
 Wendy Chamberlain**

#### **NOES**

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atherton, Sarah  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, Kemi  
 Bailey, Shaun  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Brady, Sir Graham  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartledge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Clark, rh Greg

Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Cleverly, rh James  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Davison, Dehenna  
 Dinanage, Dame Caroline  
 Dines, Miss Sarah  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie

Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heappey, James  
 Heaton-Harris, rh Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Jane  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kruger, Danny  
 Kwarteng, rh Kwasi  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian

Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McPartland, Stephen  
 McVey, rh Esther  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean

Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, rh Rishi  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek

Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trott, Laura  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Vara, rh Shailesh  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Young, Jacob

**Tellers for the Noes:**  
**Gareth Johnson and**  
**Scott Mann**

Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Callaghan, Amy  
 Cameron, Dr Lisa  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Chapman, Douglas  
 Charalambous, Bambos  
 Cherry, Joanna  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Coyle, Neil  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 Davey, rh Ed  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 Day, Martyn  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Dorans, Allan  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Flynn, Stephen  
 Foord, Richard  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Haigh, Louise  
 Hamilton, Fabian  
 Hamilton, Mrs Paulette  
 Hanna, Claire  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Healey, rh John  
 Hendrick, Sir Mark

Hendry, Drew  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim  
 Jones, Darren  
 Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Kendall, Liz (*Proxy vote cast by Chris Elmore*)  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Law, Chris  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Shabana  
 Maskell, Rachael  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMahon, Jim  
 McMorris, Anna  
 Means, Ian  
 Mishra, Navendu  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Newlands, Gavin  
 Nichols, Charlotte  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Osborne, Kate  
 Oswald, Kirsten

*Question accordingly negated.*

5.30 pm

*More than three hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 27 June).*

*The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Amendment proposed: 8, in clause 15, page 9, line 15, at end insert—*

“(d) Article 18 (Democratic Consent in Northern Ireland)” —(*Colum Eastwood.*)

*This amendment adds Article 18 (Democratic Consent in Northern Ireland) of the Northern Ireland Protocol to the list of articles that a Minister of the Crown cannot exercise powers conferred by subsection (2) to provide cease to have effect in the United Kingdom to any extent.*

*The Committee divided: Ayes 230, Noes 308.*

**Division No. 41]**

**[5.30 pm]**

# **AYES**

Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir  
 Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia  
 Ashworth, rh Jonathan  
 Bardell, Hannah  
 Barker, Paula  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi

Blackford, rh Ian  
 Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Bradshaw, rh Mr Ben  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen

Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Qaisar, Ms Anum  
 Rayner, rh Angela  
 Reed, Steve  
 Rees, Christina  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smyth, Karin  
 Spellar, rh John  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham

Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Colleen Fletcher and**  
**Mary Glindon**

#### NOES

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atherton, Sarah  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, Kemi  
 Bailey, Shaun  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Brady, Sir Graham  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity

Buckland, rh Sir Robert  
 Burghart, Alex  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartledge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Cleverly, rh James  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Davison, Dehenna  
 Dinenage, Dame Caroline  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.

Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, rh Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holmes, Paul  
 Howell, John

Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Jane  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kruger, Danny  
 Kwarteng, rh Kwasi  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McVey, rh Esther  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia



O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Solloway, Amanda

Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, rh Rishi  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trott, Laura  
 Tugendhat, Tom  
 Vara, rh Shailesh  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Young, Jacob

#### Tellers for the Noes:

Gareth Johnson and  
 Scott Mann

Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Cleverly, rh James  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davison, Dehenna  
 Dinenage, Dame Caroline  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike

French, Mr Louie  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, rh Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Jane  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kruger, Danny  
 Kwarteng, rh Kwasi  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon

*Question accordingly negated.*

*Question put (single Question on successive provisions of the Bill), That clauses 15 and 16 stand part of the Bill.*

*The Committee divided: Ayes 308, Noes 231.*

#### Division No. 42]

[5.44 pm

#### AYES

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atherton, Sarah  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, Kemi  
 Bailey, Shaun  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Brady, Sir Graham

Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McPartland, Stephen  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob

Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, rh Rishi  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trott, Laura  
 Tugendhat, Tom  
 Vara, rh Shailesh  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Young, Jacob  
 Zahawi, rh Nadhim

#### **Tellers for the Ayes:**

**Gareth Johnson and  
 Scott Mann**

#### **NOES**

Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir

Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia

Ashworth, rh Jonathan  
 Bardell, Hannah  
 Barker, Paula  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Bradshaw, rh Mr Ben  
 Brennan, Kevin  
 Brown, Alan  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Callaghan, Amy  
 Cameron, Dr Lisa  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Chapman, Douglas  
 Charalambous, Bambos  
 Cherry, Joanna  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Coyle, Neil  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 Davey, rh Ed  
 Davies, Geraint  
 Davies-Jones, Alex  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Dorans, Allan  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Fletcher, Colleen  
 Flynn, Stephen  
 Foord, Richard  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill

Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glindon, Mary  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Haigh, Louise  
 Hamilton, Fabian  
 Hamilton, Mrs Paulette  
 Hanna, Claire  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Healey, rh John  
 Hendrick, Sir Mark  
 Hendry, Drew  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim  
 Jones, Darren  
 Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Kendall, Liz (*Proxy vote cast  
 by Chris Elmore*)  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Law, Chris  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Shabana  
 Maskell, Rachael  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMahon, Jim  
 McMorin, Anna

Mearns, Ian  
 Mishra, Navendu  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Newlands, Gavin  
 Nichols, Charlotte  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Osborne, Kate  
 Oswald, Kirsten  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Qaisar, Ms Anum  
 Rayner, rh Angela  
 Reed, Steve  
 Rees, Christina  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Slaughter, Andy

Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smyth, Karin  
 Spellar, rh John  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Noes:**  
**Deidre Brock and**  
**Martyn Day**

*Question accordingly agreed to.*

*Clauses 15 and 16 ordered to stand part of the Bill.*

### **New Clause 10**

#### **CONDITION PRIOR TO LIMITATION OF THE NORTHERN IRELAND PROTOCOL**

‘(1) This section sets out the condition which must be satisfied before a provision of—

- (a) the Northern Ireland Protocol, or
  - (b) any other part of the EU withdrawal agreement,
- is excluded provision.

(2) The condition must be either—

- (a) the agreement condition (see subsection (3)), or
- (b) the Article 16 condition (see subsection (4)).

(3) The agreement condition is that the United Kingdom and the EU have agreed following negotiations that the provision is excluded provision.

(4) The Article 16 condition is that—

- (a) the United Kingdom is unilaterally taking appropriate safeguard measures, in accordance with Article 16 of the Northern Ireland Protocol,
- (b) before taking those measures, the United Kingdom has followed the procedure set out in Annex 7 to the Protocol (which governs the taking of safeguard measures), and

(c) the safeguard measures being taken necessarily require that the provision is excluded provision.

(5) Where the condition is no longer satisfied, then the provision ceases to be excluded provision, and as a consequence any regulations made dealing with excluded provision lapse to the extent that they relate to provision which is no longer excluded provision.

(6) For the avoidance of doubt, the provisions of this Act remain subject to section 7A(2) of the European Union (Withdrawal) Act 2018, save where a provision of—

- (a) the Northern Ireland Protocol, or
- (b) any other part of the EU withdrawal agreement,

is excluded provision which has satisfied the requirements set out in this section.”

*This new clause is intended to prevent Ministers from deviating from the international agreement that is the NI Protocol unless this has either been agreed to between the UK and the EU, or the UK have followed the procedure set out in Article 16 of the Protocol for unilaterally taking safeguard measures.—(Peter Kyle.)*

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The Committee divided: Ayes 229, Noes 300.*

**Division No. 43]**

**[5.55 pm**

#### **AYES**

Abrahams, Debbie  
 Ali, Rushanara  
 Ali, Tahir  
 Amesbury, Mike  
 Anderson, Fleur  
 Antoniazzi, Tonia  
 Ashworth, rh Jonathan  
 Bardell, Hannah  
 Barker, Paula  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Callaghan, Amy  
 Cameron, Dr Lisa  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Chapman, Douglas  
 Charalambous, Bambos  
 Cherry, Joanna  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Coyle, Neil  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex

Daby, Janet  
 Davey, rh Ed  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 Day, Martyn  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Dorans, Allan  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Flynn, Stephen  
 Foord, Richard  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Foy, Mary Kelly  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Haigh, Louise  
 Hamilton, Fabian  
 Hamilton, Mrs Paulette  
 Hanna, Claire



Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Hendry, Drew  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Hosie, rh Stewart  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim  
 Jones, Darren  
 Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Kendall, Liz (*Proxy vote cast by Chris Elmore*)  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Law, Chris  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Shabana  
 Maskell, Rachael  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMahon, Jim  
 McMorris, Anna  
 Mearns, Ian  
 Mishra, Navendu  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Newlands, Gavin  
 Nichols, Charlotte  
 Norris, Alex

Olney, Sarah  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Osborne, Kate  
 Oswald, Kirsten  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Qaisar, Ms Anum  
 Rayner, rh Angela  
 Reed, Steve  
 Rees, Christina  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smyth, Karin  
 Spellar, rh John  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Colleen Fletcher and**  
**Mary Glindon**

## NOES

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atherton, Sarah  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, Kemi  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Cleverly, rh James  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davison, Dehenna  
 Dineneage, Dame Caroline  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Gray, James  
 Grayling, rh Chris  
 Green, rh Damian  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, rh Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul

Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Jane  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Levy, Ian  
 Lewer, Andrew  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McPartland, Stephen  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryl  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 O'Brien, Neil

Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Shannon, Jim  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, rh Rishi  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tugendhat, Tom  
 Vara, rh Shailesh  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather

Whittaker, Craig  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy

Wood, Mike  
 Young, Jacob

#### Tellers for the Noes:

Scott Mann and  
 Gareth Johnson

*Question accordingly negated.*

#### Clause 4

##### MOVEMENT OF GOODS (INCLUDING CUSTOMS): EXCLUDED PROTOCOL PROVISION

**Stephen Farry:** I beg to move amendment 24, page 3, line 3, leave out subsections (1) to (3).

*This amendment removes the designation of Article 5(1) to (4) and Annex 2 of the Northern Ireland Protocol relating to movement of goods and customs, as excluded provision.*

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton):** With this it will be convenient to discuss the following:

Clause stand part.

Amendment 34, in clause 5, page 4, line 14, leave out “the Minister considers appropriate” and insert “is necessary”.

*This amendment changes the threshold for giving a Minister power to make regulations under this Clause. The threshold is amended to make it objective rather than subjective.*

Clause 5 stand part.

Amendment 35, in clause 6, page 4, line 29, leave out “they consider appropriate” and insert “is necessary”.

*This amendment changes the threshold for giving a Minister power to make regulations under this Clause. The threshold is amended to make it objective rather than subjective.*

Clause 6 stand part.

Amendment 15, in clause 24, page 13, line 16, leave out from “to” to the end of line 22 and insert

“House of Commons draft affirmative procedure”.

*This probing amendment would apply “House of Commons draft affirmative” procedure in place of regulations on tax or customs matters being subject to annulment.*

Amendment 16, page 13, line 27, leave out from “procedure” to the end of line 32.

*This probing amendment would prevent Henry VIII powers (amending Acts of Parliament by regulations) being made on tax or customs matters using the “made affirmative” procedure.*

Amendment 17, page 13, line 34, leave out “draft affirmative procedure” and insert

“super-affirmative procedure (see section (Super-affirmative resolution procedure: general provisions))”.

*This probing amendment would replace draft affirmative procedure on tax and customs matters with super-affirmative procedure (see NC5).*

Amendment 18, page 13, line 36, leave out subsections (7) to (9).

*This amendment is a probing amendment removing the “made affirmative” procedure on tax or customs matters.*

Clause 24 stand part.

New clause 4—*UK-EU Joint Committee: reduction of sanitary and phytosanitary checks*—

“A Minister of the Crown may not exercise any powers conferred by this Act until a Minister of the Crown has sought an agreement at the UK-EU Joint Committee on reducing sanitary and phytosanitary checks and laid a report setting out the details of those discussions before each House of Parliament and provided a copy of that report to the Speaker of the Northern Ireland Assembly.”

New clause 5—*Super-affirmative resolution procedure: tax or customs matters*—

“(1) For the purposes of this Act the “super-affirmative resolution procedure” in relation to the making of regulations subject to the super-affirmative resolution procedure is as follows.

(2) The Treasury or HMRC must have regard to—

- (a) any representations,
- (b) any resolution of the House of Commons, and
- (c) any recommendations of a committee of the House of Commons charged with reporting on the draft regulations, made during the 60-day period with regard to the draft regulations.

(3) If, after the expiry of the 60-day period, the Treasury or HMRC wish to make regulations in the terms of the draft, the Treasury or HMRC must lay before the House of Commons a statement—

- (a) stating whether any representations were made under subsection (2)(a); and
- (b) if any representations were so made, giving details of them.

(4) The Treasury or HMRC may after the laying of such a statement make regulations in the terms of the draft if the regulations are approved by a resolution of the House of Commons.

(5) However, a committee of the House of Commons charged with reporting on the draft regulations may, at any time after the laying of a statement under subsection (3) and before the draft regulations are approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft regulations.

(6) Where a recommendation is made by a committee of the House of Commons under subsection (5) in relation to draft regulations, no proceedings may be taken in relation to the draft regulations in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.

(7) If, after the expiry of the 60-day period, the Treasury or HMRC wish to make regulations order consisting of a version of the draft regulations with material changes, the Treasury or HMRC must lay before the House of Commons—

- (a) revised draft regulations; and
- (b) a statement giving details of—
  - (i) any representations made under subsection (2)(a); and
  - (ii) the revisions proposed.

(8) The Treasury or HMRC may after laying revised draft regulations and a statement under subsection (7) make regulations in the terms of the revised draft regulations if the revised draft regulations are approved by a resolution of the House of Commons.

(9) However, a committee of the House charged with reporting on the revised draft regulations may, at any time after the revised draft regulations are laid under subsection (7) and before the revised draft regulations are approved by that House under subsection (8), recommend under this subsection that no further proceedings be taken in relation to the revised draft regulations.

(10) Where a recommendation is made by a committee of the House of Commons under subsection (9) in relation to revised draft regulations, no proceedings may be taken in relation to the revised draft regulations in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.

(11) For the purposes of subsections (4) and (8) regulations are made in the terms of draft regulations if the regulations contain no material changes to the provisions of the draft regulations.

(12) In this section the “60-day period” means the period of 60 days beginning with the day on which the draft regulations were laid before the House of Commons under section 24 of this Act.”

*This new clause sets out the House of Commons super-affirmative procedure for tax and customs matters.*

**Stephen Farry:** Amendment 24 would remove from clause 4 the measures that strip out the heart of the protocol, namely article 5, which relates to the management of the customs union and single market as they pertain to Northern Ireland, making it an excluded provision under domestic law. That, of course, would be a unilateral breach of the protocol, rather than working through negotiations to find durable solutions. The effect of that unilateral action would be to undermine Northern Ireland’s current unfettered access to both the single market and customs union for goods.

Fundamentally, there is no escaping the Brexit trilemma. When the Government decided to leave both the single market and the customs union, that required some form of interface to be put in place somewhere between the UK and the European Union’s economic zones, and that interface must be managed and mitigated as far as possible. The protocol offers relative opportunities for Northern Ireland compared with Great Britain, and they should be preserved and maximised. However, the protocol also poses challenges that need to be minimised.

The solutions must be mutually agreed, sustainable and legal. Northern Ireland businesses need certainty, and the only way through the process is negotiation. As someone who is at least a pragmatist or a realist on the protocol and who was a strong opponent of Brexit, I firmly believe that the European Union needs to be as flexible as possible, and that much more can be done in that regard—it is important that I put that on the record. At the same time, we must be brutally honest that the Government have been disingenuous in their approach to the negotiations over the past 12 months. Engagement has been extremely limited and, at times, counterproductive.

The Bill itself makes the prospect for negotiations even harder. Indeed, the passage of the Bill will probably make negotiations almost impossible. The European Union has been clear that it is tantamount to asking for negotiations with a metaphorical gun sitting on the table. By contrast, the key ingredients for progress are trust and partnership, but unilateral action undermines trust. Trust is central in two respects—first, to securing solutions in the first place; and, secondly, to ensuring their ongoing operation.

I want to highlight two particular solutions that are out there. A lot of Members have talked about them and, indeed, there has been a lot of commentary outside this Chamber as well. The first relates to red and green channels. On the surface, I think there is a lot of common ground between me and others from Northern Ireland, the Government and the European Union on something generally speaking along those lines. There is of course a major difference in the approach by which we get from A to B and reach such a conclusion, and I think that is the fundamental difference of opinion in relation to the Bill.

While Ministers keep saying that there is broad-based support for at least some aspects of the Bill, I am firmly opposed to achieving those through unilateral action, because that is not actually a genuine solution. We have to recognise that there may be some differences over the details of what this may look like in practice, and we need to be open, frank and honest about those. A green lane may not necessarily mean a fully open door; there may still need to be some degree of a risk-based approach to how that is managed. However, I think the essential



[Stephen Farry]

concept remains that processed or final goods destined to remain in Northern Ireland should not be treated as something posing a risk to the EU single market or customs union.

The second aspect I want to focus on is a UK-EU veterinary agreement. It may be that we do end up with something that is very bespoke for the Irish sea interface, but I think we should focus on what should be the first preference, which is a UK-wide solution. The UK retains very high standards for agrifood, and they are de facto aligned with those of the European Union, but because the legal regimes do not align, we end up with barriers—frankly, needless barriers. That makes it much more difficult than it need be to manage movements across the Irish sea, but it also poses huge issues for the entire UK economy. In particular, the agrifood sector exports to the European Union—indeed, the European Union is by far the main export market for UK agrifood producers—and we are seeing a major shortfall in agrifood exports as a consequence of Brexit and the absence of a veterinary agreement.

People talk about what I suppose are the two polar opposite approaches to a veterinary agreement: first, there is the Swiss model, which is based on dynamic alignment; and, secondly, we have the New Zealand model, which is based on mutual recognition. The nature of New Zealand's trade with the European Union, given the geography and a more limited range of products, will be different from that of the UK, which has its own requirements. Frankly, however, it is absurd that New Zealand has easier access to Northern Ireland for agrifood than the UK.

The Government face a choice between continuing to pursue the hardest of hard Brexits, especially on agrifood, when it makes no sense to diverge whatsoever, and being pragmatic and considering some form of veterinary agreement. That veterinary agreement may well end up being unique. It will be a UK-EU solution: it will not be the Swiss model or the New Zealand model, but something else. A veterinary agreement has the potential to reduce agrifood checks across the Irish sea by as much as 80%, and that would go a massive way to addressing the heart of the issue. Parallel movements could also address the pets issue, which has been a source of contention for many pet owners across these islands.

**Tony Lloyd:** On the veterinary agreement, an EU that has negotiated—in good faith, one assumes—with New Zealand and Switzerland, would negotiate in good faith with the United Kingdom. The point that the hon. Gentleman makes is a real one, but for many years, both the agrifood business and farmers have worked to the same common standards in the UK and the EU. We have not diverged so far, so could that not be part of rebuilding the trust that he spoke about?

6.15 pm

**Stephen Farry:** Absolutely. I very much agree with the hon. Gentleman. He has been a strong advocate for a common-sense approach to agrifood movements, as have many Opposition Members as well as some Conservative Members. The Government keep telling us that there is no intention of diverging or lowering agrifood standards, so there is no benefit whatsoever to holding out against the logical solution of a veterinary agreement.

**Hilary Benn:** I agree with the hon. Gentleman completely about the need for a veterinary agreement. Is one advantage of an EU-UK veterinary agreement that it would deal with the objections that were raised earlier by some colleagues from Northern Ireland about Northern Ireland being a rule taker for things that it had not agreed? If an agreement is for the whole UK, and Parliament agrees to it, does it not remove that objection?

**Stephen Farry:** I very much agree with the right hon. Gentleman. Our first preference in all these matters should be a UK-wide solution, and only when that is not available, for whatever reason, should we consider something more bespoke for Northern Ireland. We are discussing the protocol, and I reiterate that this issue is very much in the interests of the entire UK agrifood sector, which is an export sector. Many Members talk with great pride about different industries in their constituencies, and all of those are struggling as a consequence of the impact of Brexit. I am labouring the issue of red and green channels, and the veterinary agreement, to point out that solutions are out there and that the measures in clause 4 and elsewhere in the Bill are not necessary. Solutions are there if people have the creativity and willingness to go out and grasp them, especially when that is fundamentally in the interests of us in the UK, as well as being of benefit to the European Union.

Reference was made previously to the Acts of Union, and I wish to clarify a couple of points in that regard as the situation changes over time. The Acts of Union of 1800 were between Great Britain and Ireland, and we are now talking about Great Britain and Northern Ireland, so that is one change we have seen via the Government of Ireland Act 1920, and the more recent Good Friday agreement, the Northern Ireland Act 1998, and the principle of consent, which is the bedrock of that. That is just a precursor, and while I agree fundamentally with the point just made—that our preference should be for a UK-wide approach and solution to some of these issues where possible—we must recognise none the less that Northern Ireland has always, from its inception, done things differently from the rest of the UK in economic matters.

Northern Ireland has always had devolved powers, right from its foundation, and on matters such as employment law or other issues it has had the right to diverge. Further to that, although I am not encouraging checks down the Irish sea, for various reasons throughout our history, including in wartime and other times of stress, there have been checks on certain movements across the Irish sea, including agrifood movements. Indeed, it is accepted practice that farm equipment is inspected. Ireland only really works as a single unit in terms of animal health, and before a lot of the controversy emerged around the protocol, that was an accepted fact for people from all backgrounds in Northern Ireland, as it was the most pragmatic way of doing things. In the same way, the single electricity market on the island has not been a source of debate, although it is a reality that Northern Ireland energy issues are distinct from those in Great Britain, and happen primarily on an all-Ireland basis.

To conclude, I will stress a couple of points. First, if the will is there, the means exist to resolve these issues without going down the route of unilateral action. Under the protocol, there is scope to progress a lot of

those issues, including within the current negotiating mandate for the European Commission from the European Council. The question of medicines was progressed without a change in mandate, and the European Union went ahead and legislated for change. Secondly, issues can be addressed through supplemental agreements to the trade and co-operation agreement—the veterinary agreement probably fits that category best. A specialist committee has been set up for that purpose, so a vehicle exists to progress similar issues. While the UK Government have put forward their Command Paper, the European Union put forward its own proposals in October last year, and updated proposals last month.

If clause 4 remains as currently drafted, including the excluded provision, there will be a series of consequences—indeed, there will be consequences from the Bill itself—both for the UK and, in particular, for Northern Ireland. Those will include the undermining of the rules-based international system; setting a very bad precedent by breaching international law; and the risk of a very damaging set of EU retaliations, right through to a full-on trade war. Sadly, we are already seeing the consequences for UK academics and researchers who have been excluded from Horizon Europe. Research has been a real success story for the UK, so the costs are already clear in that regard—costs that are being paid for something that is not necessary, is unworkable, and is counterproductive.

For Northern Ireland, the effects of clause 4 will be as follows: it will undermine our access to the single market and the customs union. It will create more and more uncertainty for businesses as to the legal regime under which they are operating. It will pose dilemmas to members of the Northern Ireland Executive about how they conduct their duties. Finally—I say this with a degree of trepidation—it will beg the question of how and where the interface between the UK economic zone and the European Union economic zone will be managed. The answer to that question may well pose even greater challenges and difficulties.

**Nigel Mills** (Amber Valley) (Con): It is a pleasure to speak in this debate, Madam Deputy Speaker, and to follow the hon. Member for North Down (Stephen Farry); I agree with some of what he said, if not, perhaps, some of his conclusions. I think that, of all the contents of the Bill, the Government are on the strongest ground when it comes to the clauses we are now debating, and that the EU could have found a way of agreeing with the UK Government how to fix this problem. In the protocol, it was agreed that Northern Ireland was in the UK customs territory, and only goods that were at risk of going into the single market needed to be inspected as they crossed the Irish sea. We ended up with the EU seemingly interpreting everything as possibly being at risk of going into the single market, which produced a ridiculous level of tests that would never be acceptable to the Unionist community of Northern Ireland and are doing the economic damage and causing the tensions we have seen.

It should be obvious and acceptable to both sides that it has been agreed that Northern Ireland will have a foot in both camps: a foot in the EU single market and the EU customs zone, and a foot in the UK single market and the UK customs zone. The only way to make that work is to accept that there is a porous border, where

there is no way of exercising the usual level of control that the EU would insist on at its other single market borders around Europe. The key questions for everyone to focus on are these: what goods are we really worried about? What goods have a real risk of crossing that border without being checked—without having the customs declarations and the duty paid, or the various other checks that are required? Finally, how do we put in place measures that can mitigate that risk, and make people on both sides of the border happy that nothing is crossing that border that poses a real threat to the integrity of either market?

To be fair, the UK Government have been extraordinarily generous, not just at the Irish border but at the Dover-Calais border, by not introducing the checks we could have introduced and which we would expect to see at a normal border, because we largely trust goods that are in free circulation in the EU, even if they are not absolutely consistent with UK regulations, either now or in future, or perhaps there is a theoretical customs issue, even though we have a zero-tariff, zero-quota deal, and there may be some duty payable because of rules of origin. We have been extraordinarily relaxed in accepting that those risks are much lower than the risks of trying to impose the burden of huge amounts of checks.

Until we get the EU into the mindset of accepting the same position in relation to goods circulating in Northern Ireland, there is no solution, because at some point there will have to be a border with checks and processes somewhere. We know it cannot be on the island of Ireland. We accepted that trying to make the EU put the border between the European mainland and the island of Ireland would be a horrible situation that the Republic of Ireland could never accept and effectively mean that it had left the single market by mistake, which the Irish Government would never entertain. It always looked to most people that there was the prospect of a compromise by doing something down the Irish sea, where goods spend several hours on a ship allowing for inspections and for declarations to be made, but that it had to be done sensitively and only on the things that were really at risk, otherwise we would end up with the problem we have now, where the Unionist community will not accept it and there is too big a dividing line between the UK mainland and Northern Ireland.

I support what the Government are trying to do and some kind of red and green channel is the right solution. I think the problem we have is that we have extraordinarily little detail about how it will work and how we satisfy the EU that the data we think we can collect and give it is sufficient to get it in a place where it will not have some horrible overreaction. We have not managed to reach an agreement. In fact, I understand it will not even look at our database and the data we could share to see if it is enough to get it there.

We have what looks like a theoretically attractive solution that is the right end position, but we have no idea how to make it work on the ground. We are going from a position where it looked like the EU was going to accept trusted trader exemptions, where everything must be checked and declared unless we have pre-agreed that certain traders are trusted and therefore we can exempt them from it, almost to a position where, if I read red and green right, everything is exempt unless either the trader self-declares that he will go into the

[Nigel Mills]

single market, or we presumably do some risk-based inspection and spot something that should have been in the red channel in the green channel. It is a stretch to think we will get the EU happy with that without its having serious trust in our internal identification processes.

Then there is the difficult scenario of what happens when somebody changes their mind: goods go into Northern Ireland to be sold in a Northern Ireland store, and then they get low on stock in the Republic of Ireland and decide they want to move them into the Republic. The goods will not have been checked and they will not have done the customs declarations. What will the process be? Where do they go to get the goods checked so that they can legally move them across the border? Or do they just move them, nobody ever checks it, it is all fine and that is that? Again, I would be surprised if we get the EU happy about that. We are going from a position where goods are in free circulation on the island of Ireland, to a position where goods may not be in free circulation on the island of Ireland. How do we fix that?

I urge the Government, as the Bill progresses, to publish the processes for exactly how that will work, and how we can have an effective international border and make the red and green lanes work, so that we can show we are really trying to identify the goods most at risk of cheating or abusing the rules to try to get around them. If we can do that, there is scope to negotiate with the EU and get to the end point that we will inevitably have to get to. Unless the EU wants no border at all or a border on the island of Ireland, it will have to make the system work. That has been apparent for the couple of years since we knew this was coming, but we need to have in place trust between the EU and the UK Administrations, and we need to have the working arrangements and trust between the Irish and the UK authorities in Northern Ireland, so they can work together, trust each other to do joint inspections and share information on a real-time basis—all those common working practices that we have not managed to get to, due to the tensions on both sides, and where we need to get to.

The question we have to ask is: does proceeding with the Bill help us to get towards negotiating a compromised, pragmatic end position or does it make that harder? Fundamentally, I suppose the Government's answer will be, "We have tried to get the EU somewhere sensible on this matter for the past year or more and we have not managed it. So we will put in place these arrangements and the EU will have a choice: either come and work with us and get to the stage where you are happy with the processes that we have in place and the data we can share with you, or it is just tough—accept what we will offer you." I sincerely hope, before we do this on a unilateral basis, that at least in this area, where it looks like a compromise should be achieved, we manage to put in place something that both sides are happy with.

**The First Deputy Chairman of Ways and Means (Dame Rosie Winterton):** I call the shadow Secretary of State.

6.30 pm

**Peter Kyle:** I am grateful to be called, Dame Rosie. We are examining clauses 4 to 6 and 24. It is hard to approach the Bill on a line-by-line or even a clause-by-clause

basis, because so much of it relies on unspecified regulations that the Minister can make in future. In the words of Parliament's Delegated Powers and Regulatory Reform Committee, the Bill is

"a skeleton bill that confers on Ministers a licence to legislate in the widest possible terms. The Bill unilaterally departs from the Northern Ireland Protocol and enables Ministers to depart from the Protocol even further. The Bill represents as stark a transfer of power from Parliament to the Executive as we have seen throughout the Brexit process. The Bill is unprecedented in its cavalier treatment of Parliament, the EU and the Government's international obligations."

Clauses 4 to 6 are supposed to be the legal basis for the Government's proposed green and red lanes for goods destined for Northern Ireland and the EU. The clauses unilaterally scrap the relevant parts of the protocol that deal with goods, movement and customs. The green and red lane proposals represent a solution that the EU should consider and, indeed, on which everyone seems to agree. Goods going from Britain to Northern Ireland that are staying in Northern Ireland should not face the same checks and paperwork as goods going into the single market. However, unilateral domestic legislation will not bring the green and red lanes into fruition, because in order to work, the proposals rely on sharing data and providing safeguards with the EU. It is inappropriate to place them in the Bill when they should be the focus of ongoing negotiations.

It is hard to understand how the Government's proposals for green and red lanes and the EU's proposals for express lanes cannot be reconciled. First, let us consider the Government's proposal. They are proposing goods destined for Northern Ireland from Britain be exempt from checks and paperwork. The safeguard that the Government offer the EU is that traders will have to be registered with a trusted trader scheme and commercial data will be shared with the EU to monitor the risk of abuse. Let us now consider the EU's proposal. It is proposing an express lane. That would reduce checks on goods staying in Northern Ireland based on a trusted trader scheme and commercial data sharing. If the prolonged uncertainty for Northern Ireland were not so damaging, the situation would be laughable.

It should not be impossible to negotiate a solution that is acceptable to both sides. The Labour party has long called for a bespoke veterinary agreement that would make the negotiations even simpler. We support amendment 24 because it would stop this unhelpful unilateral action in an area where there is a clear landing zone for a negotiated agreement. Businesses in Northern Ireland want certainty, but the Bill says practically nothing about what will replace the parts of the Northern Ireland protocol that will be excluded.

Clause 5 gives Ministers the power to make any provision that they consider appropriate in connection with any provision of the Northern Ireland protocol to which clause 4 relates. Traders and businesses will be watching this debate and wondering what on earth the details of the Government's proposals actually mean in practice. Once again, it appears that the Government are not trying to be constructive, but are obstructing the path to a solution on the protocol. Trying to unilaterally force red and green lanes instead of finding an agreement on them is the best example of this. Negotiations are necessary and are still an option, so we simply cannot support that.



**Richard Thomson:** I rise to speak to amendments 15 to 18 and new clause 5. I will just have a quick canter through them, because they are quite technical.

Amendment 15 would apply House of Commons draft affirmative procedure in place of regulations on tax or customs matters being subject to annulment. Amendment 16 would prevent Henry VIII powers from being made on tax or customs matters using the made affirmative procedure. Amendment 17 would introduce the super-affirmative procedure set out in SNP new clause 5. Amendment 18 would remove the made affirmative procedure for tax and customs matters.

The SNP is proposing the super-affirmative procedure on what we regard as a point of principle: the Bill gives Ministers far, far, far too much power. Notwithstanding any of the unlawfulness inherent in it, it simply gives Ministers far too much power to act without reference back to elected Members. We think that that needs to be remedied, so under new clause 5, the super-affirmative procedure would ensure that the Treasury and Her Majesty's Revenue and Customs

"must have regard to...any representations...any resolution of the House of Commons, and...any recommendations of a committee of the House of Commons charged with reporting on the draft regulations"

and must give details of any representations made. The new clause would ensure that approval for the draft regulations is given by Members of this House, rather than by Ministers. There are some important issues at stake.

I turn to the House of Lords Delegated Powers and Regulatory Reform Committee's seventh report of this Session. I have to say that the Committee's publications are very worthy, although they are not exactly on my bedtime reading list every night. I am sure that the shadow Secretary of State, the hon. Member for Hove (Peter Kyle), would agree; his highlighter pen has clearly been over exactly the same sections of the report as mine. What it says early on bears repetition:

"The Northern Ireland Protocol Bill...confers on Ministers a licence to legislate in the widest possible terms...The Bill represents as stark a transfer of power from Parliament to the Executive as we have seen throughout the Brexit process. The Bill is unprecedented in its cavalier treatment of Parliament, the EU and the Government's international obligations."

Quite apart from the unlawful nature of what is being proposed, it seems undesirable, if not improper, to vest quite so much power in the hands of Ministers.

I will keep my remarks brief, but I will just briefly touch on Opposition amendments 34 and 35, which appear to have a similar ethos to ours: they would remove Ministers' ability to act on a subjective rather than objective basis. I also commend new clause 4 and amendment 24; the hon. Member for North Down (Stephen Farry) spoke very eloquently about the benefits that could come from taking a UK-wide approach once again on these matters.

I have certainly been doing my bit, in every forum to which I have had access, to make the case for putting a sanitary and phytosanitary deal in place. Not only would that solve many of the problems inherent in the protocol, but it would make things much better for my constituents in the north-east of Scotland, the seed potato growers and those who are involved in the food and drink industry more generally. It seems such a pragmatic thing to do that it beggars belief that we have come so far down the road of the Government saying

that they wish to negotiate without anything like it being concluded. It seems to me that Ministers would be knocking on an open door if they went to Brussels with it.

**Sammy Wilson:** The DUP has not tabled any amendments to the Bill. We do have some reservations, especially about the regulations that Ministers may introduce to give effect to measures set out in the Bill. Nevertheless, we want the Bill to go through the House intact.

Having listened to the hon. Member for North Down (Stephen Farry), I could have understood it if his amendment had come from the Labour party. After all, we know that the Labour party really wanted to remain in the EU and would love to get back in the EU; it is pushing to keep Northern Ireland as close as possible to the EU so that it could eventually be a foot in the door for the rest of the United Kingdom. I could also have understood it if it had been a Liberal Democrat amendment. The hon. Member's amendment, which would be similar in effect to new clause 4, tears at the very heart of the problem. Rather than addressing the problem of the protocol, it seeks to ensure that that problem remains.

The protocol has caused two issues in Northern Ireland. The first is the democratic deficit. As a result of the protocol, Northern Ireland is subject to a list of EU measures which—in annex 2 of the protocol—goes on for 82 pages. Those 82 pages do not contain the details of the law; they are merely a list of the EU laws, directives and regulations that apply to Northern Ireland. Moreover, not only the historic regulations themselves but any changes in those regulations apply, and there will be no opportunity for politicians in Northern Ireland to have any say on them. They will have no opportunity to amend them; they will not even have any say in whether they are enacted, no matter how damaging they may be to the Northern Ireland economy. That is what causes the democratic deficit, and the amendment tabled by the hon. Member for North Down is intended to ensure that that situation remains.

In our earlier debate, we talked about the need for consent and the need for accountability. In fact, in his own speech the hon. Gentleman talked about how terrible it would be for Ministers to take on the powers in the Bill, because that would take away the right of this Parliament to make any decisions and have any say. Yet he was quite happy to move an amendment that would remove the powers in the Bill to ensure that that list of EU regulations—82 pages of them—should no longer apply to Northern Ireland unless it is deemed necessary. He is quite happy for the Bill to be amended to leave those in place. We have elected an Assembly in Stormont. I know that people complain about the fact that it is not sitting, and of course it is not sitting because of the protocol; but even if it were up and running, it could not do anything to deal with the problems caused by the protocol, because it does not have a say on them.

That is the first problem, and stemming from it is the second: the range of issues contained in article 5, which the amendment tabled by the hon. Member for North Down seeks to keep in place. What is article 5 all about? It is all about the fact that laws in Northern Ireland are different from, and will become more different from, laws in the rest of the United Kingdom. Goods coming

[Sammy Wilson]

to Northern Ireland from Great Britain will have to be subject to checks either if they are made in Great Britain under different rules and regulations, or if they come from third countries into Great Britain and then into Northern Ireland, and maybe go into the Republic. If passed, the amendment would leave unaddressed both the issue of the democratic deficit and the problem of EU checks, with all the impact that that has on businesses in Northern Ireland.

It has been claimed—we have heard much about this today—that what we should be doing, instead of acting unilaterally, is negotiating. Why do the Government not negotiate on all the things that they wish to do in the Bill? Why, for example, do we not secure a veterinary agreement with the EU? Well, we have been trying to do that. Indeed, Lord Frost told the House of Lords last year:

“On the question of a SPS or veterinary agreement, we proposed in the TCA negotiations last year that there could be an equivalence arrangement between us and the EU. Unfortunately, the EU was not open to that. We continue to be open to such an equivalence arrangement, if the EU is interested in it.”—[*Official Report, House of Lords*, 25 March 2021; Vol. 811, c. 970.]

The EU has not shown any interest.

6.45 pm

I note that in an intervention the hon. Member for Rochdale (Tony Lloyd) asked why it should not happen, because, after all, we were starting from common standards. I think he was also the one who asked why, if the EU could do it with New Zealand, they could not do it with the United Kingdom. Therein lies the problem. The EU has no intention of changing the protocol. The protocol was first of all a punishment and, secondly, a Trojan horse for ensuring that the EU still had influence on fiscal policy, industrial policy, VAT and all other kinds of policies in the UK. So of course it is not going to give up. It can go and do agreements with New Zealand at the drop of a hat, but after 300 hours of negotiation and numerous papers being provided as a way forward, it remains resolute that it will not do an agreement with the UK.

Of course, we could align ourselves totally with the EU veterinary regulations, but then what is the point of Brexit? If we did that, who would ensure that we abided by those regulations? The European Court of Justice. Again, we see what the aim and objective would be. If we go down that route, we will allow the protocol to be used to limit the freedom that we as a country sought to get through Brexit.

**Mr Gregory Campbell** (East Londonderry) (DUP): My right hon. Friend is talking about misinterpretations of the protocol. There are those who repeatedly say that the protocol provides two-way trading access into the UK market and then into the Irish Republic and the EU market. Does he agree that it is not the protocol that provides that? What should provide it is, first, our membership of the United Kingdom and, secondly, our physical geographical position on the island of Ireland, with a 300-mile land border that nobody could seal to provide a hard border to prevent open access?

**Sammy Wilson:** That is the whole point, of course, which is one of the reasons why the border is placed down the Irish sea.

A second point that has been made is that these changes in the Bill will have detrimental effects on Northern Ireland and the people of Northern Ireland and that we will not be able to have access to the EU single market. Well, given the fact that the biggest market for Northern Ireland by far is the GB market, I would much prefer that we ensured that our access and the flow of goods between GB and Northern Ireland was maintained, rather than the flow of goods between Northern Ireland and the Irish Republic. But those things are not mutually exclusive anyway, because the Irish Republic relies on that trade as well.

Our farmers are an example. The Irish cheese industry—and industries involving many other dairy products—could not exist without a supply of milk from Northern Ireland. The idea that, as a result of this Bill, the EU and the Irish Government are going to say, “Let’s have a trade war with the UK” is just fantasy. They sell more goods into the UK than we sell into the EU. Are they going to harm their own manufacturers? There is an interdependency for some of those industries between Northern Ireland and the Irish Republic. Are they going to hurt that? Of course not. The idea that there will be some detriment as a result of these measures is one of those claims that cannot be proven, and logically one would believe that this would not happen.

The last point that has been made is that, if we put this Bill through, we will lose what flexibility there might be. That was another argument made in favour of these amendments. We are told that we have to have these amendments; otherwise, the EU will get angry and not negotiate with us. We are also told that the EU would be prepared to show some flexibility if there was a willingness to co-operate. As has already been pointed out, we have tried to co-operate with the EU for ages and it has not happened. As far as flexibility is concerned, there is no sign of that, even when it comes to the minutiae of dealing with the protocol. Companies in Northern Ireland that do not have stores in the Irish Republic are still subject to the same checks.

Only last week, headlines in the *Belfast Telegraph* indicated that a haulage company had to send back a lorryload of goods because there were vegetarian pizzas on that lorry. I never thought that vegetarian pizzas would be subject to SPS checks, but I was wrong. Milk is used to make the pizza bases, so there has to be a certificate, which has to be signed off by a vet to say that the milk is okay.

When a Spanish vet signed off the certificate, instead of writing an i as we would write it, he wrote the i as the Spanish would write it, which is apparently upside down and looks a bit like a v. When the lorry arrived in the port of Larne, the EU inspector looked at the certificate and said there was something suspect, not with the pizzas but with the form. The i was the wrong shape, so the pizzas and the rest of the load were sent back, and for what purpose? So the vet could make the i an English i, instead of a Spanish i. There are examples of this every day.

Anyone who tells me that the EU is flexible, and that this Bill will make it less flexible, ought to look at the evidence, which shows that the Bill is necessary because the problems have been apparent for two years now. There is a democratic deficit, and there are daily problems for people in Northern Ireland. My right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson),

the leader of my party, quoted the Consumer Council saying that 60% of consumers in Northern Ireland now cannot buy goods from GB.

The Bill is necessary, which is why we support it and want to see it pass intact. If it does, we believe it will be the first step towards dealing with the problems caused by the ill-thought-out protocol.

**Jim Shannon:** It is a pleasure to follow my right hon. Friend the Member for East Antrim (Sammy Wilson) and to hear his words of wisdom and his facts.

I welcome the Secretary of State to his place, and it is a pleasure to see him here. I know he has a deep interest in Northern Ireland. We very much look forward to working with him.

I am pleased to see so many Members take part and take an interest in Committee. The people of the Province are incredibly anxious that last week's Government changes do not affect the passage of this essential Bill.

The hon. Member for North Down (Stephen Farry) moved amendment 24 for the best reasons, but it reminds me of "Hotel California":

"You can check out any time you like, but you can never leave."

The Alliance party would have us in this forever, but we are not going to be. This time we are leaving. We are checking out and we will not be staying.

I am concerned about where we are. My party has problems with the protocol when it comes to exports and imports. Agriculture is critical to my Strangford constituency. There are some 3,500 jobs in the sector, never mind the farmers who feed into the process. Lakeland Dairies has two factories in Northern Ireland and two factories in southern Ireland. It employs people north and south, and its milk and milk powder regularly travel across the border without doing anyone any harm. It boasts the highest standards in Northern Ireland and the highest standards in the Republic, too. I am pleased the Minister is here to put the Government's case tonight.

My concern is that Northern Ireland will, again, be used as a battering tool, which cannot be allowed to happen. I know most Members of this House, and I make it my business to be friendly to everyone. In all honesty, I look upon everyone in this House as a friend. Some are exceptional friends, but I count you all as my friends. I always seek to be supportive when I agree, and I also try to be respectful when I cannot agree. Tonight, there are some on this side of the Chamber I cannot agree with and many on the other side of the Chamber I can fully support on this occasion.

For many, the temptation exists to beat the remainder drum. Some people on this side of Chamber do that, as they cannot accept the referendum result. They cannot accept the fact that the decision was made. I see the EU as an organisation with an insatiable thirst. It is like a giant sponge. It keeps on soaking all the goodness out of all the countries. It was soaking it out of us for a number of years, and the people of this country took a decision for that not to happen.

Northern Ireland is battered and bruised from the game of political football that has taken place with us as a ball at everyone's feet. I wish to outline some things in relation to the strikes we have had, but first I want to come at this from the point of view of my constituency, where some 99.9% of businesses are clear: they see the

problems with the deal made after Brexit and the border down the Irish sea as disadvantaging them greatly. That has increased the cost of their products by at least 25% and it has reduced the number of products they are able to access. It has stopped 200 businesses being able to carry out business with businesses in my constituency in this last period. This is all down to EU intransigence and bloody-mindedness. We have the highest standards in our agricultural produce and we want to ensure that that continues.

Tension in Northern Ireland over the past year and a half has been at its highest. It has been very obvious and visual in my constituency, and across Northern Ireland. I believe that this Bill, which has won the votes so far and I hope will win them later tonight and next week, has reduced the tension. Across Northern Ireland, we can see that people see a way out of this. Again, I want to put on record my thanks to the Minister, the Government and the Prime Minister for all that.

I want to talk about some of the strikes that I referred to. I do not mean strikes as in people not working; I mean strikes that people have tried to make, be it like a bat hitting a ball or a ball hitting a bat. It was stated that there would be no Irish sea border, but there clearly is one. That is why this Bill is so important. Checks on products in the Irish sea does not affect the Good Friday agreement, but checks on land borders would. Thousands of people attending rallies has proven the threat felt by one community, the Unionist community, the one that we represent. I also represent many people who do not necessarily vote Unionist, but they have also been restricted by the problems with the Northern Ireland protocol and the border down the sea prevents them from having the lifestyle and access to products that they once had. The Unionist community feel under threat, and it is not acceptable to ignore that and behave as if all is rosy in a garden filled with kindling wood and matches.

It is stated that the checks are just an extra bit of paperwork, but for my constituents they are lot more than that. Businesses are thousands of forms behind, and mainland businesses have stopped trading in Northern Ireland due to the hassle, meaning that suppliers ordering from China, India and any other nations are paying substantially more for the same products than Members in this Chamber. The prices that my constituents and those across Northern Ireland are paying are at least 25% higher in Northern Ireland than in any other large-scale supermarket. So for us in Northern Ireland the Bill is critical and vital, and it has to go through as it is, untouched.

I want to ask the Minister about those who have been involved in the bureaucracy, red tape and paperwork—the thousands of pages of paperwork for one item. Whenever the Bill progresses and is successful here, can those who have outstanding paperwork still to be processed disregard that? It is also stated that filling out a form to buy something should not make someone less British. That one still sticks in my throat. I look forward to seeing how people in North Dorset, for example, feel when they fill out a customs form to bring home their shopping from London. I know that is a bit absurd but it perhaps illustrates how we feel in Northern Ireland at this moment in time. The fact that someone is treating you as a third country does make you less British. That is very simple, very true and very much ignored by people who are in positions to know better.



[Jim Shannon]

The last period of time has been about not just the attitude to where Northern Ireland is as regards the border down the Irish sea, but the attitude of international delegations that have come and called us “planters”—they called us many things, probably worse names, but that comment was from people in the States who fundraised actively for IRA-Sinn Féin to plant bombs—along with a veiled threat from a President who refers to us as “Brits” in a derogatory manner, and we all know who that is: Sleepy Joe. That was another difficult direction to navigate, yet Unionists are expected to say nothing about the Good Friday agreement.

I am very proud of being British, and I take it as a great slight when the President of the United States or anyone else thinks that British is less. I am proud to be British. I am proud to have served in uniform for Queen and country. I am proud of the blood that runs through my bones and body, which is as British as that of anybody in this Chamber. Others may not be as British as me, of course, but they have a right not to be as British.

7 pm

**Colum Eastwood:** Maybe I misheard the hon. Gentleman, but I think he referred to Congressman Richie Neal, who chairs the Ways and Means Committee in the United States—somebody who would be very important in the discussion around a trade agreement between the United Kingdom and the United States. I just want to clear up this point, because it is important to get it on the record: was the hon. Gentleman stating that Congressman Neal was raising money for people to be bombed in Ireland? That sounded very much like what he said, and it is absolutely outrageous if that is what he said. Richie Neal has been a very strong advocate for and supporter of the peace process in Capitol Hill.

**Jim Shannon:** If I had known the hon. Gentleman was going to say that, I would not have let him intervene. I never said that. [Interruption.] No, I did not say that. I said that international delegations come and call us “planters”, and then I referred to others who fundraised actively for IRA-Sinn Féin to plant bombs. That is those who are supporters of Sinn Féin in America; they fundraise to raise a great deal of money.

**The Second Deputy Chairman of Ways and Means (Mr Nigel Evans):** Order. Could we please just focus on the amendments? We do not want a wider debate.

**Jim Shannon:** The debate was not widened by me; it was widened by somebody else.

Let me be clear: I voted against that agreement, but I listened to its proponents tell us that it protected Unionism. One of those proponents—David Trimble, who sits in the other place—well understands the issue and has outlined how the Northern Ireland protocol has adversely impacted the Good Friday agreement, but we are asked to sit in silence when our economy, our buying power and our very identity is decimated by the protocol.

The hon. Member for Gordon (Richard Thomson) had the opportunity to visit my constituency and understands the importance of fishing there. The Anglo-North Irish Fish Producers Organisation and the Irish Fish Producers Organisation are clear that the Bill will do away with the tariffs and red tape. How can it be

right for a fishing boat to leave Portavogie, Ardglass or Kilkeel, get out of the harbour and get 2 miles off the shore, and pay a tariff on anything it brings back? The Bill will stop that. For those in Portavogie in my constituency of Strangford, and for those in Ardglass, Kilkeel and other places, I look forward to the days whenever we can grow our fishing sector, and create more jobs, opportunities and prosperity.

As the House discusses this legislation to begin the process to rectify the gross betrayal of Northern Ireland to get Brexit done, I ask Members please to remember the truths of where we are. I understand that there are those who did not want the referendum result. I understand that some want to remain tied to the EU. I understand the threats that are coming from Europe and latterly from the US. But the question is easy: are we a part of the United Kingdom of Great Britain and Northern Ireland? If so, the protocol must go. The Bill does not satisfy all that I want to see, but it does begin the journey. I am asking the Committee to travel with us, not against us: to call time on the kicking we have gotten as a political football between the EU and the UK. The EU has not negotiated common sense after 300 hours of discussions; it was never going to, or it would have happened already.

The reason we are here today is the Northern Ireland Protocol Bill, which was put forward by the Government and which my party fully supports. We need to make the changes. It is time to legislate this common sense to allow us all to move on together. The quicker that happens, the better. The people of Strangford want it and I want it, being British. I think all the people of Northern Ireland here are British, but even those who are not want it as well.

**The Financial Secretary to the Treasury (Lucy Frazer):** I wish to begin by thanking all Members who took part in the debate on Second Reading as well as in the debate in Committee that preceded this one. As we progress to the second day of the Committee stage, I want to reiterate some of the key points that go to the heart of why the Government have introduced this Bill.

The Northern Ireland protocol was agreed with the best of intentions. However, as the right hon. Member for East Antrim (Sammy Wilson) has passionately set out, reinforced by the hon. Member for Strangford (Jim Shannon), unfortunately it is causing real tensions and problems for the businesses and people of Northern Ireland, including trade disruption and diversion, costs and bureaucracy. This legislation will fix the practical problems that the protocol has created in Northern Ireland. It will enable us to avoid a hard border, protect the integrity of the UK and safeguard the EU single market.

Let me address the clauses in turn. The Government's intention is to introduce a new and different regime, including a green lane for goods remaining in the UK and a red lane for those destined for the EU. Clause 4 will allow the UK Government to implement such a regime for goods remaining in the UK and entering Northern Ireland. The clause, therefore, disapplies in domestic law certain EU law requirements and, with clauses 5 and 6, provides the powers for Government to remove many of the burdens currently placed on businesses by the extensive customs and regulatory processes that are required under the existing Northern Ireland protocol.

Clause 4 also defines “qualifying movements” that will be able to enter our proposed green lane. The subsections remove current burdensome processes for prescribed qualifying movements of UK or non-EU destined goods, and there is a power to define UK or non-EU destined goods. Clause 4 is central to our intention to rationalise the processes for goods moving into Northern Ireland. We have been clear that we do not believe it is appropriate to continue to require full customs and regulatory processes when goods are not even destined for the EU. This clause is part of what will allow us to put in place a more sensible and proportionate regime.

Our green lane and red lane proposals will form the basis of that regime. Engagement with businesses on the detail of the regime is already under way. We know that it is important that we listen carefully. It is the powers in clauses 4, 5 and 6 that will allow us to put it in place.

**Hilary Benn:** In respect of supermarket deliveries to Northern Ireland, it is really dead simple: those supermarkets sell only in Northern Ireland, so they would, of course, be appropriate for the green lane. But given the very large number of other businesses that send goods across to Northern Ireland, how do the Government propose to identify those businesses that are sending goods that are destined for the Republic and those that are sending them into Northern Ireland where they may be processed and then moved on to the Republic of Ireland? How will that work in practice?

**Lucy Frazer:** Obviously, this is a matter that the Government have been considering very carefully. There are goods, as the right hon. Gentleman says, that will obviously be going to Northern Ireland. Businesses will also know that there is a significant category of goods that will not, and then there are the goods that may not be certain at all. That is something that the Government will be discussing with businesses during the consultation over the summer period, and it will be set out how those goods are dealt with. The hon. Member for Strangford asked us about reducing paperwork, and I can say that, of course, that is the intention of the future regime.

Clause 5 ensures that a Minister of the Crown has the power to make regulations in relation to any provisions to which clause 4 relates, with the exception of customs matters, which are dealt with in clause 6. Clause 5 is essential in enabling a Minister of the Crown to deliver the UK’s proposals for a new green and red lane regime. Taking a power to provide for the regime is required, and the precise detail of the regime will be guided by consultation with stakeholders.

Clause 6 ensures that the Treasury or Her Majesty’s Revenue and Customs can make regulations in respect of customs matters. It will ensure that, once this Bill gains Royal Assent, the Departments can put in place the arrangements needed to operate a coherent customs regime.

Clause 24 sets out the Parliamentary procedure to be followed in respect of the exercise of regulation-making powers related to tax and customs matters in this Bill. The clause provides that regulations making provision in relation to tax and customs matters are to be made by statutory instrument. Regulations would be subject to the affirmative or negative procedure, depending on their effect. These statutory instruments would come before the House of Commons only in line with the exercise of Commons financial privilege, usually given to tax matters.

Before I turn to the amendments, I will touch on a number of points that have been made by hon. Members across the House. My hon. Friend the Member for Amber Valley (Nigel Mills) rightly said that the Government have been very generous and practical in our approach to border checks, not only in relation to Northern Ireland, but more broadly. He is also right to say that we have tried to negotiate a way forward with the EU. We have spent 18 months doing that. We have spent hundreds of millions of pounds on the trader support service, we have spent 300 hours in negotiations and we have shared 17 non-papers. Unfortunately, the EU has not come to an arrangement with us, and that is why I stand at this Dispatch Box today.

I dispute what the hon. Member for Hove (Peter Kyle) says, that it is clear that the two positions can be reconciled. It is clear that they cannot. We have tried to do that, but we have not succeeded. The Foreign Secretary invited Vice-President Šefčovič to the Joint Committee when we announced this legislation. However, the EU proposals do not go forwards; they go backwards. Under the EU’s suggestions, sending a parcel will involve completing a form with more than 50 data fields. A grandmother who wants to send a gift to her daughter in Belfast will need to complete a customs declaration and a pet owner will have to pay £280 for a certificate to take their pet. I welcome the support for this Bill from the right hon. Member for East Antrim and the hon. Member for Strangford.

Dealing now with the amendments, I will first respond to amendment 24, tabled by the hon. Member for North Down (Stephen Farry). I appreciate the intention of his amendment. However, it would be contrary to one of the core purposes of the Bill, which is to disapply in domestic law those parts of the Northern Ireland protocol that require goods remaining in the UK or not destined for the EU to complete burdensome processes.

The amendment would also mean that the “at risk” test would be left in place, which would mean that some businesses moving goods between Great Britain and Northern Ireland would still be required to pay customs duty even when those goods remained in the UK. As the hon. Gentleman will be aware, the Government’s intention is to put in place a different regime, one that is more proportionate and would remove the unnecessary burdens on business created by the protocol. I hope he will therefore withdraw his amendment.

On the points the hon. Gentleman made about the vet agreement, the UK remains open to a negotiated solution. We have put forward a number of practical solutions to resolve outstanding issues on SPS, but the UK has also been clear that we will not commit to dynamic alignment, which would compromise our sovereignty.

I turn now to amendments 34 and 35 in the name of the right hon. Member for Tottenham (Mr Lammy). The Minister for the Cabinet Office and Paymaster General, my right hon. and learned Friend the Member for Northampton North (Michael Ellis), addressed this issue briefly in the previous debate, so I will not labour the point. Replacing the requirement for a Minister to consider that regulations are “appropriate” in the use of the Bill’s delegated powers with a test of necessity risks our ability to put in place the right solutions to the problems the protocol is causing. In these clauses, that would potentially circumscribe the ability to design a green lane that will preserve the unity of the UK internal market. I expect the right hon. Gentleman will not agree with me, but I ask him to withdraw his amendments.

[Lucy Frazer]

Amendments 15 to 18 and new clause 5, tabled by the hon. Member for Gordon (Richard Thomson), would remove the Government's proposed parliamentary procedures for statutory instruments under the Bill relating to tax and customs matters. The amendments attempt, in some cases, to replace them with a new, so-called super-affirmative procedure. In other cases, the amendments attempt to limit them to the draft affirmative procedure, removing the possibility of the made affirmative procedure in cases of urgency.

The drafting of these amendments is defective, making it unclear precisely what procedure is intended to apply to different categories of regulations. However, I will address the principle behind them. As Members will know, true super-affirmative procedures for statutory instruments are vanishingly rare. The normal affirmative and negative procedures for SIs provide effective scrutiny for the House. The hon. Member's proposed procedure is long, requiring months of consultation on draft SIs, and procedurally complex, but ultimately does little more than envisage a Committee of the House making recommendations and preventing an SI coming into force pending a vote by this House. The amendments would require the Treasury or HMRC to make statements about any representation they have received on the draft recommendations.

I hope I can reassure the hon. Member that the Government intend to consult on the policy—indeed, work is under way—and the usual tools of parliamentary scrutiny will allow him to seek answers about this from me and my ministerial colleagues. His amendments would simply slow down solving the problems facing the people of Northern Ireland and create a muddling precedent on perfectly effective parliamentary procedures. I therefore urge him to withdraw his amendments.

New clause 4, tabled by the hon. Member for Foyle (Colum Eastwood), would prevent the exercising of powers in this Bill until an agreement has been sought on reducing sanitary and phytosanitary checks in the EU-UK Joint Committee—the joint decision-making forum overseeing implementation of the UK-EU withdrawal agreement. In many ways, I agree with the spirit of what the new clause seeks to achieve, but where we differ is that I recognise that we have already exhausted this option. The Government have engaged extensively with the EU on reducing the burden of sanitary and phytosanitary checks both through the Joint Committee and through official-level channels. As I mentioned, we have had over 300 hours of ministerial and official discussions and spent a significant amount of money. Nevertheless, we were still prepared to get round the table with the EU, and we held further talks through the autumn to the turn of the year.

However, as we set out in the statement by my right hon. Friend the Foreign Secretary on 17 May, the EU has simply shown insufficient flexibility. Although the EU published proposals in a non-paper on SPS in October 2021 that claims that checks carried out on SPS goods moving from GB to NI will be reduced by 80%, our own analysis and business feedback shows that this would not be the case in practice, and that a large volume of SPS goods staying in Northern Ireland will still face documentary, identity and physical checks. I understand why the new clause has been tabled, but regrettably we have had to conclude that the solutions

put forward by the EU are not sufficient. It is for the EU to come back to the negotiating table or for the UK Government to get on with the job. I invite the hon. Member to withdraw his new clause.

The Bill provides a comprehensive and durable solution to the existing problems with the Northern Ireland protocol. As I said, the protocol was agreed with absolutely the best of intentions, but it is creating real problems on the ground for people and businesses in Northern Ireland. It is creating trade disruption and diversion, and increasing costs and bureaucracy for traders. The Bill will fix those practical problems. It will enable us to avoid a hard border and it will safeguard the EU single market. I therefore recommend that the clauses in this group stand part of the Bill.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 212, Noes 285.*

**Division No. 44]**

**[7.19 pm]**

#### AYES

Abrahams, Debbie	Dhesi, Mr Tanmanjeet Singh
Ali, Rushanara	Docherty-Hughes, Martin
Ali, Tahir	Dodds, Anneliese
Amesbury, Mike	Dorans, Allan
Anderson, Fleur	Dowd, Peter
Antoniazzi, Tonia	Duffield, Rosie
Ashworth, rh Jonathan	Eagle, Dame Angela
Bardell, Hannah	Eagle, Maria
Barker, Paula	Eastwood, Colum
Beckett, rh Margaret	Edwards, Jonathan
Benn, rh Hilary	Efford, Clive
Betts, Mr Clive	Elliott, Julie
Black, Mhairi	Elmore, Chris
Blackford, rh Ian	Eshalomi, Florence
Blackman, Kirsty	Evans, Chris
Blake, Olivia	Farron, Tim
Bonnar, Steven	Farry, Stephen
Bradshaw, rh Mr Ben	Fellows, Marion
Brock, Deidre	Ferrier, Margaret
Brown, Alan	Flynn, Stephen
Brown, Ms Lyn	Foord, Richard
Brown, rh Mr Nicholas	Fovargue, Yvonne
Bryant, Chris	Foy, Mary Kelly
Buck, Ms Karen	Furniss, Gill
Burgon, Richard	Gardiner, Barry
Byrne, Ian	Gibson, Patricia
Byrne, rh Liam	Gill, Preet Kaur
Callaghan, Amy	Green, Kate
Cameron, Dr Lisa	Green, Sarah
Carden, Dan	Greenwood, Lilian
Carmichael, rh Mr Alistair	Greenwood, Margaret
Chamberlain, Wendy	Griffith, Dame Nia
Charalambous, Bambos	Hamilton, Fabian
Cherry, Joanna	Hamilton, Mrs Paulette
Cooper, Rosie	Hanna, Claire
Cooper, rh Yvette	Hardy, Emma
Corbyn, rh Jeremy	Harman, rh Ms Harriet
Coyle, Neil	Harris, Carolyn
Creasy, Stella	Hayes, Helen
Cruddas, Jon	Healey, rh John
Cummins, Judith	Hendry, Drew
Cunningham, Alex	Hillier, Dame Meg
Daby, Janet	Hobhouse, Wera
David, Wayne	Hodgson, Mrs Sharon
Davies, Geraint	Hollern, Kate
Davies-Jones, Alex	Hopkins, Rachel
Day, Martyn	Hosie, rh Stewart
De Cordova, Marsha	Howarth, rh Sir George
Debbonaire, Thangam	Huq, Dr Rupa



Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim  
 Jones, Darren  
 Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Kendall, Liz (*Proxy vote cast by Chris Elmore*)  
 Khan, Afzal  
 Kyle, Peter  
 Lake, Ben  
 Law, Chris  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 Madders, Justin  
 Mahmood, Shabana  
 Maskell, Rachael  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMahon, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Mishra, Navendu  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, James  
 Newlands, Gavin  
 Nichols, Charlotte  
 Nicolson, John  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Osborne, Kate

Oswald, Kirsten  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Qaisar, Ms Anum  
 Rayner, rh Angela  
 Reed, Steve  
 Rees, Christina  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smyth, Karin  
 Spellar, rh John  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thewliss, Alison  
 Thomas-Symonds, rh Nick  
 Thompson, Owen  
 Thomson, Richard  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Webbe, Claudia  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Colleen Fletcher and**  
**Mary Glindon**

## NOES

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Atherton, Sarah  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Bailey, Shaun  
 Baillie, Siobhan (*Proxy vote cast by Scott Mann*)  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett

Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Brady, Sir Graham  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Bristow, Paul  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Cleverly, rh James  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Mims  
 Davison, Dehenna  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dorries, rh Ms Nadine  
 Double, Steve  
 Dowden, rh Oliver  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Ellis, rh Michael  
 Eustice, rh George  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Ford, Vicky  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Frazer, rh Lucy  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Fysh, Mr Marcus  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heappey, James  
 Heaton-Harris, rh Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Tom  
 Jack, rh Mr Alister  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Keegan, Gillian  
 Knight, Julian  
 Kruger, Danny  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Levy, Ian  
 Lewer, Andrew

Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Logan, Mark  
 Longhi, Marco  
 Lopez, Julia  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cheryllyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McPartland, Stephen  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will

Randall, Tom  
 Redwood, rh John  
 Richards, Nicola  
 Richardson, Angela  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Selous, Andrew  
 Shannon, Jim  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, Greg  
 Smith, Royston  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, Iain  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, rh Rishi  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tugendhat, Tom  
 Vara, rh Shailesh  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Young, Jacob

**Tellers for the Noes:**  
 David T. C. Davies and  
 Craig Whittaker

*Question accordingly negated.*

*Clause 4 ordered to stand part of the Bill.*

*Clauses 5, 6 and 24 ordered to stand part of the Bill.*

*Resolved,*

*To report progress and ask leave to sit again.—(Adam Holloway.)*

*The Deputy Speaker resumed the Chair.*

*Progress reported; Committee to sit again tomorrow.*

## Business without Debate

### DELEGATED LEGISLATION

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### FINANCIAL SERVICES

That the draft Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022, which were laid before this House on 13 June, be approved.—(*Adam Holloway.*)

*Question agreed to.*

### PETITIONS

#### Schools Bill

**Mr Deputy Speaker (Mr Nigel Evans):** There are a number of petitions to be presented, and I hope that it will be of assistance to the House if I set out how we shall proceed. Once the first petition relating to the Schools Bill has been read to the House with its prayer, subsequent petitions on the same topic should not be read out in full. Members should give a brief description of the number and location of the petitioners and state that the petition is “in the same terms”. When a Member has presented their subsequent petition, she or he should proceed directly to the petitions bag at the back of the Chair. I will call the next Member immediately after their predecessor has finished speaking. We will start with John Howell.

7.34 pm

**John Howell (Henley) (Con):** I should declare straightaway that I have taken on this petition from my hon. Friend the Member for Beverley and Holderness (Graham Stuart). I will start by pointing out how welcome the tradition of presenting petitions in the Chamber is, to ensure that voices that otherwise might not be heard, should be heard.

I present a petition from some 50 of my constituents.

I present this petition also on behalf of the following Members, who have indicated that I have permission so to do: my hon. Friend the Member for Beverley and Holderness (Graham Stuart); my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb); the hon. Member for Caerphilly (Wayne David); my right hon. Friend the Member for Central Devon (Mel Stride); my hon. Friend the Member for Cheadle (Mary Robinson); my right hon. Friend the Member for Chipping Barnet (Theresa Villiers); my hon. Friend the Member for Colne Valley (Jason McCartney); my hon. Friend the Member for Crawley (Henry Smith); my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown); my hon. Friend the Member for Dartford (Gareth Johnson); my right hon. Friend the Member for Epsom and Ewell (Chris Grayling); the hon. Member for Erith and Thamesmead (Abena Oppong-Asare); my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning); my hon. Friend the Member for Huntingdon (Mr Djanogly); the right hon. Member for Kingston upon Hull North (Dame Diana Johnson); my hon. Friend the Member for Loughborough (Jane Hunt); my right hon. Friend the Member for Ludlow (Philip Dunne); the hon. Member for Mitcham and Morden (Siobhain

McDonagh); my hon. Friend the Member for Mid Derbyshire (Mrs Latham); my hon. Friend the Member for Birmingham, Northfield (Gary Sambrook); the hon. Member for Nottingham East (Nadia Whittome); the hon. Member for Oxford West and Abingdon (Layla Moran); my hon. Friend the Member for Rugby (Mark Pawsey); my hon. Friend the Member for Rushcliffe (Ruth Edwards); my hon. Friend the Member for Rutland and Melton (Alicia Kearns); my hon. Friend the Member for Scunthorpe (Holly Mumby-Croft); my hon. Friend the Member for South Derbyshire (Mrs Wheeler); my hon. Friend the Member for South West Bedfordshire (Andrew Selous); my right hon. Friend the Member for South West Wiltshire (Dr Murrison); my right hon. Friend the Member for Suffolk Coastal (Dr Coffey); the hon. Member for St Albans (Daisy Cooper); the hon. Member for Stalybridge and Hyde (Jonathan Reynolds); the right hon. Member for Walsall South (Valerie Vaz); the hon. Member for Warwick and Leamington (Matt Western); and the hon. Member for Westmorland and Lonsdale (Tim Farron).

In addition, I have similar petitions from a minimum of 450 constituencies throughout the UK, where I have not heard from the MP and where I have not struggled down with the boxes full of copies.

The petition states:

The petition of residents of the constituency of Henley,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home-educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urge the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families, including in the provision of access to examinations.

And the petitioners remain, etc.

[P002746]

**Sir Desmond Swayne** (New Forest West) (Con): I present a petition in the same terms.

The petition states:

The petition of residents of the constituency of New Forest West,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urge the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners remain, etc.

[P002747]

**Nigel Mills** (Amber Valley) (Con): I, too, present a petition in the same terms.

The petition states:

The petition of residents of the constituency of Amber Valley,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which

undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urge the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners remain, etc.

[P002748]

**Kevin Hollinrake** (Thirsk and Malton) (Con): I present a petition in the same terms.

The petition states:

The petition of residents of the constituency of Thirsk and Malton,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urge the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners remain, etc.

[P002749]

**Dr Julian Lewis** (New Forest East) (Con): I present a petition in the same terms.

The petition states:

The petition of residents of the constituency of New Forest East,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urge the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners remain, etc.

[P002751]

**Darren Henry** (Broxtowe) (Con): I present a petition in the same terms.

The petition states:

The petition of residents of the constituency of Broxtowe,

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urges the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners remain, etc.

[P002752]



## NHS Pensions and Staffing

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

7.38 pm

**Dr Dan Poulter** (Central Suffolk and North Ipswich) (Con): I draw the House's attention to my entry in the Register of Members' Financial Interests as a practising NHS hospital doctor, although I am not personally affected by the issues I am about to raise.

I think we would all agree that following the pandemic, the NHS is facing unprecedented challenges in delivering patient care. The current demands on the system are too high to be met by the existing workforce and resources alone, and while the Government rightly seek to increase the NHS workforce by training more doctors, nurses and other frontline clinical staff, it is equally vital that we retain the existing workforce. Simply put, losing senior and experienced staff at this time would be an unmitigated disaster for the NHS and the patients it serves.

One of the biggest threats to the retention of the most senior and experienced NHS staff is the punitive and unfair interplay between long-standing Government pension taxation policies and the NHS pension scheme. Those policies, and the punitive financial penalties that result from them, will cause many senior NHS workers to take drastic steps such as reducing hours, leaving leadership roles or taking early retirement. These pension penalties will result in senior and long-serving NHS workers aged 59 or 60 potentially losing over £100,000 from their pension pot if they delay retirement by one year, rather than retiring this year. That is resulting in senior and experienced NHS workers being advised by actuaries and accountants to reduce their working hours in order to avoid being hit by huge pension tax bills that will see them working for little pay, or in some cases no pay at all.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): Obviously, I too was a doctor until recent years.

This is an issue for all four health services across the UK, and is taking away people with the knowledge, skills and experience to not just look after patients but teach. Is the underlying problem not that when this policy was introduced in 2015, the talk was about preventing tax avoidance? It is not possible to play games with a final salary scheme. It was never open to doctors to play games with their pension, and therefore it is simply the wrong policy for the wrong group of people.

**Dr Poulter:** The hon. Lady is absolutely right. There were some further unintended consequences of the Finance Act 2004, which I will come to in a moment, but doctors, nurses and healthcare professionals cannot chose the rate at which they contribute to their pensions—they have to contribute at a fixed rate. There is no choice, so unintentionally, we find ourselves in a situation where senior healthcare professionals are facing punitive, eye-watering annual charges on their pensions worth tens of thousands of pounds. That cannot be right.

**Jim Shannon** (Strangford) (DUP): I congratulate the hon. Gentleman on all he does in his position as a doctor, and on securing this debate on a really important

issue that affects many of my constituents and those of many other Democratic Unionist party Members. During April this year, 8,902 pension awards were made, compared with 6,932 in April 2021—a year-on-year increase of 28%. Does the hon. Member agree that that is indicative of an increase in staff who simply cannot take the long hours, the lack of support and the soul-destroying pressure that our NHS is fast becoming renowned for, and that it is critical that changes are made urgently to keep staff in place rather than have them bolt through the door at the first possible opportunity? I look forward to hearing the Minister's response.

**Dr Poulter:** I thank the hon. Gentleman.

**Dame Nia Griffith** (Llanelli) (Lab): Will the hon. Member give way?

**Dr Poulter:** Will the hon. Lady first allow me to reply to the previous intervention?

I congratulate the hon. Member for Strangford (Jim Shannon) on making those points; he is absolutely right to make them, and I am grateful to all his DUP colleagues who have turned out this evening to support the debate. It is very much appreciated, because as he rightly highlighted, this issue affects all healthcare professionals in all parts of the United Kingdom. We need to see changes to the punitive pension regime.

I will give way just one more time for now, if Members will forgive me, because I know that a lot of people want to speak in the debate.

**Dame Nia Griffith:** I congratulate the hon. Member on securing the debate, and I implore the Minister to listen, because although health is devolved to the four nations, retention is a central issue that we are all affected by. I will let the hon. Member get on with his speech.

**Dr Poulter:** I thank the hon. Lady for her support, and she is absolutely right to highlight that this issue affects all of the United Kingdom.

This year in particular, due to certain factors related to inflation, we are facing a real challenge that is created by the pension penalties that exist under the current legislation. That needs to be looked at urgently, or we will see a reduction in the NHS workforce at the very time we can least afford it, while we are tackling the covid crisis.

"Scheme pays", which is effectively a loan against a pension, is often suggested by the Government as a way for doctors to pay their pension tax bills. However, it attracts an interest rate of CPI plus 2.4%. So in the current climate, with inflation being at over 9%, "scheme pays" is prohibitively expensive and can result in a significant reduction in the total value of the pension, particularly for younger NHS workers in their 30s and 40s. Many doctors and nurses are left with little option but to pay the tax from their post-tax income instead, take out bank loans or, in some cases, increase the size of their mortgages. As I shall explain later, due to rising inflation, senior workers are being billed thousands of pounds in tax for pseudo growth in their pensions which never materialises as inflation continues to rise.

What is the impact on the NHS? The NHS is at a care and staffing precipice. GP workforce numbers are falling, while hospital consultant numbers are not increasing

rapidly enough to keep up with demand. Many staff are also feeling burned out and demoralised due to workload and rising instances of abuse. In addition, the secondary care backlog in our hospitals for both urgent and elective operations, as well as for cancer care, is at an unprecedented level, with 6.48 million people currently waiting for treatment. Return referrals to GPs have also seen an 87% increase and a care backlog for general practice, with 401,115 patients waiting for treatment as of November 2021. Those circumstances, coupled with low levels of hospital beds, mean that staff and patients alike are feeling the impact.

We can all agree that the NHS needs more staff. England would need the equivalent of an additional 46,300 full-time doctors simply to put the NHS on an equivalent standard to today's OECD EU average of 3.7 doctors per 1,000 people. However, as of March 2022, over 100,000 posts in secondary care are vacant, more than 8,000 of which are medical posts. The NHS needs to keep the staff it has simply to keep the current level of service running. In the year between June 2021 and May 2022, the NHS lost 323 GP partners and 462 salaried and locum GPs. That means the number of fully qualified GPs decreased by a net 785 full-time equivalent GPs in just under one year.

That trend is exacerbated by the fact that despite there being 1,737 fewer fully qualified GPs today than there were in 2015, each practice has on average over 2,000 more patients than in 2015. So, there are fewer GPs but each with more patients to care for, and many more patients now have complex care needs to manage.

Pension rules are making it financially unviable for some senior doctors and nurses to either stay in the NHS or work the number of hours they would like to. By tackling the NHS pension crisis through amending the Finance Act 2004 and introducing a tax unregistered scheme for those senior NHS workers, we could help to keep those much-needed doctors and other frontline clinical staff in the NHS for longer, and we would be supporting patients to get the care they need. Without those changes to the pension rules, more staff will leave and the care backlog together with waiting times are likely to continue to rise.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (Ind): I thank the hon. Gentleman for giving way. I congratulate him on securing the debate and on making that key point on the retention of staff. When a similar problem happened with the judiciary, the Government brought in a tax unregistered scheme which, critically, breaks the link between working more hours and the additional tax bill, as well as ensuring that the right amount of tax is paid. Does he think that the UK Government should consider that?

**Dr Poulter:** Absolutely. The hon. Gentleman is right, and that is one of the recommendations I will make in my concluding comments to the Minister.

It is useful and important to use an example of a particular workforce group. I will focus primarily on the pension crisis faced by doctors by means of an example of the way the pension rules need to be changed. How many doctors could the NHS lose as a result of the current pension rules? There is not an exact figure, but British Medical Association modelling suggests it could be anything from 10% upwards by the end of 2022. We already know that the average retirement age has fallen

from 61 in 2007-08 to 59 in 2018-19. There has also been a fourfold increase in the number of voluntary early retirements since 2008, with 30% of consultant retirements and 54.7% of GP retirements in 2020 being voluntary early retirement.

A survey of 800 GPs in *Pulse* last month found 47% said they intend to retire at or before 60. Respondents gave a number of reasons why they wanted to retire, with problems around pensions being listed as a significant reason. A survey by the Royal College of Physicians last year revealed that more than a quarter of senior consultant physicians expect to retire within three years. A survey by the Royal College of Surgeons showed that 68% of consultant surgeons were actively considering early retirement because of the pension arrangements, and 71% of consultant surgeons were considering reducing their non-clinical commitments, including educational and managerial roles—that relates to the point made by the hon. Member for Central Ayrshire (Dr Whitford)—which has worrying implications for the future training of surgeons.

A British Medical Association survey of more than 8,000 doctors revealed that 72% said that freezing the lifetime allowance would make them more likely to retire early; 61% of respondents said that they would be more likely to work fewer hours; and 41% would be more likely to give up additional roles and responsibilities. At the time of the BMA survey, CPI was only at 0.4%. It is now at 9.1%, and in real terms that is the rate by which the lifetime allowance is reducing each year. The BMA believes, with some credibility, that if it were to rerun the survey now, the results would show a significant increase in doctors intending to retire due to the impact of inflation on NHS pension policies. There can be no doubt that senior NHS workers are looking to leave the NHS in significant numbers, and a significant contributing factor to that—alongside burnout and workload—is the punitive pension taxation policies that they face.

**Amy Callaghan** (East Dunbartonshire) (SNP): I congratulate the hon. Member on securing the debate and on all the work that he has done so far on this issue; my constituents who have raised this issue with me are incredibly grateful for that work. As he said, the BMA figure shows that roughly 10% of medics would be affected and would potentially leave the NHS. More than 100 of my constituents have been in touch with me over this issue. If we apply the 10% to just the ones who have reached out to me, we will lose at least 10 experienced medics at NHS Greater Glasgow and Clyde. This really significant issue needs to be noticed and action needs to be taken, but not like the action that was taken with the taper, which did not affect enough doctors. We need to see this action from the Minister.

**Dr Poulter:** I agree with the hon. Lady, who, like all Members who have intervened, is strongly advocating for her constituents and for healthcare workers throughout the country. I have been written to by doctors in Scotland in advance of the debate and I know how serious this issue is. I thank all the Scottish National party Members who have come to this debate for their support in raising this issue, which is important for those working in Scotland.

Turning to the technical information—this issue is very technical—why is this happening? The pensions annual allowance allows for the value of a pension to

[Dr Poulter]

increase by up to £40,000 without incurring penalties. That is completely unsuited to defined-benefit schemes such as that in the NHS, and it should be scrapped in defined-benefit schemes. That view has been supported by Treasury advisers and by the Office of Tax Simplification. However, the Government did not agree with the recommendations and instead only raised the annual earnings taper thresholds to £200,000 and £240,000. Pensions experts were clear at the time, and have been ever since, that although this approach mitigates some of the issues around the taper, it is not an effective solution to issues with the annual allowance, as the unfair interactions between pension taxation and the NHS pension scheme regulations remain. Crucially, it does nothing to affect the punitive effects of the general annual allowance, which is set at £40,000, nor the lifetime allowance, which is set at just over £1 million.

Not only has the rise in taper thresholds not fixed the problem, but the situation has reached a further crisis point due to the combination of levels of stress and burnout across the NHS, the freezing of the lifetime allowance in 2021 and, most significantly, the rapid rise in inflation and the CPI. That is compounded by a flaw in the Finance Act 2004 such that its provisions no longer operate as originally intended—that is, measuring pension growth above inflation. So the situation has reached a crisis point.

To address the long-standing issues of the interaction of pension taxation policies with the NHS pension scheme, it would be sensible to introduce a tax unregistered scheme similar to that made available to the judiciary—as the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) outlined—who face similar recruitment and retention problems to those we are beginning to face in the NHS.

It is worth asking why the CPI rise has turned the crisis in retention and recruitment into a disaster for the NHS, particularly this year. There are three major impacts of CPI inflation. First, the Department of Health and Social Care has suggested that, even though CPI is likely to hit 10% by September 2022, the likely pay award for hospital doctors nearing retirement age with final salary schemes will be 2% or 3%. This unprecedented gap between the level of inflation and the likely pay award risks significantly devaluing the pension of members aged 59 or above if they delay retirement by even a single year. There are no late retirement factors in the 1995 pension scheme—the scheme that the vast majority of staff approaching the age of 60 are in. That means that, for every year spent working beyond the age of 60, the level of annual pension that could have been received if they had retired at 60 will effectively be lost.

A doctor may be well over £100,000 worse off if they retire at 61 rather than at 60. That cannot be right; it is a perverse reward for years of dedicated service to patients. The consequence of the current pension rules will be to push more experienced doctors, nurses and other healthcare professionals to take early retirement at the very time when they are most needed to reduce the covid backlog.

The second pressing issue is that two different measures of inflation are used in the NHS pension scheme. That has a particular impact on those who are on a career average revalued earnings scheme; as GPs are wholly

within a CARE scheme, it has the biggest impact on this group of doctors. The current rules use a different CPI value for the opening value: it is based on the CPI rate in September last year, whereas the revaluation of earnings that is built into the NHS pension scheme is based on the CPI rate in September this year. When inflation is stable, last year's CPI rate and this year's are similar, so that does not usually present a major problem. However, when inflation changes rapidly, as is happening now, it becomes a very significant problem for many GPs.

For example, CPI in September 2022 is likely to be approximately 10%. Under the scheme rules, the pension will be revalued by inflation plus 1.5% and will therefore increase by approximately 11.5%. However, the opening value of the pension will increase by only 3.1%, which is the September 2021 CPI figure. Therefore, even though the annual allowance is only supposed to test pension growth above inflation, the discrepancy caused by those two different measures of inflation will result in a purely inflationary growth being tested against the annual allowance. For many people, that will use a significant proportion of the available annual allowance, and in some cases it will exceed it entirely, resulting in an additional tax charge simply as a result of inflation. A GP from Scotland who wrote to me before this debate told me that it would result in her receiving a tax bill of about £19,000.

The impact is compounded by the fact that the opposite scenario will occur next year if, as predicted, inflation returns to more normal levels. Although workers in the NHS will receive only one NHS pension, following the public sector pension reforms, many NHS staff are in the 1995, 2008 and 2015 pension schemes. Under the Finance Act, those schemes are all considered separately, so even though one scheme may have negative growth, it is not offset against positive growth in other schemes. For example, if a member had £20,000 negative growth in the 1995 or 2008 scheme and £60,000 positive growth in the 2015 scheme, even though their combined pension growth was £40,000 and within the standard annual allowance, the 1995 or 2008 scheme growth is considered to be zero. Instead, the member is taxed on the £20,000 excess in the 2015 scheme.

In addition, the negative growth in the 1995 or 2008 schemes cannot be carried forward or backward to offset previous positive growth in these years. That effectively means that GPs in particular will face additional annual allowance tax bills of tens of thousands of pounds this year for pseudo growth, the majority of which will be lost next year but with no refund or reduction in the extra tax paid this year. That cannot be right; it will push many GPs into early retirement. This year, a typical GP with median partner earnings of £115,000 will receive an annual allowance charge of more than £32,000 as a result of this flaw in the Finance Act, which incorrectly measures pension growth above inflation.

Thirdly, the current high levels of inflation have exacerbated the impact of the decision to freeze the lifetime allowance.

Let me very briefly offer the Minister some possible solutions. First, we need to address the issue of CPI and rising inflation and amend the Finance Act. As I have outlined, only growth above inflation should be tested against the annual allowance. In this rapidly moving inflationary environment, section 235 of the Finance



Act does not do so; two different values are used. Simply amending section 235 to ensure that the opening value is aligned with this year's CPI—not last year's—so that the inflationary uplift of benefits is tested in the same year will ensure that only “growth” above inflation would be subject to testing against the annual allowance, as was clearly originally intended by the spirit rather than the letter of the legislation. At the same time, it is imperative to amend section 234 of the Finance Act 2004 to recognise years of negative growth and allow them to be carried backwards or forwards to measure real growth over a longer period.

Secondly, in the year 2022-23, we should allow the NHS in all four nations to replicate the 2019-20 compensation scheme to protect clinicians from pension growth so that they are freed up to work at maximum capacity in the NHS. This is not a “tax perk” for one group, but rather recognises that the annual allowance charges are largely based on non-existent pseudogrowth.

Thirdly, to solve the wider and long-term issues facing senior and experienced NHS staff, we should move to a non-tax-registered scheme. It is clear that in the long term, the solution to this problem is a scheme of that kind for those impacted by pension taxation in the NHS. When faced with similar recruitment and retention problems with the judiciary because of these punitive pension taxes, the UK Government introduced a non-tax-registered scheme which immediately addressed the issue, and resulted in the appointment of more judges. That is a fundamentally fair system. It ensures that the correct amount of tax is paid on pension growth, and as no tax relief is provided on employee pension contributions, there is no requirement to subject scheme members to either the annual or the lifetime allowance.

Senior and experienced NHS workers are not asking for special treatment. They are, however, asking for a fair system: a system that does not penalise them for working more shifts, taking on leadership roles, or staying in the NHS after the age of 60. It cannot be right, at a time when the NHS is desperate to retain its workforce—particularly the senior workforce who are so crucial in training new doctors, nurses and other frontline staff or workers, and advising on the most complex cases—that senior clinicians will actively lose money from their pensions for working for longer, or face huge tax bills on pension growth that they will never see materialise.

If the Government are serious about valuing NHS staff, if the Government are serious about helping healthcare staff to meet the covid care backlog, and if the Government are serious about meeting the needs of patients, they must act now to reform NHS pension rules.

**Mr Deputy Speaker (Mr Nigel Evans):** I call the Minister, and welcome him to his new role.

8.1 pm

**The Economic Secretary to the Treasury (Richard Fuller):** Thank you very much, Mr Deputy Speaker.

Let me begin by thanking my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter) for securing the debate and for the points that he has raised. I also note the contributions of the hon. Members for Central Ayrshire (Dr Whitford), for Strangford (Jim Shannon), for Llanelli (Dame Nia Griffith), for Carmarthen

East and Dinefwr (Jonathan Edwards) and for East Dunbartonshire (Amy Callaghan), who made, forcefully, the point that this is an issue that affects all parts of the United Kingdom.

Because these issues are complex and my hon. Friend rightly set them out in full in order to put them on the record, I am rather short of time, so, if I may, I will move rather quickly in responding to some of my hon. Friend's recommendations. Let me add that I shall be happy to follow this up with other Members who have spoken if they want to raise specific constituency points.

I think that everyone present has noted the pressures on our NHS. Indeed, before taking on my new role, I spent a considerable amount of the last six months with my own GPs. I know that the issues relating to pressures on GPs are complex, including the overall questions of compensation and burnout, and my hon. Friend rightly mentioned the issue of abuse of NHS staff, which has occurred to a shameful degree over the last six months and which no member of our health service should ever have to deal with.

However, my hon. Friend focused on the issue of pension tax and the NHS, and made three specific recommendations. The first concerned the differential use of CPI figures, and he was right to raise that issue, because it is the spike in inflation that has laid bare some of the problems in the way in which calculations are made. The issue relates to the disparity between the CPI figure used for uprating the opening value of a member's benefits and the CPI figure used to assess revaluation in public service schemes. This effect is particularly notable in the NHS pension scheme, where accrued benefits are adjusted upwards each year by CPI plus 1.5%—which, to be fair, makes it one of the most generous pension schemes available.

I understand that this difference in figures will lessen the headroom that scheme members have in their annual allowance calculation. That may cause more members to exceed the annual allowance, and cause those who already routinely exceed it to exceed it by more, with the result that some may receive annual allowance tax charges. The British Medical Association has asked the Government to amend the Finance Act 2004, so that the CPI figures used in uprating the opening value and the figure used for revaluation in public service schemes are the same. However, there are some further issues that must be considered in this discussion, which my hon. Friend may not have mentioned.

First, the Government have a duty to balance support for all pension savers across the United Kingdom. The use of September CPI to measure inflation in the year before the tax year is a well-established feature that is used across the tax system. Any changes would impact all pension savers, not just NHS staff.

The current approach provides certainty to individuals at the start of the tax year about what their opening pension value will be for annual allowance purposes. I appreciate that, for those with a defined benefit pension alone, this certainty may not be seen as much of an advantage. However, for others across the country who may have some defined benefit accrual but are now saving into a far less generous defined contribution scheme, this certainty allows them to plan their finances and pension contributions for the coming year.

**Dr Whitford:** Will the Minister give way?

**Richard Fuller:** I really cannot; I have only two and a bit minutes left.

Secondly, there is a perception that the use of different CPI figures will disproportionately hit senior NHS staff. This is said to be because the revaluation of accrued rights in the 1995 and 2008 sections of the NHS pension scheme will lead to a large pension input amount for clinicians, while the annual allowance calculation will use a lower CPI figure when calculating their opening value. This is the so-called pseudogrowth that my hon. Friend mentioned. I am afraid that this point ignores the fact that, for most NHS employees in the 1995 and 2008 sections of the NHS pension scheme, their accrued benefits remain linked to their final salary, which means that they do not have their benefits revalued each year.

Thirdly, I have heard concerns over so-called negative accrual that cannot be used to offset positive accrual in later years. This point conflates actual pension accrual that benefits pension savers with notional accrual used for the purposes of the annual allowance calculation. It is a fact that defined benefit schemes are more difficult to compare against the annual allowance than defined contribution schemes. In a given year, where individuals accrue rights to future annual pension payments, it is necessary to calculate a comparable figure for their savings to test against the annual allowance to ensure fairness between those in defined contribution and defined benefit schemes. On this point, my hon. Friend and other hon. Members have raised an important issue this evening, and I will go away and consider it further.

In response to my hon. Friend's second recommendation, I know that the BMA and others have said that the action taken at Budget 2020 on the tapered annual allowance was not enough. However, the cost of this intervention was £2.2 billion over five years, and it was targeted at the very highest earners in society. It will be hard to justify focusing more Government support on them, especially in the current climate. This includes replicating the temporary scheme used in the 2019-20 tax year.

My hon. Friend's third recommendation for an unregistered scheme was also mentioned by the hon. Member for Carmarthen East and Dinefwr. I understand the comparison that senior clinicians draw with the position of the judicial pension scheme 2022, which is unregistered for tax purposes. However, I believe that a distinction remains to be drawn between NHS high earners and the judiciary, and that there are unique circumstances relating to judicial appointments—in particular, that judges are unable to return to private practice after taking up office, and that many judges take a significant pay cut to join the judiciary. However, we all recognise that there are significant issues around doctor and GP retention, and the points raised this evening have struck a chord with me. I look forward to discussing them further with hon. Members.

*Question put and agreed to.*

8.8 pm

*House adjourned.*

# Westminster Hall

*Wednesday 13 July 2022*

[MR PHILIP HOLLOBONE *in the Chair*]

## 150th Open Championship

9.30 am

**Mr Philip Hollobone (in the Chair):** I call Wendy Chamberlain to move the motion and to tee off the debate.

**Wendy Chamberlain (North East Fife) (LD):** I beg to move,

That this House has considered the contribution of the 150th Open Championship to culture and sport in the UK.

It is a pleasure to serve under your chairmanship, Mr Hollobone, and I will try to keep the puns to a minimum. I am grateful for the opportunity to highlight the fact that golf's most prestigious event has reached a significant milestone—the 150th playing of the Open is taking place this week at the home of golf in my constituency of North East Fife. As Member of Parliament for North East Fife, I have to declare an interest, and I refer Members to the register: not only is the Open happening in my constituency, but, as a result of the St Andrews Links Order Confirmation Act 1974—private legislation passed by the House of Commons—the local MP is designated one of the eight trustees of the St Andrews Links Trust, which manages the courses in the town, including the Old Course, where the Open is taking place. As Members will see, the Act is a culmination of the interlinked relationship between golf and the town of St Andrews, which I am proud to represent.

The 150th Open is a significant milestone, and St Andrews is very much alive to the historical significance of the championship. On Monday, the Celebration of Champions exhibition match took place to celebrate the occasion of the 150th Open, and big names from the world of golf, older and newer, including players such as Tom Watson and Dame Laura Davies, took part. I hope that many saw the picture of previous Open winners, including Jack Nicklaus, appearing on the Swilcan bridge. I have appeared on the Swilcan bridge myself with my dog, and one of the great things about St Andrews is that it is public land and open to use. On a Sunday, people can walk their dog, walk on the courses and get their picture taken in what is probably one of the most iconic places in golf history.

Jack Nicklaus won the Open twice at St Andrews, but this week he was looking on from a golf buggy and his landmark moment came yesterday. It was an honour for me to attend and see him being granted honorary citizenship of St Andrews by the St Andrews Community Council in recognition of all he has given to the sport. Jack Nicklaus is the third American to be receive that distinction, following in the footsteps of Bobby Jones—another great golfer—and, interestingly, Benjamin Franklin, one of the founding fathers of the United States.

I am in St Andrews often in my work as an MP, and in some ways, Members take the place they represent not for granted, but as what they see all the time. However, what came through strongly for me was the emotion that Jack Nicklaus and others displayed not

only about the honour of receiving the award, but with respect to St Andrews as a place and what it means to golf. I am grateful to St Andrews Community Council, and to Mr John Devlin in particular, for nominating Jack Nicklaus for the award.

Yesterday, prior to the honorary citizenship event, the University of St Andrews gave honorary doctorates to a number of golfers, including Sandy Lyle, Catriona Matthew, Bob Charles, José María Olazábal and Lee Trevino. It really was a significant event for golf fans.

**Margaret Greenwood (Wirral West) (Lab):** The hon. Lady is making an excellent speech, and I congratulate her on securing the debate.

Next year, the Open will head back to Wirral—specifically to my constituency of Wirral West—and the Royal Liverpool golf club in Hoylake, which is situated on the Dee estuary. As well as coverage of arguably the biggest and best golf event in the world, the many millions of television spectators are treated to stunning views of Hilbre Island and across to north Wales.

When the tournament was last in Hoylake in 2014, it delivered an economic benefit of £76.3 million across the Wirral Council area and to the wider economy of the north-west. Wirral businesses—particularly the restaurants, hotels, guest houses, pubs and shops of Hoylake and West Kirby—did a fantastic job and got into the Open spirit. Does the hon. Lady agree that it is massively important that visitors from around the world see the best of what we have to offer, and will she pay tribute to all those people who provide such a warm welcome?

**Wendy Chamberlain:** I thank the hon. Lady for her intervention, and I agree absolutely. She has demonstrated not only the economic impact that the Open has on the venues that host it, but the community aspect, which is so important.

The last thing I want to say about yesterday's event is that it was open to the public. People could apply online for tickets, and afterwards the university hosted people in a marquee; the event was treated like a graduation. There were Americans and other tourists there who had applied for tickets, but there were local people there too, and it really felt like something that people could take in and participate in. There was a procession around the town afterwards.

It would be remiss of me not to acknowledge that the first ever Open was held not in St Andrews but in Prestwick. I am sure that the hon. Member for Central Ayrshire (Dr Whitford) would have something to say if I did not mention that. That was all the way back in 1860, but golfing originated in Scotland in the first part of the second millennium, with players attempting to hit pebbles over sand dunes using a bent stick or club. Little is known about those early games, but we know that the sport grew so much in popularity that, by 1457, King James II had banned it in order to encourage Scots to focus on military activities such as archery and ensure the defence of the realm from the English. Luckily, that only lasted 45 years, and from 1502 golf was being played widely and spreading from Scotland to the rest of Europe, and from there to the world.

The events of 1860 all came about because a competition was arranged to determine the best golfer after the widely accepted champion golfer, Allan Robertson, sadly



[Wendy Chamberlain]

passed away. He was a legend of the golfing world. His family had lived and breathed the sport for decades, a mantle that he took on and perfected. Living in St Andrews, with a business making and selling the best golf balls, he caddied and competed in the game. Old Tom Morris, whose bicentennial the Open is marking this year, was his apprentice, and they were unbeaten when playing together. Allan Robertson made his mark in other ways, too, redesigning the Old Course and being the first to use an iron club.

The loss of that legend, Allan Robertson, led to the first competition of what is now the Open. Although it was then an invitational between eight top golfers, including his apprentice, with the winner taking home the challenge belt, it later became more widely accessible, hence the name the Open. The first winner of the challenge belt was Willie Park. The following year, the competition became open, with amateurs also invited. Amateurs can still apply, through the qualifying rounds, to take part today.

The competition changed in 1870, when Young Tom Morris won the championship three years in a row, entitling him to keep the challenge belt. That is where St Andrews comes back into play. Left without a prize, the whole competition was cancelled in 1871, before Prestwick joined forces with the Royal and Ancient golf club in St Andrews and the Honourable Company of Edinburgh Golfers to find a solution. Each club gave £10 towards a silver claret jug, which, as I hope we all know—we are all here, interested in golf—is still used today. I would argue that it is the most iconic trophy in the game.

The story is not over, though. The jug was not ready for the 1872 competition, so instead of cancelling it, the organisers gave the winner—again, Young Tom Morris—a gold medal. On Sunday, when the winners are presented, hon. Members will still hear both awards mentioned, as the gold medal is still given alongside the jug, as well as a silver medal for best scoring amateur.

The hon. Member for Central Ayrshire is not here today, but I hope that she will forgive me for saying that it is particularly meaningful that the 150th Open is being held at the home of golf, as Prestwick has not hosted it since 1925. St Andrews is so tightly wound up in the history of the game that, for many, the R&A and the Old Course are synonymous with it. The R&A first held the Open at St Andrews in 1873; in 1894, the Open was first held in England, at St George's; and in 1951, Portrush in Northern Ireland hosted it for the first time. The competition returned there with great success in 2019. Interestingly, the Open has never been held in Wales. The R&A says that it is happy with its current list of 10 courses, but it would be lovely to see a British Open truly representative of all four nations. Hopefully the R&A can find a course in Wales to suit.

Returning to the history, the first evidence of golf being played in St Andrews is a charter from Archbishop Hamilton permitting golf in the town, in the area that is now the Old Course. What is incredible about the course is that it has always been public land. That came through very strongly to me during the pandemic. In Scotland, we were able to play golf more than in other parts of the UK, given the restrictions, and it was good to see the land in St Andrews being widely used by many

people. The public nature of the land is really important. At a time when sport was often reserved for gentlemen, that a young Allan Robertson was allowed to play on the greens outside his window arguably shaped the world of golf forever. That is why the links trust is so important. I sit on the trust as an elected representative, with others. It is focused on balancing the needs of the sport with the needs of the town, ensuring it benefits the people of St Andrews.

It is not just the rules of the game or the modern 18-hole course that originate from the Old Course, although both do, but the equipment itself, which is another reason why St Andrews is so synonymous with the sport. Allan Robertson made golf balls and alongside Hugh Philip, a local club maker, formed the Society of St Andrews Golfers, later Forgan of St Andrews. It is now the oldest golf manufacturer in the world. The craftsmanship has been perfected and passed down through generations, and we see that in the worldwide demand for equipment today.

The R&A has a responsibility for standards. I visited its Kingsbarns equipment standards facility; some of the tests they do look like really good fun, to be honest! Every club is tested on behalf of the 152 affiliated organisations, and every ball is approved, every year. There is a library full of weird and wonderful clubs and golf balls.

I am proud to say that more recently our golfing tournaments have become more diverse. St Andrews hosted the women's Open for the first time in 2007 and then in 2013. It will return in 2024, alongside the Phoenix cup, disability golf's equivalent of the Ryder cup. Scottish Disability Golf & Curling is based in North East Fife and I have attended several events to speak with participants and discuss equipment and access needs and requirements. I am grateful to the all-party parliamentary group for golf, which hosted a SDGC session.

I think I have made it clear that the Open taking place in St Andrews is a big deal, but I will be the first to acknowledge that it has not been without issues. There is no doubt that the train strikes in Scotland and the inability to reach an agreement on pay with the trade unions until this week has had an impact. To anybody listening, I remind them that the recommendation is not to travel by train this week and to make use of park-and-ride facilities to attend. St Andrews is in a rural part of Scotland and it is difficult to get there, so get there by car early and use park and ride.

I also acknowledge that not every resident of St Andrews loves having their town full of tourists. There is definitely scope to work more closely with local communities, especially in maintaining facilities such as cycle lanes for future events, and I will certainly push for that engagement in both my roles in the future.

None the less, after the two years of the pandemic where golf tourists stayed away, hosting the Open is a significant event. It is a major employer in North East Fife. In 2016, it was found to support nearly 2,000 jobs directly. If we take into account local hospitality and other ventures, that number is far higher. Golf clubs, hotels, restaurants, shops and local attractions are the obvious local beneficiaries of the arrival of golf fans to North East Fife, but the golf tourism industry is much more than that. I spoke in this place many times during the pandemic about the lack of support for golfing-specific

parts of hospitality tourism. Companies such as coach businesses, drivers taking golfers from course to course and smaller and private golf courses who benefit from golf fans but struggled to attract them as a result of the pandemic missed out on some of the support that was offered. We expect more than 250,000 golf fans this weekend and very much hope they will bring those businesses back to life.

Golf is not just about St Andrews. It is alive and well across North East Fife and beyond. That is not just member-based clubs. The Fife Golf Trust and courses such as Scoonie and Leven in my constituency are publicly run and ensure wide participation.

For a community that thrives on summer tourists even once the Open has gone, the value of being broadcast worldwide is invaluable—although that is not quite true. The value is estimated as worth up to £50 million to the local economy, which is the same amount estimated that Royal Liverpool brings to the Wirral.

Anyone who knows me—in fact, anyone who has walked through the atrium of Portcullis House recently—will know that I am more of a fan of picking up a shinty stick than a golf one. I have had a lesson and I admittedly did find that the skills of hitting a ball with a stick are transferable, but I have still not been able to find a passion for playing the sport. It is potentially too late for me or, more likely, the demands of this place keep me too busy to pick up a second sport that takes four hours to play a round. I think the family would go off their rockers at that.

Golf takes time in its traditional format and I am glad to hear that different ways of attracting people to play and different formats such as nine-hole competitions are being looked at. With golfing on everyone's lips in North East Fife and beyond, and with so much investment in and celebration of the sport, I hope we see more young people playing. I am pleased that this is the most accessible Open we have seen for families and young people: 20% of general admission tickets have been allocated to under-25s, including to 20,000 under-16s who are able to go free of charge. That makes it clear to the next generation that golf is not just for their dad, uncle, mum or anyone else. It is a sport for everyone to get involved with.

There are other modernisations this year, such as an area filled with massive bean bags, where people can lounge and watch the big screen, which I am looking forward to. There will also be a kids' soft-play area, and a swing zone for children to try out golfing themselves. That will ensure that golf gets a new lease of life for future generations. There is snowball effect, with the Open growing in visitor interest. This is the first year where tickets have had to be balloted, and there is already a huge demand for tickets for next year's event in Liverpool. The ballot is open now for those who are interested.

Although I have been talking about how important the Open is to St Andrews as the home of golf, I know it is also vital further afield. I am one of 10 MPs who represent constituencies that host the Open via the current rota, some of whom are here. As with any sporting event, the Open has a ripple effect in many ways across the country. It promotes sport domestically, boosts demand for golf-related goods and services from tourists and leads to more investment and facilities.

Sheffield Hallam University did a major piece of research in 2016, supported by the R&A, looking at the value of golf to the UK economy. The results were astounding. In 2014, there were 3.883 million adult golfers, of whom more than a million and a half played at least once every four weeks. Those figures will inevitably now be higher, with population growth and the switch to outdoor sports during the pandemic. Social prescribing is also beginning to be used for those suffering mental health challenges, since playing sport is good for them. Golf has been involved in that, which is something the all-party parliamentary group on golf has looked at.

In 2014, the gross value added to the UK economy was a little over £2 billion, with almost £1 million raised in taxes. One in 500 jobs is linked to golfing in some way. KPMG broke that down further in an older report in 2011, showing that golfing leads to spending and investment in equipment, manufacturing, training and hospitality. The courses need building and maintaining by companies that need accountants and lawyers, representatives from marketing and human resources.

Through direct spending on clubs and balls, maintaining grass, and running clubs, through indirect spending on hospitality and construction and through the multiplier effect, when all those people go out and spend their income, golf is worth billions to our economy. That will only grow as participation in golf grows. I have mentioned the growth in women's and disability golf in recent years. Golfing is for everyone. It can be enjoyed alone, with or without friends.

More and more golf clubs are ensuring that they are accessible to their local communities, clubs such as Scoonie, which I mentioned. It is a sport for all ages and abilities. It is good for the body and for the mind. The Open plays a part in that; I am so proud that North East Fife and St Andrews are hosting the 150th Open at the Old Course this year. I am hoping it stays windy, as I experienced yesterday, because that will make for a more challenging outing for professional golfers. It is an incredibly historic event, which brings huge benefits to St Andrews and the wider community. I am equally looking forward to a future of women's Opens and the British Masters for disabled players, because St Andrews is the home of golf. It continues to welcome those who are playing, participating or spectating, and I hope it continues to do so for years to come.

**Mr Philip Hollobone (in the Chair):** The debate can last until 11 o'clock. We find ourselves already on the back nine, because we are going straight to the Front-Bench speeches and Gavin Newlands for the SNP.

9.49 am

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): It is a pleasure to see you in the Chair, Mr Hollobone. You have certainly aced it thus far with your puns. I have not planned many puns, but I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on securing the debate and highlighting the role the Open championship and golf more generally play in our society, particularly in Scotland, North East Fife and St Andrews.

It is a shame that, as you said, Mr Hollobone, there are not more Members here for such an important, interesting and enjoyable debate. We have lots of debates in this place in which we shout at each other, but this is

[Gavin Newlands]

one in which we would reach a fair level of consensus. It is apt that the debate is happening today, not because the 150th Open is being played this weekend at St Andrews but because my first new set of golf clubs in 25 years is due for delivery today. I am hoping to see how much they improve my game—I suspect not very much.

In opening the debate, the hon. Lady spoke very well and passionately about the subject. She is lucky to have St Andrews in her constituency, and even luckier to be a member of the links trust. I hope she can arrange a round on the course for all of us who have spoken in the debate. I very much look forward to attending St Andrews this weekend for the event. She mentioned a host of big names from the history of the game, all of whom are fantastic, but she included my favourite, Tom Watson. Who can forget Tom, at the age of 59, nearly winning the Open in 2009? It was very nearly an incredible achievement.

The hon. Lady mentioned the claret jug, one of the most iconic trophies in the game—I would argue that it is one of the most iconic trophies in world sport. She also mentioned the growth in participation. At least 1.5 million people play the game at least once every four weeks. The pandemic was very difficult for all of us, and for sport in the round, but golf and tennis bucked the trend and may have seen a growth in participation.

The hon. Member for Wirral West (Margaret Greenwood), who is no longer in her place, rightly advertised next year's event in her constituency at Royal Liverpool Golf Club, which is another excellent course. I look forward to that. In preparation for the debate, I researched the courses of Strangford, but sadly the Member for Westminster Hall, the hon. Member for Strangford (Jim Shannon), did not attend today, so that research has gone to waste.

I mentioned that I have new clubs arriving today. I have a love-hate relationship with the game, it must be said. I can just as easily hit 79 as 109, although recently I am much closer to the latter, mainly because of my slice. I said to my friend Michael Somerville, who I will be attending the Open with this weekend, that I would mention in my speech that the last time out I beat him seven and six. Hopefully that is now on the record for all eternity, and he will surely be buying me a pint at the weekend.

My hon. Friend the Member for Central Ayrshire (Dr Whitford) is not here either, so I can say that St Andrews is indisputably the home of golf. It is fitting that, for its 150th edition, the Open returns home to the Old Course—just one of seven courses in what is not a huge town. As the hon. Member for North East Fife said, there are many, many other courses around Fife. The Old Course is one of the few courses used for majors—indeed, for the major championship—where anyone can book a round without being a member of a club.

Aside from St Andrews, every part of Scotland has influenced the development and history of golf. The size of the hole is based on tools used at Musselburgh Old Course, itself a six-time host of the Open. Leith provided the earliest surviving rules of the game, published by the Honourable Company of Edinburgh Golfers before its flit to Muirfield. Its rulebook still sits in the National Library of Scotland.

It was a challenge match in 1681 between the future James VII, John Paterson and two English guests of the then duke that settled once and for all Scotland's role as the cradle of golf. The two guests of the duke maintained that golf belonged to England. To settle matters, the duke arranged a challenge match and enlisted the help of Paterson to play alongside him. After seeing off the visitors handily, the duke gave his winnings to Paterson, giving him the resources to build his own house on the Royal Mile, in an area that is still known today as Golfers Land.

It was St Andrews that standardised the 18 hole round in 1764, without which golfers today would be sipping a libation on the 23rd hole after carding a score of 130. Some of us can easily get close to that in 18 holes, let alone 23. The early forms of golf were so popular in Scotland that successive King Jameses outlawed them, such was the time they took up compared with militarily more useful pastimes, such as archery.

This year marks the first time the R&A's three major championships—the men's Open, the women's Open and the men's senior Open—will take place in Scotland in the same year. That is a tribute to the hard work and dedication of the team at VisitScotland, who have supported golf across the country this year, selling Scotland to the world and, in turn, delivering millions of pounds into our national economy. Clearly, though, not everything is rosy. In my view, the ownership of the Turnberry course is still a stain, and some poorer families are discouraged from participation in what is still—despite the sport's best efforts—perceived as a middle-class sport.

I grew up playing at what we colloquially call the Royal Barshaw, the local public course where it is still only £10 a round, and I have played there recently. The work done by Scottish Golf and the R&A over the years has made great strides in dispelling the perception of the sport, but there is always more to do to ensure that we do not miss out on the next generation of Sandy Lyles, Colin Montgomeries and Catriona Matthews over the coming years. As the hon. Member for North East Fife said, golf is truly for everyone. Scotland has shown over the years that we can produce world-class talent across the sporting arena, whether that is Andy Murray, Laura Muir or Katie Archibald. Although we may be going through a temporary barren patch in golf right now, I know that with the work going on at grassroots level, success is just around the corner.

Golf accounts for around £300 million of value to the Scottish economy and more than 5,000 jobs, and it is one of the best shop windows for Scotland overseas. The eyes of the world will be on Fife this week, and while the chances of a home-grown victor this time may be a little smaller than before—although I would keep my eye on Bob MacIntyre; if I were a betting man, that is where I would put some money each way—those watching will be in no doubt that, to borrow a phrase, golf is coming home.

9.57 am

**Jeff Smith** (Manchester, Withington) (Lab): It is a pleasure to see you in the Chair, Mr Hollobone. I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on securing the debate. She gave a really interesting speech about Scotland's proud golfing



history and the importance of golf in her constituency. I would never have imagined the link between Jack Nicklaus and Benjamin Franklin—I will know that for future pub quizzes.

When we think about the great British sporting events, we think about Wimbledon, the FA cup final, the grand national, the Ashes and the Open—especially the Open at St Andrews, the home of golf. We look forward to this weekend's 150th edition of arguably the world's greatest golf tournament.

Research estimates that last year's 149th Open at Royal St George's brought a £113 million economic boost to Kent, the host county. Kent also gained an additional £94 million in gross advertising revenue thanks to the thousands of hours of global television coverage, traditional TV and online news coverage, digital streaming and social media content. That is in a year hit by covid challenges, so the Open is a real economic opportunity.

This year, we are set to have the highest attendance yet, so the Open could be even more of an economic boost for Fife. A record-breaking 290,000 fans are expected to attend, and the R&A says it received more than 1.3 million requests for tickets. Hosting such an event is fantastic for an area, bringing thousands of people to spend their money while enjoying the scenery, cafes, pubs, restaurants, arts and crafts, and independent shops.

St Andrews is a seaside town with a population of under 20,000, and it is expecting 250,000 visitors. Even if the trains were running smoothly, accommodating that number of people is always a challenge, but the Scottish National party's ScotRail cuts and the temporary timetable have caused real problems on Scotland's trains in recent months. A pay deal may have been agreed, but that may well have come too late for some of the thousands of visitors heading to St Andrews this weekend.

I echo the plea of the hon. Member for North East Fife for people to go early and use the park and ride. That is sensible advice for visitors. A ScotRail spokesman has said that the operator expects to run a quarter of the trains that it had planned for the Open, and the R&A has warned that fans who travel to the Open by train may find that there are no services to get them home. That it is a real worry. The lack of trains is likely to lead to thousands of fans filling the roads, and we hope it does not lead to problematic congestion for local residents. The problems on the trains have certainly hit businesses, tourist destinations and passengers for weeks, and the Government really need to get the basics right.

The last couple of years have been difficult for businesses, especially those such as golf that rely heavily on inbound visitors. Pre-pandemic, Scotland attracted around 17.5 million overnight visitors every year, which generated £5.9 billion in visitor spend, and an additional 134 million day trips were taken, with visitors spending £5.8 billion. In Scotland, spending by tourists generates around £12 billion of economic activity for the wider tourism supply chain and contributes around £6 billion—about 5%—to Scottish GDP.

Office for National Statistics figures suggest that accommodation and food services—the services most strongly linked to tourism—were affected worse in Scotland than in any other of the four nations by the pandemic restrictions. Even now, with the majority of restrictions

lifted, a recent survey by the Scottish Tourism Alliance found that half of businesses have fewer bookings than normal for the summer period, compared with the same timeframe in 2019, and 40% reported a fall in spend since May 2021. The recovery is difficult and slow.

Scottish Labour has called for a new national plan for tourism to build a sustainable recovery and ensure that key tourist destinations have the infrastructure and investment to support demand. Scotland's tourism sector can at least be happy that the Scottish Government are investing more generously in it than the UK Government are in English tourism. A recent Digital, Culture, Media and Sport Committee oral evidence session revealed that the finances devolved to VisitScotland are, in relative terms, something like six or seven times the core funding available to VisitEngland.

As a United Kingdom, our sporting culture is one of the biggest draws for visitors. In 2017, more than 2 million visitors went to a live sport event as part of their trip to the UK, which is 6% of all visits that year; more than 350,000 inbound visitors played golf during their trip to the UK, spending about £418 million; and 18,000 international visitors watched a live golf event during their stay, spending at least £30 million. Scottish tourism is still on a shaky road to recovery but, after a difficult few years, golf appears to be on the up and can play a key role in driving that tourism. As we know, when people come to play golf, it is not just the golf courses that profit but the tour operators, local accommodation, local restaurants, pubs and bars, taxi drivers, golf equipment shops, and everybody in the various supply chains.

Importantly, the nature of golf means that it is played in wide open spaces and is often naturally socially distanced. Back in the days when I used to hack around the public courses in Manchester, I was always socially distanced from my fellow players—and from the fairway. That aspect of the sport means that many people have been able to enjoy it as a form of entertainment and exercise with a low covid risk. In most places, golf courses reopened sooner than other sports facilities after the covid restrictions ended.

The rise of the sport's profile appears to have further boosted participation. A survey of 99 UK golf clubs found that four in five members' clubs and nine in 10 proprietary venues reported growth last year. According to research by the R&A and Sports Marketing Surveys, the total number of people who played a round of golf in the British Isles nearly doubled from 2.9 million in 2019 to 5.2 million in 2020. It is also fantastic that women are increasingly embracing the sport. The number of women players grew from just over 400,000 in 2019 to 1.46 million—28% of all golfers—in 2020. There is still a long way to go, but professional women's golf is also enjoying a significant rise.

Meanwhile, the first Disabled Golf Week will take place across Scotland this year to coincide with the 150th Open at St Andrews. Organised by Scottish Disability Golf and Curling, the programme of events will aim to introduce people of all ages, with any kind of disability or serious health issue, to golf with training and tuition. It is good to see golf taking those strides towards greater accessibility and inclusion to enrich the sport further. Not only is the 150th Open championship set to provide a fantastic sporting event and a cultural and economic boost to Fife, Scotland and the rest of the

[Jeff Smith]

UK, but it will help to inspire a diverse range of people to pick up a club—perhaps for the first time—and to get more physically active.

Last week, a report by the National Audit Office concluded that the Government had essentially squandered much of the legacy of the 2012 Olympics by failing to make meaningful inroads in boosting people's physical activity levels. Let us hope that the legacy of the 150th Open championship has a different fate and that the event inspires people to get involved in sport and physical activity. Let us also hope for a fantastic few days of golf ahead of us.

10.5 am

**The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston):** It is a pleasure to serve under your chairmanship again, Mr Hollobone, particularly in these rather pleasant surroundings, it being rather cooler in the Chamber than outside.

I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on securing the debate and on her compelling, passionate contribution. I learned quite a lot from it. She is sincerely passionate about golf, and it was fascinating to hear how an Act of Parliament requires her to be so. That part of history shows, as she said, how closely linked golf is to her local community.

I also thank the hon. Member for Wirral West (Margaret Greenwood) and my Front-Bench colleagues, the hon. Members for Paisley and Renfrewshire North (Gavin Newlands) and for Manchester, Withington (Jeff Smith), for their contributions. As is often the case with sport, I think that there will be a fair degree of agreement and consensus.

I am aware of the huge interest in golf. There has rightly been recognition of the value that it brings far and wide across the United Kingdom. From the grassroots right the way up to elite competition, the sport's impact on local communities should not be underestimated. It has a social impact, an impact on physical and mental health and, as we have heard—I will come to this—a considerable economic impact. We talked about some of that before the debate—in particular how golf's impact is disproportionately large in Scotland, and how the sport is widely recognised and respected.

I congratulate the hon. Member for North East Fife on her commitment to drive the conversations forward in many areas as a vice-chair of the all-party parliamentary groups for golf and for hospitality and tourism. We should acknowledge that those are active APPGs with many members, and that certain other activities and events taking place today may mean that colleagues who wanted to contribute to the debate are otherwise engaged.

This is a really timely moment, on the eve of the event's 150th anniversary, to reflect on the noteworthy contribution of the world-renowned Open championship. I am thrilled that this year the Open is returning to St Andrews—it is, as was said many times, the home of golf—in the hon. Member's constituency.

Golf has a long heritage in this country, with the Open championship first played in 1860 at Prestwick in Scotland, predating many other major sporting events

that make up the British sporting calendar. The first FA cup final did not kick off until 1872, and it was not until 1877 that we had the first tennis at Wimbledon—at a different location from the current tournament, which had its 100th anniversary just last week.

The Open is golf's oldest championship and the original of the four majors. It is only right that on the occasion of the 150th Open championship we will see the largest event in its long history, with a record-breaking 290,000 fans due to attend the world-renowned Old Course. I am extremely excited to see crowds return in all their glory after such a difficult period for spectator sport.

Last year's championship was a brilliant success. At the other end of the country, the organising committee did a truly fantastic job to co-ordinate the tournament safely as part of the Government's events research programme. That enabled 32,000 golf enthusiasts to attend each day of the four-day event, and I was fortunate enough to see one of them. I reiterate my congratulations on the delivery of last year's Open at Royal St George's with such professionalism and sensitivity as the country continued to navigate the challenges of the pandemic.

As the hon. Member for Paisley and Renfrewshire North mentioned, golf did a fantastic job of engaging with Government and stakeholders, taking its responsibilities, in order to reopen safely. In the process, it managed to attract many new golf enthusiasts, many of whom have stayed with it. It has done a good job of recovering from the pandemic. Importantly, that has contributed not only to economic activity, but to people's physical and mental health. The many benefits of golf that we all recognise are now known more widely than ever.

This historic anniversary has clearly created a renewed excitement and unprecedented demand among golf fans wishing to attend the Open championship, resulting in the highest ever number of general admission tickets being issued. We will certainly have quite an atmosphere at the Open over the next few days.

The Open follows the excitement of last week's Genesis Scottish Open, where Xander Schauffele survived a nail-biting final round scare in East Lothian, winning the tournament with a one-shot victory. It was another fantastic sporting occasion on British soil. Another brilliant couple of golfing events will take place this summer, which I am looking forward to, with the women's Open next month, hosted by Muirfield, and the PGA Championship in September, at the Wentworth Club in Surrey.

I applaud golf the game, as the hon. Member for North East Fife and all contributors have done, for the progress and investment made in ensuring that golf is inclusive and accessible for all, in particular the progress with women's golf and disability golf. That is really important and is supported by the whole House.

**Jim Shannon (Strangford) (DUP):** First, I apologise for being late for the debate, Mr Hollobone—when the planes are delayed, it is beyond my control. Hon. Members will be able to tell from the sweat on my brow that it was quite frantic to get here. I apologise to everyone, including the Minister, and especially to the hon. Member for North East Fife (Wendy Chamberlain), who I wanted to support.

The Minister is outlining the case for golf across in Scotland, which I fully support, but I am ever mindful of golf across all the regions of the United Kingdom of Great Britain and Northern Ireland. It is really good in Northern Ireland as well. My council, Ards and North Down Borough Council, sponsored the PGA EuroPro Tour just last year. It was a wonderful occasion to highlight our council's area. Across Northern Ireland we have some of the most fantastic gold tournaments, which promote Northern Ireland within the United Kingdom of Great Britain and Northern Ireland. I am sure that the hon. Member for North East Fife has talked about the benefits of golf a thousand times, but I endorse and support that, and put in a plug for us in Northern Ireland. We have some star players, including Rory McIlroy—he is the star who goes above and beyond—among many others. I just wanted to make that point, and apologies again for not being here in time for the start of the debate.

**Nigel Huddleston:** I was wondering when Rory McIlroy would be mentioned. We missed the hon. Gentleman earlier; if he reads *Hansard*, he will see that he was mentioned. He is absolutely right about golf's contribution, which is what I will come on to now.

Golf has huge economic impact and importance across the UK, which is disproportionately large in the devolved areas because of the additional contribution of sport and its knock-on impact on tourism. The hon. Member for Strangford (Jim Shannon) is right to highlight that importance. He mentioned the advocacy and support of councils, which was also mentioned by the hon. Member for Paisley and Renfrewshire North, as well as the importance of golf at an appropriate price point. It is not a sport for posh people; it is genuinely a sport for all. I applaud many of the public and low-cost provisions in golf, which ensure it is accessible to many people.

Many local authorities and other institutions across the country are genuinely trying to make an effort to ensure that everyone can participate, no matter their income level. That is important for golf, because the sport recognises the perception that it is a bit posh, even though, looking at the demographics of the people who play golf, that is absolutely not the case. Again, I applaud the APPG for its work trying to get this point across. We all want golf, and all sport, to be for everybody.

**Gavin Newlands:** Just to correct the record, and on the point the Minister is making about affordability, I said that the price for a round of golf at Royal Barshaw, as we call it, in Paisley is £10. It is £10, but it is £5 for those who are unemployed, for children and for the over-65s. That is £5 for a round of golf, which shows that it can be affordable.

**Nigel Huddleston:** I thank the hon. Gentleman for that intervention, which again makes the point about the creativity and effort being made to ensure that golf is truly inclusive, which I applaud.

I will spend a little more time highlighting the valuable contribution that golf makes to the UK tourism sector, alongside sport overall. The sporting calendar is one of this country's many tourism assets. Our sporting events not only act as a springboard for promoting the UK at home and abroad, allowing us to celebrate the diverse range of destinations across the country that we have to offer, but also serve as a catalyst for the wider sports

economy. Every year more than 2 million visitors attend a live sporting event as part of their trip to the UK. In 2019, the last year for which complete figures are available, 61,000 of those visitors watched a live golf event during their stay, spending a total of £129 million. That is export revenue from inbound tourism. They stay longer than any other sports fan—an average of 16 nights per visit.

Visitors come not just to watch live golf at prestigious events such as the Open, but to play it. In 2019, more than 360,000 people embarked on a journey to the UK to play golf in some of our nation's most scenic destinations. Those inbound visitors spent £525 million—a huge amount for local businesses and communities.

Golf continues to be an incredibly popular sport to play domestically across the UK, with 3,000 golf clubs on offer. Two new participation reports show that 5.3 million on-course adult golfers enjoyed playing on full-length courses in Great Britain and Ireland in 2021. That is the second highest number since monitoring began more than 30 years ago.

An independent forecast by the Sports Industry Research Centre, commissioned by the R&A, VisitScotland and Fife Council, indicated that the total economic impact of staging the 150th Open at St Andrews, with 290,000 fans in attendance, will reach £100 million or more. There is added value to be gained from broadcasting and digital marketing, and an estimated £100 million to St Andrews and Scotland as a result of the significant and ever increasing global media exposure. That increases the forecast total economic benefit of this year's Open alone to more than £200 million, for the first time in history. That is a truly remarkable figure.

**Jim Shannon:** I am ever mindful that men might sometimes feel that they can play golf better than ladies. But about a month ago the Swedish golfer Linn Grant beat the gentlemen in a final. Does the Minister agree that that is an example of how golf equalises everyone? They are all on the same page. It is good to see ladies excel and beat men on many occasions—or all the time, probably. In golf, they do it well.

**Nigel Huddleston:** The hon. Gentleman, as always, makes an important point that I dare not disagree with. He is absolutely right. It is important that we showcase, support and encourage our women golfers and disability sports. We need them on television, too, because that inspires people to take part, and for those participating at elite level it is important for getting sponsorship and other support. I encourage broadcasters to seek opportunities to showcase golf on television as broadly as possible, because that will have an impact.

The legacy of these games is huge. The economic impact, which we just talked about, is important, but some people could be watching these golf events for the first time, get inspired and be sports stars of the future. I am always proud to reflect on the success and outreach of the many sporting events that we host in the UK. Whether the upcoming Birmingham 2022 Commonwealth games, the ongoing women's Euros or the Open championship, sport has the power to unite, inspire and generate a better future for the nation. The positive contribution of golf to not only the UK economy but UK society as a whole is clear and emphatic, as we have



[Nigel Huddleston]

discussed. I am excited to see the sport continue to grow in popularity and impact across its grassroots foundation and the elite fanbase.

The hon. Member for Manchester, Withington made the important point about the economic contribution of sport, particularly to help the recovery of the tourism sector. I gently remind him, though, that the tourism, hospitality and leisure sector was not neglected during the recovery. In fact, £37 billion of Government support was provided to the sector as part of the recovery, and it is bounding back very strongly.

A couple of Members mentioned the impact of the train strikes that we are unfortunately facing at the moment. All the politics aside, if an event is impacted by train or other strikes, it is important that people plan ahead, because they could be inconvenienced. However, I am pleased to say that at the Open, and indeed as we saw a couple of weeks ago with Glastonbury, the organisers are trying to communicate the challenges, encourage people to plan ahead, and put alternative measures in place, including park and ride, additional bus services, earlier or later trains, where possible, and so on. Again, with good communication, some of the challenges can be overcome.

However, I also appeal to all stakeholders, including the unions: please do not target sport; please ensure that people who have been planning these events, in many cases for years, can go ahead and deliver them as effectively and efficiently as possible. For the hundreds of thousands of people who are looking forward to sporting and music events and so on over the next few months—particularly as we recover from the pandemic—it is important that those go ahead and they can enjoy them.

Of course, if there is an impact, alternative plans and mitigation measures are being put in place by organisers. However, it is important that we do everything we can to enable the recovery of our sporting and tourism economies. Everybody has sympathy for the cost of living challenges that many people face, but there is a way to do things, and deliberately targeting events that people have been looking forward to may well not achieve the public support that is perhaps hoped for. I respectfully appeal to all stakeholders to work together so that we can overcome the challenges.

Our trains, in particular, are a really important part of the overall sports ecosystem. Many people going to sporting events rely on the trains. Similarly, tourism right across the country—for both domestic and inbound travel—relies heavily on trains. I think that we all want to ensure that people have long-term confidence in using our train services, and that trains can play their important role in the overall economic recovery. We understand the circumstances and the cost of living challenges, but let us all be sensible about how we achieve our goals.

I once again say a huge thank you to everybody who has contributed to this incredibly timely debate. I thank the hon. Member for North East Fife for securing it. I now look ahead to what I know will be a captivating few days of true golfing excellence at this historic 150th anniversary.

**Mr Philip Hollobone (in the Chair):** We now find ourselves on the 18th green, with Wendy Chamberlain to sum up.

10.22 am

**Wendy Chamberlain:** Thank you, Mr Hollobone. Before we retire to the clubhouse, I think—[*Interruption.*] Yes, my round—it sounds like it. We have had a very positive debate. Although I have had apologies from other APPG members, it is good that everybody who has attended has contributed so well and given us all a history lesson. I am grateful to the hon. Member for Wirral West (Margaret Greenwood), who is no longer in her place, for rightly noting next year's event, when the Open goes to England, to Royal Liverpool.

I am also grateful to the SNP spokesperson, the hon. Member for Paisley and Renfrewshire North (Gavin Newlands). I got more history—Paterson is my maiden name, so I will now go and do some research. He highlighted Bob MacIntyre—probably Scotland's greatest hope this weekend—who is left-handed, famously, as a result of shinty. I will always bring it back to shinty if I can.

On shinty, I will say one other thing. We have talked about participation by people with disabilities and women, and that participation in sport is important. However, it is also really important that we start to see women operate in different positions in the governance of games as well. Since my election in December 2019, I have been encouraged to see an increased number of trustees from more diverse backgrounds in the links trust. As for myself, I was the first female director of the Camanachd Association between 2017 and 2019. It is also important for people to see that.

The shadow Minister, the hon. Member for Manchester, Withington (Jeff Smith), highlighted the pandemic's impact on golf and the fact that, for all that golf was really impacted, it has been seen to buck the trend by increasing and widening its participation. That has been really positive. The Minister talked about the APPG for golf, which is a very positive APPG. The reason for that is not just the participation of Members—from this place and the other place—but the engagement we have had from the national sporting unions and others such as the R&A. There is a real passion to drive forward and work productively with Government and parliamentarians.

All Members were right to highlight the importance of sporting tourism. We are all looking forward to welcoming visitors. I was in St Andrews yesterday, and lots of visitors are there already. I know people who are planning to be there for the whole week. We have had the events to mark the 150th Open, and there are events into next week. There is no doubt that people can come to sporting events and make that part of their visit, as opposed to that being the reason for their visit.

It has been a really positive debate. I am very grateful to the hon. Member for Strangford for getting here in the end and making a contribution. He rightly mentioned Rory McIlroy and the importance of Northern Ireland from a sporting perspective.

**Jim Shannon:** This has probably been mentioned—I know the Minister mentions it regularly. For us back home, golf featured greatly in our wellbeing during the covid-19 outbreak—indeed, that applies to all sports. It

is good for both our physical and mental wellbeing. Back home, the impact mentally, socially and emotionally has been great. Golf has been almost a release valve. The hon. Lady deserves great credit for securing the debate, because golf can do really good stuff for everyone.

**Wendy Chamberlain:** I thank the hon. Member for that contribution. In my opening remarks, I mentioned social prescribing and, increasingly, golf and other sports are looking to participate in that.

This has been a very positive debate. However, I feel it would be remiss of me if, having mentioned Rory McIlroy, I did not mention the fact that golf, from a media perspective, has not been in the most positive light lately, given some of the developments in the game. I agree with Rory and Tiger Woods, who have both spoken on this matter, that we all have a responsibility in sport. We have talked widely this morning about the real positives, such as participation and how we look up to our sporting greats, and it is for all who participate in all sports—golf included—to ensure that they always have that at the forefront of their minds.

*Question put and agreed to.*

*Resolved,*

That this House has considered the contribution of the 150th Open Championship to culture and sport in the UK.

10.26 am

*Sitting suspended.*

## Global Vaccine Disparities

*[Relevant documents: e-petition 605158, Ensure global and equitable access to vaccines, tests, treatments, and PPE, e-petition 565462, Donate surplus Covid-19 vaccine doses to poorer countries and e-petition 596403, Increase donations of and funding for COVID 19 vaccines to developing countries.]*

11 am

**Mr Philip Hollobone (in the Chair):** Welcome to the coolest place in the building on this very hot day.

**John McDonnell** (Hayes and Harlington) (Lab): I beg to move,

That this House has considered disparities in the global distribution of vaccines.

I submitted a request for this morning's debate because I want to draw attention to the grotesque inequalities in the distribution of vaccines to tackle the covid crisis. When we convene for these debates, often it is to seek more information from the Government or to make a request for changes in policy. Now that there will be a change of Prime Minister and potentially a rearrangement of the Government, including of Ministers responsible for this area in particular, this is a particularly opportune moment to place all the issues on the agenda and hopefully see some change. It is also worth using these debates to record one's position, because when our children and grandchildren look back in decades to come on the Government's performance, I think they will ask why we did so little to intervene effectively when there was such a huge scale of human suffering across the globe.

The global vaccine story is one of gross inequality. I heard the Prime Minister when he made the statement that it was greed that brought us the vaccine. It was not greed; it was public money. Very significant public resources went into all the vaccines. However, greed was certainly responsible for the obscene inequality that followed.

Over the last year, the richer an economy was, the more likely that country was to have vaccines. At the top end, it would likely have had far more than it needed, and at the bottom of the scale, many countries had almost none at all. Still today, just under 20% of people across the African continent as a whole are fully vaccinated, and only 16% of people in low-income and poor countries are vaccinated. The Prime Minister has talked about vaccine hesitancy being the main factor accounting for that. That is simply untrue. Studies have shown that there is far more vaccine hesitancy in the United States than in most African countries. However, the way that the giant pharmaceutical corporations—big pharma—and richer countries have behaved has certainly fuelled that scepticism, which should worry us all.

The problem is not simply a lack of solidarity or generosity, although that is shocking in itself. As my hon. Friend the Member for Birmingham, Edgbaston (Preet Kaur Gill), the shadow Minister for international development, recently uncovered, a year ago the Prime Minister promised to share 100 million surplus vaccines with the world's poorest countries. That is a very small amount, but at least it is something; yet a year later, barely a third have been delivered.

[John McDonnell]

Those are the doses that we had already bought and were otherwise going spare. They would have been thrown away if they had not been distributed, yet they counted against the aid budget. In fact, it gets worse: we charged the aid budget double what the UK was widely reported to have paid for those doses. The Government had charged around £4.50 per dose versus the £2.30 per dose that they paid, as reported by *The British Medical Journal*. Yesterday, we discovered that over 1 billion doses are believed to have been wasted around the world. That would have been sufficient to vaccinate everyone in the poorer countries.

**Jim Shannon** (Strangford) (DUP): I commend the right hon. Member for securing a debate on this issue, which has concerned me as well; indeed, it concerns us all across this House. Is he aware that Eswatini, a little country that borders Mozambique and South Africa and one of our Commonwealth family members, was hit hard by coronavirus? I have to say that whenever I raised this matter with the Government, and with the Minister in particular, they did respond. It is a country that I have a particular interest in because of the churches and the missionary groups there, and the Government deserve our thanks.

Does the right hon. Member agree that one of the difficulties—he has already outlined some of them—is that smaller countries have no one to advocate for them internationally? We need to be more proactive in our responsibilities, first to Commonwealth countries and then to those that have no one to advocate for them. I think he is also saying that we need someone to advocate for them and ensure they get the vaccines that are available. We should be doing that.

**John McDonnell:** I thank the hon. Gentleman for his intervention and for his dogged pursuit of the issue in Parliament and with Ministers. There is an issue about the strength of the voices of individual Commonwealth countries, and a real concern about some not being listened to. As a result of that, interventions are not taking place effectively in those countries, but it is invaluable that the hon. Gentleman has consistently raised individual issues with regard to particular countries in which he has an interest through the Christian movement. That adds to the pressure on Government for more effective action, and I am grateful for that.

The situation is worse than just failure to donate at scale. We did not donate as we promised on the scale that we promised, but we also worked to stop others producing the vaccines in their own countries. Around the world, factories offered to produce the vaccines, and one factory in Bangladesh said at the start of the pandemic that it could turn out 600 million doses a year. Compare that to the 35 million doses that the British Government have donated. More than 100 factories around the world could have been safely producing mRNA—messenger ribonucleic acid—vaccines, but were unable to do so because the trade-related aspects of intellectual property rights, or TRIPS, agreement locks that knowledge, which is often publicly produced, behind a wall.

The TRIPS agreement allows huge corporations and their shareholders to profit while preventing us from taking the action that we need to take to protect our

own society, as well as people around the world. It is good for the big pharmaceutical companies, and Pfizer predicts \$50 billion revenue for its covid vaccine—an anti-viral pill—in 2022 alone. These are the most lucrative drugs in history, and more than one Moderna executive has become a billionaire off its publicly funded and publicly created vaccines, but this situation is bad for us because it has not only created massive inequality, but allowed the virus to go unchecked in many parts of the world, mutating in a way that risks undermining the medicines we already have.

**Wendy Chamberlain** (North East Fife) (LD): I know how passionate the right hon. Gentleman is about the subject as he supported my Westminster Hall debate on global vaccine access. He is talking powerfully about coronavirus vaccines, but does he agree that there has been a loss of progress on vaccines more generally? A good example is the polio vaccine budget, which the Government have pretty much obliterated. As a result, we are beginning to see wild poliovirus circulating again in some developing parts of the world. It is not just coronavirus; we are failing in our responsibilities on other fronts.

**John McDonnell:** There is a lesson I thought we had learned decades ago, which is that when we have viruses such as this, whether it is polio, covid or others, unless we treat the world, eventually we will become vulnerable again. That is exactly the experience we are going through now. Even with covid, we are going through it again. As we know from information from the past month, a new covid variant has arisen, and from what we hear, that variant is more transmissible than anything we have experienced. On all those issues, unless we have a global strategy to vaccinate the world, unfortunately we will not be able to isolate ourselves from future infections and future tragedies.

Let me return to the issue of the TRIPS waiver, which a number of hon. Members present have raised in various debates. It is worth reminding the House that there was a call from most countries to waive the rules during the pandemic. The tragedy for us was that the British Government were implacably opposed to the waiver. Britain was one of the last countries standing, and only on the last day did Britain sign up to the World Trade Organisation's very poor compromise on the waiver. I will be frank: I think that is disgraceful. It is disgraceful for a Government of a country that had all the vaccines we needed. The onus was on us to do everything we could to prevent this infection from spreading, and to do all we could to assist poorer countries.

**Navendu Mishra** (Stockport) (Lab): I am grateful to my right hon. Friend for his important contribution to the debate. On the one hand, the Government are currently negotiating a free trade agreement with India. On the other hand, they blocked the proposal from India and South Africa for a TRIPS waiver at the World Trade Organisation. Does my right hon. Friend think that is the right approach to take to the issue of fair distribution of vaccines, and to our relationship with India?

**John McDonnell:** The issue that my hon. Friend raises is something that we have raised before. I commend India and South Africa for the work they did in lobbying so hard to try to get international agreement on the



TRIPS waiver. We need to learn some lessons from this period, and one of them is that when the Government act unilaterally in this way, they contaminate future relationships—whether they are over trade or other matters of co-operation. I think that is the anxiety that many of us have. It is a disgrace that we actually sought to prevent others from making the drugs that they needed.

Many countries around the world are shocked at the way they have been treated by this country, and they want to start to do things differently. South Africa has set up an mRNA hub to try to crack this revolutionary technology, which we think can be used not just to prevent severe cases of covid, but potentially to create treatments for a wide range of diseases, such as HIV, malaria and certain types of cancer. The big corporations still refuse to share their know-how, but South Africa has worked out how to make mRNA vaccines and—even better—is sharing this know-how with other countries patent-free. A couple of weeks ago, President Biden's Administration announced that they would work with the hub to help it. Many European Governments have offered funds, but Britain has done nothing. The Government must support those efforts and protect them from the pressure that will come from the industry. This is a new model of how medicines can be developed, and it deserves our support.

It is not just about covid. I believe that the way we produce medicines is broken. I ask the Minister to talk to Lord Jim O'Neill, who has been trying to get the pharmaceutical corporations to produce the antibiotics that our medical establishment has depended on for many years. He has been trying to engage in a dialogue to change practices within the pharmaceutical industry, but the corporations have done nearly nothing. Look at HIV/AIDs. We now have the means to wipe out HIV through pills that stop transmission. New injectables have just come online. Again, the countries that most need them are being overcharged or shut out of the market altogether. It goes on and on.

We have an industry committed to making huge amounts of money, but not to making and sharing the medicines that humanity needs. We have to change that, and conversations are happening across the world about how to do it—except here, where the Government's commitment to shareholder return appears sacrosanct and is prioritised above saving lives and reducing human suffering. My warning is this: it is not only ethically obscene; it is bad for us, too. It means that the British taxpayer is getting a terrible return on their investment in new medicines, that the NHS is overpaying for medicines such as covid vaccines, and that we are not developing the medicines we need to prevent the next health epidemic.

There are huge healthcare disparities, because many people still lack adequate public, universal healthcare systems. Sadly, however, the UK Government, like the World Bank, is still pushing a deeply inadequate private, market-based healthcare model in many countries. It is telling that some of the hospitals that were supported with British development funds refused to treat covid-19 patients in the first wave of the pandemic. Many died, and many were left destitute by this model. It is time for the Government to stop pushing that failed model and start helping to build national health services for all.

Let me come to the specific requests for the Government. A coalition of different organisations, which includes Just Treatment, Global Justice Now, Oxfam, STOPAIDS

and many others, is calling on the Government to demonstrate support for the World Health Organisation's mRNA technology hub initiatives. The hubs will help to end the covid-19 pandemic for all by increasing manufacturing capacity for treatments and technologies.

More broadly, the hubs will support self-reliance, independence and health equity in lower income countries. They will ensure that we are adequately prepared for the next pandemic. The UK Government must provide financial support to the hubs and ensure that pharmaceutical companies share their manufacturing know-how and refrain from undermining the success of the hubs with intellectual property barriers.

As the new Administration is formed under a new Prime Minister, will the Minister, first, now back the coalition's request that the Government use their influence to encourage Pfizer, Moderna and BioNTech to share their technology and know-how, and urge companies to remove intellectual property barriers to the production of mRNA products and related technologies? Specifically, the UK Government should call on Moderna to revoke the patents they hold in South Africa and prevent other pharmaceutical companies from similarly undermining the work of the new mRNA hubs.

Secondly, will the Government make a public commitment to support and finance the €92 million that mRNA hubs need to fund the initiative over the next five years? Some 59% has been raised so far from other countries, but not this country.

Thirdly, will the UK stop blocking the trade-related aspects of intellectual property rights waiver at the World Trade Organisation? Will the Government ensure that the TRIPS waiver has a minimal duration of five years and includes all forms of intellectual property, including medical tools beyond vaccines, treatments, and diagnostics?

I hope that, with a change of Prime Minister and Administration, there is a window of opportunity for the Government to think again on the vital issue of how to prevent the loss of life and human suffering that has taken place on a global scale, which we have done so little to assist in tackling.

I expect the Minister will repeat the Government's response to the petition that was lodged on this issue by many members of the general public, restate the various contributions and donations that have been made and compare us to others. The reality is that the financial contributions do not go anywhere near what is necessary. More importantly, the issue that must be addressed is the blocking of the local production in lower income countries of the means by which we can tackle the pandemic. If it is not, that will be a stain on this Administration.

11.18 am

**The Minister for Asia and the Middle East (Amanda Milling):** It is a pleasure, as always, to serve under your chairmanship, Mr Hollobone. I am grateful to the right hon. Member for Hayes and Harlington (John McDonnell) for securing this debate and to all hon. Members who have contributed. I will try to respond to some of the right hon. Gentleman's points.

According to recent research by Imperial College London, the global roll-out of covid vaccines has averted up to 20 million deaths, but progress has been uneven.

[Amanda Milling]

Hon. Members are absolutely right to want the global roll-out to go further and faster, because too many people remain unvaccinated, particularly in lower income countries and marginalised communities and among those in the grip of humanitarian crises.

The Government's priority is to end the acute phase of the pandemic by ensuring that those most at risk are fully vaccinated and enabling societies to live with covid. Everyone in this House and throughout the country can be proud of the role the UK has played in developing and rolling out covid vaccinations. UK scientific excellence and co-operation has made a huge contribution to collective knowledge about the virus, including how to treat it and vaccinate against it. Professor Dame Sarah Gilbert and her team created and developed the game-changing Oxford-AstraZeneca vaccine, backed by the UK Government. The Government also backed research into several other successful vaccines that were produced at unprecedented speed, including through our £250 million support to the Coalition for Epidemic Preparedness Innovations, otherwise known as CEPI.

We have also played a big role in the global vaccine roll-out, which has been the fastest ever against a single disease. Furthermore, we are a founder and one of the largest donors to COVAX, with our commitment of £548 million to its advance market commitment. That has helped COVAX to deliver more than 1.5 billion vaccine doses to 146 countries and territories worldwide, including 87 low and middle-income countries.

To help to address the supply shortages last year, we used our presidency of the G7 to make a collective commitment to provide 870 million doses to poorer countries by the end of 2022. Collectively, the G7 has exceeded that commitment by making more than 1 billion doses available. Nationally, we have donated more than 85 million doses to nearly 40 countries and made a further 15 million available. We have done all we can to meet our commitment to share 100 million doses. In 2021, the UK donated 30.8 million doses of the AstraZeneca vaccine, all of which were charged at cost. The OECD Development Assistance Committee will issue guidelines on the reporting of vaccine donations in 2022 later this year.

Through this immense collaborative effort, the world now has enough vaccine supply to enable countries to meet their immunisation goals; indeed, global vaccine supply now far outstrips demand. The key challenge is ensuring that developing countries can effectively administer the vaccines they have. We are working with the covid-19 vaccine delivery partnership and other international partners to tackle delivery bottlenecks and improve vaccine uptake to ensure that covid-19 vaccines reach the most vulnerable. Since January, the vaccine delivery partnership has accelerated progress towards national vaccination targets in more than half of the 34 countries with the lowest vaccination rates, with a strong focus on priority groups.

Community confidence and easy access are critical to successful roll-outs. We are using our development budget to encourage uptake and improve delivery. For example, our Nigeria health programme is supporting delivery and using evidence to build vaccine confidence in five of the poorest states. We have also provided £20 million to the Hygiene and Behaviour Change Coalition, which

builds vaccine confidence through community engagement, working with health workers, religious leaders and other influential and trusted voices.

Just as the UK's scientists and Government made a huge contribution to the first wave of vaccines, we are now working with partners such as COVAX and CEPI to ensure affordable and effective second-generation vaccines and make them available to low and middle-income countries, so that the world can respond rapidly to any new variant of concern. As part of this work, CEPI is supporting the Cambridge-based company DIOSynVax to develop a new pan-coronavirus vaccine to offer broader protection.

This year, we hosted the global pandemic preparedness summit, which raised more than £1.2 billion for CEPI's work, including a UK Government pledge of £160 million. That money will fund the development of vaccines against new health threats—including possible new covid variants—in 100 days from any outbreak.

Rolling out covid vaccines puts huge pressure on weak and overstretched systems, so we are working with COVAX, the WHO, UNICEF and other partners to support countries in developing sustainable approaches to managing covid and other diseases. For the long-term control of the virus, it is critical to integrate covid-19 vaccination tests and treatments into primary healthcare systems, supported by strong and resilient health systems. The UK Government use our development budget to support countries to strengthen their health systems and work towards universal health coverage. We are also a leading supporter of Gavi's work on restoring and strengthening immunisation and health systems for the 2.7 million children in the poorest countries who missed out on vaccinations in 2020 because the pandemic prevented them from getting their jabs.

Covid-19 has caused more than 6.3 million reported deaths, and the WHO estimates that there have been up to 15 million excess deaths in total around the world. It has had hard, far-reaching economic, social and health consequences, so stopping the next potential pandemic is vital. That will require a concerted and co-ordinated international effort. In addition to our investment in CEPI, the UK Government have pledged £25 million to a new World Bank-hosted fund for pandemic prevention, preparedness and response. That will help to ensure more equitable access to vaccines, tests and treatments when a future threat to global health emerges.

On TRIPS, the UK Government continue to recognise the importance of the intellectual property system in incentivising innovation, research and the development of new medicines, vaccines and medical technologies. We welcome the consensus-based outcome on the TRIPS agreement reached at the WTO ministerial conference. We believe that decision will make it easier for developed countries to choose to export life-saving covid vaccines while preserving the incentive that intellectual property rights provide to invest in innovation.

**John McDonnell:** The Minister will soon run out of time, so will she address the issue of support for the WHO's strategy of rolling out hubs? Will the Government think again?

**Amanda Milling:** I am grateful to the right hon. Gentleman for putting his case forward, but I have been clear about the UK's position.

The global vaccine roll-out is pivotal to ending the acute phase of the pandemic and transitioning to living with covid. The points that have been made about delivery and distribution are live issues, and we are working hard with our international partners to resolve them. The Government are also investing in the development of second-generation vaccines, pandemic preparedness and the strengthening of global health systems. That comprehensive approach is the only way to strengthen global resilience to covid and other future health threats.

*Question put and agreed to.*

*Resolved,*

That this House has considered disparities in the global distribution of vaccines.

11.28 am

*Sitting suspended.*

## Careers Guidance in Schools

[CHRISTINA REES *in the Chair*]

2.30 pm

**Mike Amesbury** (Weaver Vale) (Lab): I beg to move,

That this House has considered the provision of careers guidance in schools.

It is a pleasure to serve under your chairmanship once again, Ms Rees, and I welcome the new Minister to her place.

In 1985, I left school. I was living in a mining community at the time, right at the end of the miners strike. At the end of my school year, a careers officer told me—I stress, told me—that I should either go down the mines, go down the pit, or join the Army, one of the two. It was not so much advice as an instruction; those were the only two options open to me, according to the careers officer. I was not that politically switched on at the time, but I was definitely aware, at the end of a year-long strike, that the pits were not exactly the industry of the future, so I did not do as I was told.

Instead, I went on to become the first in my family to get a degree. Later, I became a careers adviser myself. Eventually, I became a manager of career services, as well as an assessor for those becoming and training to be professional careers advisers. It was a vocational choice grounded in that experience of receiving poor careers advice and being told that my options were limited. I did not—I still do not—want anyone trying to decide on a career or a change in career to have the experience that I had.

I am pleased to say that things have progressed since my school days. Barriers to good-quality careers provision remain in place and the quality of careers advice varies hugely from school to school. When good careers advice is not provided, that often hits the pupils from poorer backgrounds the hardest. It costs individuals and, as a nation, it certainly costs us our economic wellbeing.

“Levelling up” is a term whose future is unclear all of a sudden, but some young people are still not getting the impartial information that they need about the opportunities open to them. The Social Market Foundation, in its recent report on careers advice, argues that levelling up careers provision would make the country fairer. As parliamentarians, we all desire the country to be a fairer place. Careers advice was named as part of the northern powerhouse strategy, but it has not been named as part of the levelling-up agenda. When the Minister responds, will he say whether careers guidance should form part of any upskilling strategy for left-behind places?

Between the Skills and Post-16 Education Act 2022, the Education (Careers Guidance in Schools) Act 2022, which will shortly come into force, and the new statutory guidance, there has been much greater effort to ensure that careers advice is open to all pupils throughout secondary school. As someone who worked in the field, I welcome the extension of careers advice from year 7 to the age of 18 or, for those with additional need, to 25. However, may I ask the Minister whether there are plans to ensure that all schools are subject to the statutory guidance, rather than just maintained schools, some academies and some free schools? If we are serious



[Mike Amesbury]

about all pupils being given first-class careers guidance, we must ensure that all schools are governed by the statutory guidance.

Additionally, does the Department have plans to introduce a new careers strategy, given that the previous strategy lapsed in 2020? Given the legislation that has been implemented since then and the huge challenges to schools brought about by covid, it is clear that we need an up-to-date strategy to respond to the challenges that we face now, that pupils face now.

**Mr Toby Perkins** (Chesterfield) (Lab): I am greatly enjoying my hon. Friend's contribution and he brings his experience to bear. He made a point about the statutory guidance and to whom it refers. Does he agree with me that, although the guidance is in statute, evidence shows that at least 25% of schools are failing to achieve the minimum standards of careers guidance, and that guidance is only one part of it? The other part concerns enforcement and assessment regimes, to ensure that the good intentions that the Government put forward are delivered on the ground.

**Mike Amesbury:** I agree with my hon. Friend the shadow Minister. Resources will have to follow statutory guidance. The pandemic has had a significant impact on schools' ability to deliver careers advice. According to recent research by the Sutton Trust, 75% of teachers in state schools said it had a negative impact, far more than the proportion of similar results returned from private schools.

There is an increasing concern that we have arrived out of the pandemic to a different world, one that students are not being prepared for. With the jobs market evolving faster than ever, Teach First has found that nearly 80% of teachers believe their students to be less ready for the world of work than in previous years. Again, more disadvantaged students will be disproportionately impacted by that, with more than half of teachers saying that they feel the pandemic has impacted disadvantaged students' perceptions of their potential careers.

Well informed and realistic careers decisions cannot be made if careers provision is socially patterned, as evidenced by the Social Market Foundation. Essentially, pupils from schools in affluent areas opt for university while those in less affluent areas take vocational options. That needs levelling up.

The Baker clause strengthened the legislative framework, stating that schools must allow colleges and training providers access to help pupils make informed choices. If careers provision is resourced to the tune of £2 per student—less than a cup of coffee—quality will be found wanting, as argued by Careers England. Ensuring that schools, teachers and employers feel supported to meet the needs of students will be vital for improving the quality of guidance given. With only 17% of year 13 telling the Sutton Trust that they have learned about careers opportunities in their local area, there is considerably more to do to connect businesses and schools.

Although the Careers and Enterprise Company has done some excellent work connecting schools and businesses in some areas, including schools in my own, only half of heads report that their schools are part of the CEC

careers hub. That clearly needs to be scaled up. Since the abolition of Connexions in 2011, 2 million children and young people have not had access to independent careers professionals.

I would argue that we need massively to improve access to work experience, with only a third of pupils having completed work experience by the age of 18. A statutory duty, with resources to support a two-week placement, should be put in place. Where possible, we need to ensure that the work experience that a young person undertakes is relevant to their future ambitions. Beyond giving the important experience of the work environment, work experience should help those students better frame their future ambitions and make informed careers decisions.

That was brought home to me recently by a year 10 work experience student called Kevin, who chose to work in my constituency office because he felt it would be more interesting than the other opportunities on offer, but it was pretty clear that he wanted to be a firefighter. I have now put him in touch with our local fire service, and he used his experience to do a bit of research in my office when he was on placement there.

It is essential that any new Government strategy on careers advice focuses on work experience and ensures connections between schools, local authorities and local businesses. That will mean that pupils get more opportunities for their two-week work experience, which will help them make informed decisions. It will also help us, as legislators and politicians, to ensure we have a growing economy.

A new strategy must also deliver on one of the areas that we most need to change when it comes to careers guidance, which is apprenticeships. Although most students feel that they get plenty of guidance about university courses, only 10% feel the same way about apprenticeships. Too often, support for students considering apprenticeships or vocational education is much weaker than for those considering academic education. In some schools, every student creates a UCAS account by default, cementing the idea that higher education is the default option. We need to ensure that within careers advice apprenticeships and further education are put on the same footing as university education. We cannot continue with the disparity in information, advice and therefore access that we see all too often.

**Mims Davies** (Mid Sussex) (Con): Does the hon. Gentleman agree that there is an opportunity to link local economies, the labour market and businesses with apprenticeships if schools can organise that before people leave education? No one should be heading out of education not into the labour market, higher education or a traineeship. Does he see an opportunity to enact that via schools?

**Mike Amesbury:** I agree. In my constituency, Tata Chemicals Europe offers some brilliant apprenticeships, and at times it has really struggled to achieve the connection between the local school community and the apprenticeships on offer. I totally agree with that very good point.

As I have said previously, I was the first person in my family to go to university. I do not want a system that disadvantages students from working-class backgrounds and excludes higher education as a pathway if it is right

for them. We must absolutely ensure that they are given the information and support they need to go to university and aspire to be the best they can be, but we should also ensure that people from all backgrounds make informed choices about the other brilliant opportunities on offer, such as apprenticeships, including those at levels 4 and 5, and those with a mixture of university and in-work training.

Students recognise that the situation with apprenticeships prevents them from properly considering them as an option. Some 31% think that having better information would have encouraged them, their friends and their classmates to choose an apprenticeship. It was also found that a number of people, including parents, reinforce the stigma associated with apprenticeships. We need to challenge parents and carers on that.

More funding and training for teachers is absolutely key if we are to reach parity of esteem between university and apprenticeship options. We must remove the idea that apprenticeships are not as valuable and almost second rate. To do that, we need a practical system to promote them. Having a central UCAS system means that universities can do active outreach around it. Teachers and other support staff, and generations of parents and carers, are also familiar with it. Students seeking apprenticeships deserve a system that is just as clear and effective and that is funded and supported.

**Jack Lopresti** (Filton and Bradley Stoke) (Con): I agree with the hon. Gentleman's point about the potential stigma about apprenticeships compared with university, but that is not a question of funding—it is a question of attitude. It is about changing the mindset, rather than resources. There are resources. There is careers advice. We have created 5 million apprenticeships since 2010. It is people's attitudes that need to change.

**Mike Amesbury**: On the question of resourcing, if good quality, professional and impartial careers advice and guidance is not given in schools as part of education, then the stigma will remain, and there is an issue of resources there. The hon. Member is right to argue that it is not the only issue, but it is part of it.

UCAS currently advertises around 4,000 apprenticeships, and I think there are some 10,000 on the Government's system. That is a tiny proportion of what is available. The Social Market Foundation's recent research advocated for UCAS to be expanded to list all apprenticeship opportunities, in order to combat a system of university by default for many schools. Will the Minister outline what the Government plan to do to improve the provision of apprenticeships information and advice in schools? What assessment have they made of the value of creating a clearer system for apprenticeships information and applications, similar to that for university applications?

Although the statutory framework for careers guidance has been strengthened and the promotion of Gatsby quality benchmarks is good, resources for schools, after being drastically cut, have not been scaled up again. We will all be aware of some good practice in our local schools. Helsby High School in my patch has just won the pledge award through Cheshire and Warrington local enterprise partnership for its careers programme, but there are far too many schools where the quality is seriously wanting. The careers provision landscape is fragmented and piecemeal, with the Careers and Enterprise

Company and a National Careers Service largely targeted at adults, schools employing their own careers advisers, with some not employing any at all.

I conclude with my asks of the Minister. An independent, all-age careers guidance service should be established. Rather than fragmentation, we should bring things together, including Jobcentre Plus. Ofsted inspections should be strengthened around impartial careers provision. A two-week work experience programme should be a statutory requirement and UCAS should be required to promote level 4 apprenticeships.

2.49 pm

**Anna Firth** (Southend West) (Con): It is a pleasure to serve under your chairmanship, Ms Rees.

The push by both parties over many years to get children to university has been a huge step in the right direction for many people and for social mobility. Now, a record 37.9% of young people go to university, but I believe we need to focus more on the careers guidance young people are given, especially the 60% of them who will not go to university. I have been hosting students from my constituency all summer—indeed, I have one sitting behind me—and it has given me a real insight into how they are taught at school. Not a single one of my holiday students thinks there is a credible path to a good career other than going to university. Clearly, then, although university is the right path for many, we are not focusing enough on the 60% who do not go to university. Because the university “brand” has become so established and embedded, careers advice has to start as early as primary school if it is to be effective and to change hearts and minds.

One of the best schemes developed under the Conservatives has been apprenticeships, which allow people to gain qualifications and training on the job and to equip themselves with the skills they need to succeed in jobs across all sectors. I am proud to say that in Southend West, we have 830 young people undertaking apprenticeships, and 290 started a new apprenticeship this academic year. I applaud the local businesses that support these schemes, and I am delighted that Southend airport is to welcome two brand-new apprenticeships in the coming weeks.

Now, however, there are brilliant degree apprenticeships, which enable people not only to gain a full undergraduate or masters degree, but to earn while they do it and of course have a job at the end of it. Degree apprenticeships take between three and six years to complete, depending on the course level, with people spending most of their time working. They might attend university for one or two days a week, or in short blocks of, say, a week at a time, but overall people spend about 20% of their time studying and 80% working.

People leave a completed degree apprenticeship with no debt, having gained huge transferable skills, and with a good job to walk straight into. It really is a win-win-win for our young people, but sadly they are not being directed toward degree apprenticeships. According to the Centre for Social Justice, only 41% of 11 to 16-year-olds said that a teacher had discussed apprenticeships with them, and just 21% of teachers were reported to advise high-performing students to take an apprenticeship rather than a university place. That is backed up clearly by my experience of touring schools and talking to students across my constituency. This needs to change.

[Anna Firth]

Many jobs vital to our economy require skills in science, technology, engineering, manufacturing and maths—skills that could be taught better and more effectively through apprenticeships. I am sure the Minister agrees with me that careers advisers in schools must do better on encouraging pupils to consider apprenticeships, particularly degree apprenticeships.

For many years, the only option at 16 was A-levels. I am pleased that the Conservatives have been working hard to change that, and we have made excellent progress. The Education Committee is reviewing and working on a huge report on the subject. Another option now is T-levels, which provide an excellent way for students to gain a high-quality technical qualification with the same prestige as A-levels. Sadly though, hardly any young people know about T-levels—none of my work experience students had even heard of them. That is simply not good enough. I am sure the Government want to improve the situation. Careers advisers in schools must ensure that students understand the full gamut of opportunities available to them, and that they abide by the Baker clause in the Technical and Further Education Act 2017, which requires schools to discuss technical education options with pupils.

Our children deserve the best-quality education, which must include the best-quality advice to achieve their dreams. Southend West is blessed with many high-tech industries that already, as I always tell the Chancellor, contribute more than £3 billion to the UK economy each year. Our children must be given the right careers advice to enable them to achieve their potential, whatever form that takes.

2.55 pm

**Jerome Mayhew** (Broadland) (Con): I welcome the Minister to her place. Until last week, she was my Whip, so there may be a degree of Stockholm syndrome in my coming here to support her today. Even if she was not the Minister, however, I would be keen to take part in this important debate, because change has been afoot in our economy over the last 10 to 15 years. When I was at school, I was not asked, “the Army or the pit?”, but the choice was similarly limited. It is noticeable that, even at my school, there was no mention of going into business. It was just not expected, which is pretty devastating, and may explain some of the issues in the economy.

There is now a bewildering array of opportunities for the transition from secondary education to the next stage of life. I have never been more optimistic for the future of children and young people coming up through secondary education. There is a wealth of opportunity that did not exist even five years ago.

Let us look at my constituency, which is made up of largely rural farming communities in Norfolk. In the last few weeks, I visited a rocket company that specialises in testing satellites in microgravity conditions. Fischer Farms is building the world’s—or certainly Europe’s—largest vertical farm, which is wholly reliant on robotics and artificial intelligence. Some 17 GW of offshore renewable wind will be located in the southern North sea between now and 2030, a large chunk of which will come to shore in Norfolk, with all the attendant jobs

and careers. There is not just one film studio; a second, and arguably a third, is being proposed. They are all exciting new opportunities.

I have not even mentioned the research going on in Norwich at the John Innes Centre, which employs 250 scientists at the cutting edge of gene editing, gene therapy and biosciences. There is also specialist engineering at Lotus in Hethersett. I could go on—and that is before we get anywhere near Cambridge, which is a huge hotbed of exciting developments.

School leavers have the world at their feet, but because that is so exciting, because there are so many opportunities, and because it is so different and new, it is daunting, and there is a correspondingly enormous need for support. When I was starting out, I had no idea what I wanted to do in life. If any young person is unfortunate enough to be listening to this debate, I reassure them that that is absolutely normal. In fact, the number of people who know clearly what they want to do in life is vanishingly small. Finding out is a process. As we develop through our experiences, our aspirations and ambitions develop as well.

The Government are right to have moved away from Labour’s 1999 target of funneling 50% of all school leavers into tertiary education—into universities. In my experience, that was damaging, because many people were shoehorned into an educational environment that simply did not suit their academic inclinations or the line of career development that they would later take. At the same time, there was a proliferation of unsuitable courses, as academic institutions tried to maximise their fees. It is not surprising that 6% of all those funnelled into tertiary education ended up dropping out in the first year, which was a huge loss of their time, energy and money.

A very large chunk—not a majority, I am pleased to say, but up to a third—of graduates did not get the benefit of their tertiary education within the next three, five or even 10 years. Fully a third of them were not in graduate employment five to 10 years after their graduation. That illustrates a philosophical difference between the approach of Labour and that of the Conservative party. Labour’s go-to approach is one of social engineering via targets, whereas we in the Conservatives want to give people choices. We want to open up the world, and we trust people to make up their mind. We see that this very week in the Conservative party leadership election. The Labour party talks about diversity—they want targets—but they are led by a middle-aged white male. I have nothing against them, but look at the Conservative party—the most diverse group of people. I think we are about to have the third female Conservative Prime Minister, and if we do not, we are highly likely to have our first ethnic minority Prime Minister. Is that not wonderful? And it is achieved not through targets, not through telling people, but by providing choice, opportunity and personal responsibility.

**Mike Amesbury:** Also in the Conservative leadership contest, there have been promises of tax cuts totalling over £300 billion so far. Those cuts would have consequences for public services providing the advice and guidance that schools and pupils need in communities up and down the country. Some of those promises are folly, to be frank.



**Jerome Mayhew:** I believe that the figure of £300 billion could come about if we had eight Prime Ministers all at once, rather than one at a time. If we take them sequentially, the offers range between £13 billion in tax cuts over the course of the Parliament, and £39 billion in tax cuts if my right hon. Friend the Member for South West Surrey (Jeremy Hunt) is elected.

I have talked about the opportunities in my constituency, but I also welcome the growth of apprenticeships as a viable alternative to tertiary education. It has already been mentioned in the debate, but it is worth mentioning again, that under Conservative-led Governments since 2010, more than 5 million apprenticeships have been undertaken—and the number is growing. Last year, there was an 8.1% growth in the adoption of apprenticeships, and that is an accelerating trend.

Earlier, someone mentioned—I cannot remember who—the problems with attitudes. It is parental attitudes primarily, not those of children, that need to be addressed. However, the data appears to suggest that that barrier is beginning to be broken down, which I heartily welcome. I also heartily welcome the universal technical colleges that have sprung up as a result of our innovative education programme, and the success through diversity in our educational provision. We have a UTC in Norwich; I am sorry to say that it is just outside my constituency, but we provide students to it. I visited it about six months ago and I was amazed by the links, and the dissolution of the barrier, between formal education and employment. Technical courses, on which there is a lot of work experience, are leading directly to employment.

Students are achieving T-levels, which are an excellent qualification that we need to build on. In some cases, the courses lead on to very well paid tertiary apprenticeships; but—there is quite a big “but” with universal technical colleges—pupils are drawn into the educational framework at the age of 14. I welcome the Government’s proposal to increase the age range during which careers advice is supplied, because some decisions have to be taken remarkably early. That applies particularly to those who are more capable of following the UTC route than other routes. We should think about that and build on it.

There are huge opportunities right now for people as they leave secondary education. Unemployment is at record lows—there is effectively full employment. In my constituency, the last time I checked, the unemployment rate was at just 2.1%; that is full functional employment. In fact, we have a need for more people. That creates opportunities.

Technical training through the UTCs and elsewhere is leading to the new industries that I have talked about. There is an increase in apprenticeships, whether they are tertiary apprenticeships or more technical ones. These are great; they are real opportunities. They are more diverse and complex, but I am really glad that the Government are getting behind them through careers advice.

Education does not stop when we leave school, and it does not stop at an apprenticeship. I particularly welcome the Government’s commitment to lifelong learning through the lifelong loan scheme and the lifelong learning entitlement. The modern economy requires that we develop and change our careers. I am on my third significant career, which may be one career too many for those on the Opposition Benches, but it is the modern way. It is

exciting and a bit more nerve-wracking. We need to reskill, re-energise and go for additional careers. I am on the side of working people throughout their varied careers, and I am very pleased to be part of a party that supports that.

3.6 pm

**Mr Robin Walker** (Worcester) (Con): I congratulate the hon. Member for Weaver Vale (Mike Amesbury) on opening the debate, and on a very well reasoned and well argued speech, and I welcome my hon. Friend the Minister to her place. Like my hon. Friend the Member for Broadland (Jerome Mayhew), I am excited about the opportunities for young people in my constituency, and I want to make sure that careers advice in our schools engages with the breadth and richness of the opportunities.

As the hon. Member for Weaver Vale said in his opening remarks, we all have to accept that there was never really a golden age for careers advice. He gave a good example of bad careers advice and limited options being presented. During my time at the Department for Education, I was pleased to contribute to a White Paper that took forward the argument for having careers advice in all our schools, but particularly in primary schools, as my hon. Friend the Member for Southend West (Anna Firth) mentioned. It is very important to set those aspirations and open up opportunities for people earlier.

The hon. Member for Weaver Vale directly addressed the challenge of people being presented with too limited opportunities. Something that I have seen done really well in some schools, but that could be done in many more of them, is opening up to young children a range of opportunities and different places where they could work, and I want to talk about a few of those opportunities in my constituency. There is a wonderful school in one of the most deprived areas of my constituency of Worcester called Cranham Primary, where the excellent headteacher Mr Cale—I think he was the deputy head when I used to go in and support him in his careers lessons—holds a “careers with Cale” session. He gets different people in, such as policemen, postmen or the local MP—most famously, he held one session just before Christmas with Father Christmas, which is an unusual career to get people to aspire to—to talk about what they do, and to raise aspirations by discussing the range of activities that people can do.

Perry Wood Primary School in my constituency also holds primary careers fairs, and gets a whole range of people—from engineers to police officers and farmers—to talk about the span of opportunities. We should support that. The schools White Paper says:

“We want all children to be inspired by the options available to them when they leave school or college. We will launch a new careers programme for primary schools in areas of disadvantage and are extending the legal requirement to provide independent careers guidance to all secondary school children, as well as increasing the opportunities for them to meet providers of apprenticeships and technical education.”

My hon. Friends the Members for Southend West, and for Broadland, pressed that point hard, and it is essential that we deliver on that. I hope that we can ensure that the programme supporting primary schools in areas of deprivation is backed not just in education investment areas, and areas in which we are setting out

[Mr Robin Walker]

additional policy initiatives, but in pockets of deprivation in every constituency in the country, because we all have schools in areas where there are greater challenges, and where career aspirations are perhaps more limited.

Ahead of the debate—this is one reason why I was keen to speak in it—I was fortunate to talk to the organisation Primary Futures, which is engaging with schools up and down the country. I heard about the work it has done at Hollymount School in my constituency. I happen to be very familiar with the school, because before I became an MP, when I was a parliamentary candidate, I used to volunteer to read with the children. Primary Futures describes the school as “a non-selective state primary school serving an area of severe social deprivation in the Tolladine area of Worcester”. It has been doing some research with the University of Warwick, talking to the children about their aspirations, and there are some welcome findings. The vast majority of pupils surveyed—37 out of 44—believed that:

“English, Maths and Science can help me when I grow up”.

A similar number believed that:

“Learning at school is important for my future job”,

and a significant majority—nearly 30 out of the 44—agreed with the proposition that:

“There are lots of different jobs for me to do when I grow up”.

So far, so good.

Particularly pleasing is that, on the question whether

“Girls and boys can do the same job”,

more than 90% said yes, and not a single pupil said no. I was pleased because one of the last things I did as Minister for School Standards was give evidence to the Science and Technology Committee about girls in STEM. It is clear that there are no barriers to girls succeeding in STEM—succeeding in maths or physics—barring those that are artificially placed in front of them. We must keep on challenging those artificial barriers and encouraging people to pursue those careers.

In opening the debate, the hon. Member for Weaver Vale made many very good points. I absolutely agree with him about encouraging more employers to provide work experience placements. Where I perhaps disagree with him, along with my hon. Friend the Member for Broadland, is on the need for centralisation in this space. I think that the Careers and Enterprise Company has done some very good work; it has encouraged businesses from across the private sector to engage with schools in a way that they perhaps were not doing a few years ago. Organisations such as Primary Futures also do great work.

I happen to know—from my own patch but also from speaking to people in the Department for Education about it—that we have a fantastically well-functioning careers hub in Worcestershire, which is successfully getting that connectivity between schools and the private sector. It is bringing businesses in to talk to primary and secondary schools. If we can do it in Worcestershire, I am pretty sure that it can be done in other areas of the country, with the right support from organisations such as local enterprise partnerships, chambers of commerce, businesses and councils. I would like to see that happening much more widely.

**Mr Perkins:** I, too, have seen some excellent provision through careers hubs, but the hon. Member is right that it is inconsistent. Does he know whether those hubs are actually leading to different work experiences for young people? Far too often, I see a form sent home with the child: “Find your own work experience and write the name here. We’ll make sure that you’re not going to die while you’re there.” That is basically all that schools want to know. What we really need to see is not the milkman’s son going to work with his dad, and the politician’s son going with his, but people getting experiences that are different from what they are already used to. Is he aware of those kinds of experiences in his hub?

**Mr Walker:** I do not disagree at all with what the hon. Gentleman has said. Absolutely, we want to give people those experiences. I talk to a lot of my engineering companies in Worcester, and one of their frustrations is that they feel that the image that people have of engineering is of where it was 30 or 40 years ago, with the traditional, metal-bashing image. What they are doing now is much more exciting, and much more engaging for young people visiting from schools. The working environment is also much better than it was.

Absolutely, getting people into a workplace that they might not necessarily know about must be part of this. That is something that our careers hub in Worcestershire does very well, and we have seen that, in particular, in the cyber-security sector. Nobody learns that at school, but they can learn the maths, computing and skills that can take them in that direction. Those companies are getting into schools to run code clubs, and they are getting children from the schools to come and do work experience. They tend to be the small businesses that, traditionally, careers advice did not look at.

I absolutely recognise that the box-ticking approach that the hon. Member for Chesterfield (Mr Perkins) described was sometimes a problem in the past, but I think it is actually more likely to be a problem in a centralised system than in one that encourages direct engagement between schools and employers.

I very much welcome this debate and am grateful for the chance to contribute to it. I urge my hon. Friend the Minister to take forward the opportunity for work in the White Paper, to continue to engage with apprenticeships and employers, and to ensure that we also take the opportunity to raise aspirations in primary schools.

3.15 pm

**Mims Davies** (Mid Sussex) (Con): Thank you, Ms Rees, for calling me to speak in this really interesting debate. I also thank the hon. Member for Weaver Vale (Mike Amesbury) for approaching it in exactly the right way.

My earlier intervention, about tracking where our young people go next after leaving school, still stands, and it is a point that I am pleased to be able to expand on. We know when people are not going to achieve their desired outcomes or pass their exams: when they go AWOL and fall off the radar. I know from my previous role as employment Minister that the next time we pick them up, in a jobcentre and on to the next stage in their careers, is quite often after they have had a stay at the Ministry of Justice, or developed health conditions, addictions or other challenges that need to be unpicked. I strongly believe that, with the right interventions in the mid-teenage years, we can ensure that everybody

can go into a fulfilling career. If exams and university are not the route, that really matters—as we heard from my hon. Friend the Member for Southend West (Anna Firth), that applies to 60% of our young people.

I would like us to talk, in schools and more broadly, about the reality of a life of jobs. Unless people are very lucky, they do not go into a career or get a job for life—career-wise, we all live in insecure times in this place. We need to speak about jobs, roles and sectors, and about things changing, to inspire and enable our kids to take the opportunity of education into the world of work and not feel that education and learning happens only in schools, colleges or universities, or that it always has a label, like T-levels or indeed A-levels. Rather, it is absolutely part of working life. Some of us might have been in a very different job five years ago, and we might not even know about the job that we could have in five years' time.

We need to empower our young people not to think that studying happens purely at school, college or university, but to understand that it is never over and that what they get from a good education—learning and having the confidence to take on new skills and abilities—is what they need to take them into a long-term career. We need to build an agile mindset into our young people. We need to help people to be ready to join the labour market at any age or any stage.

I welcome my hon. Friend the Minister to the Front Bench—it is good to see her there. With my former employment Minister hat on, let me say that we should also absolutely tackle job snobbery. There is no such thing as good or bad work. We have all done jobs that we did not generally enjoy quite so much—they are less lucrative and “valuable” in people's minds. But let us be honest that during the pandemic we started to understand who and what really meant everything to our lives. Many of those people were performing roles that, coming into the pandemic, we simply did not understand or fully appreciate. The mantra should be ABC—any job, better job, career—because guess what: people are never more attractive than when they are in a job. That is wrong, but it is a fact, because those soft skills and that confidence—I wish I had a penny for every time I heard the word “confidence” when it comes to changing or transitioning roles because of the pandemic—are absolutely key.

We need to instil that confidence through good careers advice in our schools and allow them to open up and spend time with their local economies. I agree entirely with my hon. Friend the Member for Broadland (Jerome Mayhew) about that. People could live right next to the Cadbury factory or the theatre in Stratford-upon-Avon, but have never been inside. People can feel very locked out, even in their own communities. Schools should not just be unlocking careers or education, but should be unlocking opportunity that is right on the doorstep. No one should need to move to find opportunity.

**Anna Firth:** I totally agree with my hon. Friend that schools should be the ones to give this advice. I raised the issue this morning with the headmaster of Westcliff High School for Boys, which is in my patch, and he said that one size does not fit all. The funding for careers advice must go to schools, because they know their local area and the different opportunities that are available. Does my hon. Friend agree that we absolutely must put schools in charge of this funding and this advice?

**Mims Davies:** Yes, I agree with my hon. Friend, but I am conscious of the need not to overburden schools. Let us find the bridge here—the career services and the links to the local labour market. There are good ways to assist schools with this work—Jobcentre Plus, LEAs, growth funds and Mayors—but schools also have to be absolutely determined to look at careers and long-term outcomes for young people and not solely at exam results. We have to make sure that we do not judge whether a school is good based solely on exam results; it is about where young people come from and where they get to—their progression—and some people's progression is not simply about exam results.

That leads me to the work of the kickstart programme. Despite the pandemic, we got 163,000 young people under 25, who were those most at risk of long-term unemployment, into their first jobs. How did we do that? We got the employers into the jobcentres and we put people together. We threw out CVs, because no one has experience until they have experience—of course they do not, particularly in a pandemic. That work provided life-changing opportunities for young people, but above all it stopped people asking for the finished article. Who here has gone into a role—this role, any role—as the finished article? We have to help employers to stop looking for the finished article and to think about how they were mentored when they went into that sector. We should take them back to where they were before they came into their grand or great role.

**Jerome Mayhew:** Does my hon. Friend agree that the full functional employment we have now, with many companies facing a dearth of staff—I refer to my former entry in the Register of Members' Financial Interests, in that I was an employer and often struggled to find staff—will help to change employers' attitudes, so that they work with what they have, bring people on and help to develop people's careers in situ?

**Mims Davies:** I say to my hon. Friend that there is nothing wrong with being an employer. We need people to take those risks, opportunities and leadership roles, but they have to have the experience and the start-up to get there.

I genuinely think we are seeing a sea change with careers and employers, and that lets me explain a little more about the kickstart roles that were created. We have heard anecdotally that around seven in 10 people have stayed with their existing employer, but we also found that many other people had undiagnosed health conditions, challenges at home or other issues that meant going into the wider labour market was simply never going to happen for them, and that was exacerbated by the pandemic.

When I was at the Department for Work and Pensions, we therefore opened over 150 youth hubs. Those were locally led, and included the careers service, local authorities, jobcentres and employers. People could go into a safer, more relaxed and more comfortable space to have a one-to-one conversation along the lines of, “What can you do, and what are you interested in?” If employers can spark that interest in our young people, or in anybody at any age or any career stage, rather than talking about what people cannot do, they can take a chance on people. With near full employment—employment is at almost 80% in some parts of the country—employers are having to do that. They are throwing out the usual



[Mims Davies]

way of doing things and putting time and training into people, and I do not think anybody really regrets that, do they?

On universities—my hon. Friend the Member for Worcester (Mr Walker) and others put this brilliantly—we really have to help those who perhaps feel that there is a stigma about not going to university. We are sending people to university who are potentially wasting their time there and who could be doing something much more productive and beneficial in the local labour market. However, that can be done only based on really strong, good reading skills and digital skills, and while many young people and many of us generally can hide behind our mobile phones and feel that we have digital skills, we simply do not.

We need to tackle the STEM challenge strongly, talking about the skills needed for different sectors and jobs and what is transferable, but we cannot do that without face-to-face support. We know that works in jobcentres and with training. Online courses do not equip people with enough to get into those sectors and areas, so they can do some of that training, but they also need practical, individual human support. It is vital that we give them that and tackle the STEM issue as a result.

In Mid Sussex, we recently had a STEM event, chaired by Phil Todd and linked to the Burgess Hill Business Park Association, where schools came to spend a wonderful day building bridges, weighing things, creating things, working on projects and working with local businesses that they simply would not have known were there. In fact, 70% of jobs in Mid Sussex are not on the high street; they are in small industrial areas, back bedrooms, villages and areas that are not seen, and they are exporting globally. People do not need to work in a big building to have big opportunities; it is important that young people see that.

On good careers advice, the main thing is to give people confidence that it is not about where they start but where they end up. I have enjoyed yoghurt making, selling kitchens, working in Little Chef and selling mobile phones and pagers—remember them? I want to return to the issue of job snobbery, because pubs, restaurants and hospitality are places that we love, and we miss them when they are not open and cannot serve us. When we go on holiday and go abroad, we see how those places are revered. People can progress quickly in that sector. So let us talk about careers as a whole. I will conclude, Ms Rees, as I am sure that time is against us.

**Christina Rees (in the Chair):** I call the Opposition spokesperson.

3.27 pm

**Mr Toby Perkins (Chesterfield) (Lab):** It is a great pleasure to serve under your chairmanship, Ms Rees. I congratulate my hon. Friend the Member for Weaver Vale (Mike Amesbury) on securing this crucial debate and on the way in which he presented it, bringing his considerable experience to benefit the House. The debate is particularly timely, given that pupils across the country will be undertaking exams and turning their attention to their future careers. Indeed, many year 10 students are doing work experience as we speak.

I welcome the Minister to her position and congratulate her on her appointment. The speed of change in the Government in recent weeks has been bewildering for us all and, if we have had trouble keeping up with who is in and who is out, imagine what it has been like for the poor civil servants. It is fair to say that while it can sometimes be hard to be seen in a crowded field, her appointment and the very particular charm offensive with which she attempted to win over hearts and minds has certainly not gone unnoticed.

The debate is vital. The Labour party has long been of the view that the Government's lack of commitment to work experience and careers guidance has been a damaging failure. In recent months, the Government have been at pains to prove that their attitude to work experience and careers guidance has changed. It could be coming true—who knows? Proving that their words can match their deeds, under the Prime Minister we now have Ministers themselves trying out work experience. The right hon. Member for Chippenham (Michelle Donelan) got to try out being Secretary of State for a day—Labour prefers two weeks, but at least a day was better than nothing—and the Minister is on an extended two-month work trial that she hopes will go from temp to perm. Of course, unlike the traineeships that the Government are so keen to trumpet, that work experience is very much not unpaid, with the right hon. Member for Chippenham racking up generous severance pay for her 24 hours of labour. [*Interruption.*] Indeed.

On a more serious note, I would like to reflect on some of the valuable contributions made by hon. Members. My hon. Friend the Member for Weaver Vale brought tremendous experience to bear, focused particularly on the funding and the inconsistency of service across the country. The points he made were knowledgeable and very much matched the experience that I had. The hon. Member for Filton and Bradley Stoke (Jack Lopresti) said that we need to change attitudes to apprenticeships and trumpet their success. He is absolutely right: I want every school to declare not only the numbers of students going to university but how many attained apprenticeships. If we were trumpeting and saluting students who got apprenticeships alongside those who went into universities, maybe parents would get the message that apprenticeships are a positive step for young people.

The hon. Member for Southend West (Anna Firth) reflected on something that I have heard so many times: every one of the students who she had through her office had only been introduced to the idea of going to university. That is something that we hear so much. The hon. Member for Broadland (Jerome Mayhew) reflected that, in his area, opportunities were so plentiful that support is needed because the array of careers is so daunting. I have to say that does not reflect the message I hear from many students; the message they get at school is to first go into sixth form and then to university. The sense of an array of options is far too often missing.

I particularly enjoyed the speech from the hon. Member for Mid Sussex (Mims Davies) who said, very accurately, something we all recognise: we have all had jobs that we do not enjoy much—whether she was referring to being a Conservative Member of Parliament in recent weeks or to her previous employment, she did not say. The hon. Member also said that new starters will not be the

finished article. That is an important point for any Conservative Members going to hustings in future weeks to reflect on.

At the heart of the debate is the aim of equipping young people with the right tools to ensure they are ready for work and life. In 2010, the coalition Government axed Connexions, which led to the demise of universal provision for careers guidance. The reality is that we had five years where the provision was absolutely pitiful. There have been improvements since then; it is only fair to reflect that. However, whatever the faults of the Connexions service, it was a colossal failure to leave young people and adults, particularly from the most disadvantaged backgrounds, without the access to advice and support that children with wealthier and better connected parents are able to take for granted.

On work experience, like the hon. Member for Worcester (Mr Walker) I have witnessed some excellent provision. I visited a really good careers hub in the Black Country in recent months. However, even The Careers and Enterprise company itself would concede that the quality of those hubs and the shared best practice are inconsistent across different areas. The hon. Gentleman said that good practice needs to be much more widely available, and I certainly agree with that. I still think it is highly questionable whether leaving schools in charge of their pupils' careers guidance will ever work. It is the Opposition's view that careers guidance is a profession; it is not an add-on to a deputy headteacher's job.

The awful legacy of the lack of careers guidance has been far too many young people leaving school without adequate careers advice. It has been a shameful failure of education and skills policy that will have left a lasting legacy on some of those affected—now in adulthood, without having had access to that advice. It is worth reminding ourselves that, even pre-pandemic, almost 800,000 young people were not in education, employment or training. That illustrates why it is essential that school leavers exit full-time education fully aware of the local labour market and the opportunities on offer.

That is why, during the passage of the Skills and Post-16 Education Bill, Labour backed the Baker clause, which proposed that schools must allow colleges and training providers to access every student in years 8 to 13 to discuss non-academic routes available to them, and that each student should have three meaningful interactions with different providers at each stage of their educational journey. It is hugely regrettable that the Government did not adopt that recommendation in full, as their lordships had supported. It would be interesting to hear from the Minister, if she remains in post, whether the Government would be minded to allow the full Baker clause to be adopted. In my experience, schools will often have a primary focus on ensuring that the majority of their year 11 students are pushed toward the school's own sixth form. If there is a financial need to ensure that there are x number of students at a sixth form, it is hard to see how schools will be genuinely independent in the message they are passing on to young people, as the hon. Member for Mid Sussex reflected on earlier.

Parents naturally want to see their children succeed with high attainment in subject-based learning. However, many are increasingly concerned that their children should leave school as well-rounded individuals too, with the skills to succeed in the wider world. Currently,

the availability and quality of careers advice remains patchy. The Government must move further and faster to equip children with the skills they require and ensure that there is a greater consistency across all areas.

The hon. Member for Worcester said that the service does not necessarily need to be the same in all areas, but what we do need is a minimum standard that is not only legislated for—we have legislation—but monitored and assessed against, whether that be through provision that the schools have to book or through an independent service. The sentiment that the availability and quality of careers advice is patchy and needs to improve is echoed by teachers, parents, children, employers and, indeed, by many of the contributions we have heard today.

According to Parentkind's 2021 "Parent Voice" report, just half of parents said that their child's school offered good careers advice. The Centre for Education and Youth's "Enriching Education Recovery" report makes clear that the vast majority of teachers, parents and children agree that there should be improved access. This is echoed by the business community. In 2019, a Confederation of British Industry survey said that 44% of employers felt that young people leaving education were not work-ready. The hon. Member for Mid Sussex reflected similar sentiments about ensuring that being well-educated in school subjects also reflected the work-readiness of young people leaving our statutory education system. The CBI survey also highlighted the geographic variation in engagement with employers and educational settings. As the hon. Member for Broadland said, it is so important that local economies are reflected in terms of the experiences that young people have.

Students in rural and coastal areas often face a postcode lottery on access to joined-up support. The Sutton Trust has concluded that all pupils should receive a guaranteed level of careers advice. A recent Careers England survey revealed that three quarters of schools have insufficient, limited or no funding with which to deliver what is needed. About a third of secondary schools say that they receive the equivalent of £5 per student, with 5% receiving as little as £2 per student, as my hon. Friend the Member for Weaver Vale reflected earlier.

The inclusion of the Gatsby benchmarks as part of the Department for Education's statutory guidance on careers education represents welcome, though modest, progress. There has been a long history of Government statute failing to be implemented on the ground. Labour is backing pupils, parents, business and educators with its pledge to give every child access to quality face-to-face careers advice in their schools. Our proposal, set out by my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) at last year's Labour party conference, would provide face-to-face, professional and independent careers advice for every school pupil.

It is also vital that young people have a thorough knowledge and understanding of their local labour market. That is why the next Labour Government will reintroduce two weeks of compulsory work experience for every child. As I said to the hon. Member for Worcester, it is important that that reflects the breadth of opportunities and is not narrowed down to a self-selected form sent home with children.

[Mr Toby Perkins]

We will reverse that removal from the curriculum by the coalition Government to equip young people with the skills that they need, so that there is work experience in the school curriculum. In addition to support for schools, we will work with business communities to ensure that they offer the placements needed. Once again, Labour is committed to restoring a skills-led agenda for our children. It is crucial that that is addressed at the earliest possible opportunity.

In responding for the Government, will the Minister say whether they will allow every child to receive three independent options of careers at each stage of their school journey, as proposed by the Baker clause? If not, why does she consider that not the right direction to go in? Does she recognise the criticism that some schools are so determined to get all their top students into their own sixth forms that they deliberately reduce the number of alternative options presented to children? If she does, what does she propose to do about it? Does she believe that a school with substandard careers guidance should still be able to be ranked as outstanding? Does she agree with Labour's plan—as the hon. Member for Mid Sussex sensibly does—to ensure that every child receives at least one face-to-face careers guidance appointment? If not, what does the Minister think is an appropriate standard?

This is a crucial debate on a subject that has the potential to be life-changing for young learners. It is an area for which Labour, under my right hon. and learned Friend the Member for Holborn and St Pancras, has already made concrete proposals, and one that the Government must begin to take more seriously for the sake of the next generation of workers and for our nation's economy.

3.41 pm

**The Parliamentary Under-Secretary of State for Education (Andrea Jenkyns):** It is a pleasure to serve under your chairmanship, Ms Rees.

I congratulate the hon. Member for Weaver Vale (Mike Amesbury) on securing this important debate. It is wonderful to have the opportunity to talk about the importance of careers guidance. Like the hon. Member, I was the first in my family to go to university, as a mature student. I agree with him that all schoolchildren should be made aware of the vast array of options available to them, including FE, HE, apprenticeships, the new T-levels and the work environment. I hope he feels that, as I delve deeper into my speech, I answer some of the questions and respond to some of the points made.

Careers guidance in schools is a fascinating part of my new brief at the Department for Education, and it has never been more significant. High-quality careers guidance is an essential underpinning of the Government's schools, skills and levelling-up reforms. I may not agree with the hon. Member for Weaver Vale on everything, but today's debate underlines the shared commitment to ensuring that all young people get the advice and help they need to pursue their chosen path in life. I pay tribute to his excellent work during his many years in the careers service. We are fortunate to have the benefit of his experience and knowledge of this most important issue.

I will talk about our vision for careers guidance in schools and set out three key ways in which we are realising that vision: first, a world-class careers framework for schools; secondly, our significant investment in support to help schools and colleges to improve their careers offer; and thirdly, our innovative plans to improve the quality of information and data that will help young people to navigate their career choices. In our vision, careers guidance will connect our young people to opportunity and will equip them with the support that they need to succeed. That is a critical point for unlocking individual potential and for boosting the long-term economic prosperity of our great country.

Our skills reforms are transforming opportunities for young people. High-quality careers guidance is crucial if we are to capitalise on the skills revolution. It is important not only that we seek to provide better choices, but that we give clarity to young people and their parents about what those choices might offer. A few people in the Chamber touched on that point today. Our mission is to drive the quality of careers guidance in schools. That begins with a framework to guarantee access to independent careers guidance for every pupil. It offers a clear sense of what good looks like, and it will hold schools accountable for progress.

This September, new legislation to extend the legal entitlement to independent careers guidance to all secondary school-aged pupils in all types of schools will be implemented. I commend my hon. Friend the Member for Workington (Mark Jenkinson)—who is not present, I am afraid—for sponsoring that legislation. The implementation of that careers guidance Act will be followed swiftly, in January, by a significant strengthening of provider access legislation: the duty on schools to invite the providers of technical education or apprenticeships to talk to pupils. Again, we have touched on that today.

**Jack Lopresti:** May I congratulate my hon. Friend on her appointment, and say how thrilled and proud I am? Does she agree that apprenticeships are a fantastic way not only to enhance social mobility, but to increase the skills level in order to maintain our sovereign defence manufacturing capability? That will not only enable us to defend our country better in the decades to come, but create lots of jobs.

**Andrea Jenkyns:** I thank my honourable husband, or should I say my hon. Friend? I obviously agree with him—although I don't usually—that we are not only defending our country and the people of Ukraine, but benefiting from that capability.

In January, there was a significant strengthening of provider access legislation, with the duty on schools to invite providers of technical education or apprenticeships to talk to pupils. As the hon. Member for Chesterfield (Mr Perkins) said, there will be at least six opportunities for pupils to have high-quality encounters with different providers throughout school years 8 to 13, so that they can understand and explore technical choices before making vital decisions about their next steps.

Our adoption of the Gatsby benchmarks as a career framework has been a great success. From a standing start in 2018, more than 4,200 secondary schools and colleges are using them to develop and improve their careers programmes. The benchmarks are based on international best practice and describe all the crucial components of a world-class careers programme for



young people. Since the launch of the Government's careers strategy in 2017, we have seen improvements across every dimension of careers guidance, with a particularly strong performance by schools in disadvantaged areas. There was a question about the strategy, which I will touch on later.

It is incredibly valuable to be able to measure the inputs of schools into careers guidance and to see that outcomes are improving. Early analysis shows a positive link between careers education, as assessed by the Gatsby benchmarks, and young people going into sustained education, employment and training after leaving school. A recent study based on data from nearly 2,400 schools shows that when Gatsby benchmarks are achieved by a school, that increases the likelihood of a student being in education, employment or training after year 11. It amounts to a 10% reduction in the proportion of students who are not in education, employment or training post-16 if schools meet all eight benchmarks, compared to schools that achieve none. Importantly, the reduction is twice as great, at 20%, in schools with the most disadvantaged students. We know what is working well and we know where schools are finding it difficult to implement the benchmarks, and that allows us to target our support more effectively.

To realise the maximum value from our investment in careers guidance, we are strengthening the accountability framework for secondary schools. On all graded inspections, Ofsted inspectors assess the quality of careers education, information, advice and guidance on how much it benefits pupils in deciding on their next steps. It is important that pupils feel they are at the centre of that journey. If a school is not meeting the requirements of the provider access legislation, inspectors will state it in the published inspection report and consider what impact it has on the quality of careers provision, and the subsequent judgment for personal development.

We have developed a model to support schools in improving their careers offer.

**Mr Perkins:** The Minister spoke about the importance of the Gatsby benchmarks and the evidence that they improve outcomes, and said that careers guidance will now be checked by Ofsted. Does she think it should be possible for a school that does not meet the benchmarks to be assessed as outstanding, despite having inadequate careers guidance?

**Andrea Jenkyns:** The hon. Gentleman has touched on an important point. It is important not only to give support to the schools in question but to note that in the Ofsted inspection report.

On support for schools to improve their careers offer, we have developed a model that is proven to accelerate improvements in careers guidance. Schools do better if they are part of networks of regional careers hubs—as we see in our local areas—and enterprise advisers. Careers hubs are local partnerships among schools, colleges, businesses, providers and the voluntary sector that enable the sharing of best practice to enhance careers provision. Enterprise advisers are business professionals who work with schools and colleges to strengthen careers strategies and employment engagement plans.

By linking such networks, schools work much more closely with employers and the local enterprise partnerships. This model is crucial to drive the quality of careers

provision locally. It promotes the sharing of best practice and economic information and intelligence. Alongside that, we encourage every secondary school to have a trained careers leader, to make the most of the connections and co-ordinate and integrate the careers programme throughout the school, with the backing of their headteacher.

To underpin the delivery of this excellent model, we are investing £29 million this year in the Careers and Enterprise Company. With that funding, the CEC is supporting schools and colleges to implement the Gatsby benchmarks by extending the careers hubs, the enterprise adviser network, the careers leaders training and digital support. I am delighted that all secondary schools and colleges across Weaver Vale are now benefiting from that support; we intend to replicate that throughout the country.

Allow me to share some of the numbers behind our investment. More than 2,200 careers leaders have engaged in funded training since the scheme was launched in 2018. To touch on the question that the hon. Member for Weaver Vale asked, two thirds of schools and colleges in England were part of a careers hub by September 2021. As we work towards the full roll-out, that proportion will increase to approximately 90%, which will mean 4,500 schools and colleges will benefit from a careers hub by August next year. Around 3,750 business professionals work as enterprise advisers with schools and colleges to develop their careers strategies and employment engagement plans.

I am sure everybody here will agree that more important than the numbers is the impact of our investment on young people. The engagement of employers at scale is crucial to the improvements in careers guidance that we are seeing. Employers provide inspiration and insight to young people, deliver hands-on experience of the workplace, highlight pathways into work, and are increasingly helping to integrate careers learning into the curriculum.

Let me give a few examples. Thomas Dudley, a 100-year-old manufacturing company in the west midlands, has worked with local schools to develop mini challenges in history, business, design, English and maths that link those topics with jobs in the local economy. Pupils then visit the business and experience how the skills they have learned can translate into their future career.

Let me share a couple of examples of the excellent work in the area of the hon. Member for Weaver Vale. Greenbank School has helped employers to be more confident in supporting people with autism. Supported by the CEC's Cheshire and Warrington enterprise adviser network, the school adapted its autism training to better meet the needs of employers and give them an insight in the challenges that young people with autism face. The training was delivered to numerous local employers, including Bentley, Siemens and the NHS.

Sir John Deane's College has secured prestigious degree apprenticeships for its pupils with major companies including Rolls-Royce, Deloitte and Unilever. The college has established an aspiring apprenticeships programme for year 13 students that includes CV workshops, mentoring, university visits, employer encounters and vacancy-search support.

All schools in the area of the hon. Member for Chesterfield have been part of the careers hub since the start of the academic year, and four out of the

[*Andrea Jenkyns*]

nine secondary schools have done careers leader training. That provision will be extended further. Local employers—including KPMG and Dalton HR Solutions—are providing senior business volunteers and enterprise admissions to his local schools.

On improving careers information, another important area of focus is to provide young people with clear and consistent information about the full range of careers options and relevant education and training courses. We established a National Careers Service a decade ago and continue to provide personalised careers information and advice to all aged 13 and over. We are improving the NCS digital offer to allow greater personalisation, but we want to go further. The levelling-up White Paper announced the unit for future skills, which will help to ensure that comprehensive and relevant labour market information and data related to occupations, skills and careers are made available to support effective careers guidance at a national and local level.

I have only a couple minutes left, so I will answer some questions. On improving information in schools about apprenticeships, we already deliver information and outreach work to schools on apprenticeships via the apprenticeship support and knowledge programme. My predecessor wrote to all pupils aged 11 to 13 to promote apprenticeship opportunities, and strengthened provider access legislation to ensure that all pupils have six encounters with different providers, as I said.

On the point about £2 of careers funding per pupil, we are routing investment through the NCS and the CEC so that we can target money where it is most needed to secure better value for money. More than £92 million has been invested in 2022-23.

On the careers strategy, we appointed Sir John Holman as a strategic adviser on careers information, advice and guidance. We will respond to his recommendations in due course, so watch this space.

I am running out of time so will finish by thanking everyone who has taken part in the debate. My hon. Friend the Member for Southend West (Anna Firth) spoke about T-levels and the importance of career guidance. My hon. Friend the Member for Broadland

(Jerome Mayhew) described the opportunity to set up your own business and discussed choice, opportunity and personal responsibility.

The former Department for Work and Pensions Minister, my hon. Friend the Member for Mid Sussex (Mims Davies), is passionate about young people's education. She touched on the important point of tackling job snobbery. My hon. Friend the Member for Worcester (Mr Walker), the former Minister of State for Education, demonstrated his continued commitment to education by taking part in the debate. Some of his work includes the "Opportunity for all" White Paper, which includes a programme targeting primary schools in 55 education investment areas and adopts benchmarks for good careers guidance. I thank him for his great work on that.

I thank my hon. Friend the Member for Filton and Bradley Stoke (Jack Lopresti) for his commitment to apprenticeships, as a former co-chair of the all-party parliamentary group on apprenticeships.

The hon. Member for Chesterfield made some valid points about the importance of work experience. My own work experience during college—I am sure everybody has a couple of horror stories—was with an interior designer. The lady, who worked from home, got me ironing her husband's underwear. I am sure work experience has improved drastically since then. I can reassure hon. Members that I have had 60 work experience students through my office since I was elected, so I am fully committed to it.

Finally, our mission is to level up opportunity and give every young person the chance to go as far as their talents take them. I am enormously grateful for the support that Members have given on this important issue. We have built the foundations for a career system based on employer engagement, dynamic career leaders and local collaboration, and we encourage the use of evidence for improvement. We will continue to target investment at the changes that make the most difference on the ground, so that every young person in this great country has the chance to reach their full potential.

*Question put and agreed to.*

*Resolved,*

That this House has considered the provision of careers guidance in schools.

## Badger Culling

[PETER DOWD *in the Chair*]

[*Relevant documents: e-petition 333693, Ban the shooting of badgers immediately; and e-petition 310307, Stop culling immediately and start widespread vaccination of badgers now.*]

4 pm

**Peter Dowd (in the Chair):** I will call Tracey Crouch to move the motion and then the Minister to respond. As is the convention for 30-minute debates, there will not be an opportunity for the Member in charge to wind up.

**Tracey Crouch** (Chatham and Aylesford) (Con): I beg to move,

That this House has considered Government policy on badger culling.

As always, it is a pleasure to serve under your chairmanship, Mr Dowd. After many years of debate in this place, colleagues will be well aware of my views on the badger cull. My primary motivation for speaking out against the cull was and always will be the tragic and indiscriminate killing of more than 150,000 badgers since the first two operational culling zones opened in 2014. My view is often reflected in national polling, which continues to show opposition among the general public to the cull—not least in the two e-petitions that have been attached to this debate, respectively signed by 106,000 and 35,000 people, including from my constituency of Chatham and Aylesford.

Since first becoming involved in this debate through the lens of wildlife protection, I have often heard with great sadness about the immense financial and emotional pain that bovine tuberculosis causes farmers up and down the country. The devastation for a farmer when a skin test comes back positive, virtually condemning their herd of cattle, is utterly heartbreaking. The fight has therefore become just as much about protecting badgers—an iconic species in the UK—as ensuring that farmers are supported by the Government in implementing the wide array of countermeasures to prevent TB that help to target transmission within species, which has been shown to lead to far higher prevalence of the disease than transmission from one species to another—in this case, badger to cattle.

I sincerely thank Ministers at the Department for Environment, Food and Rural Affairs and their officials for the work they have done over the past few years to explore other ways to tackle this devastating disease. I welcomed the Government's response to the Godfray review and the subsequent strategy, and I welcome the more humane approach against TB in targeting vaccination for both cattle and badgers, increased testing frequency and—most welcome—the gradual phasing-out of intensive badger culls.

To that end, I am pleased that no new intensive badger culling licences will be issued after this year, although I remain concerned that culling will remain an option and continue to be licensed by Natural England. As we have seen with the Government's authorisation of emergency applications of neonicotinoid insecticides, despite their ban via EU retained law, it seems that the announced end is not always the actual end. I am sure the Minister will therefore understand the scepticism among those of us who want culling to cease.

**Caroline Lucas** (Brighton, Pavilion) (Green): The hon. Lady is a champion on this issue and I congratulate her on securing the debate. Does she agree that it is absolutely key that the Government fund both more cattle vaccination and a much larger programme of badger vaccination, to provide farmers with the evidence that badger vaccination can actually work at scale? That will give them the confidence to embrace it. Ministers have a real role to show leadership in getting farmers on board.

**Tracey Crouch:** I agree. I appreciate that it is very easy for us as Back Benchers, without the controls of the Treasury, to always call for extra funding, but I do think there is real merit in ensuring that we fund these things exceptionally well.

On vaccination specifically, in their response to the Godfray review the Government announced a move to vaccinate both cattle and badgers. With a large-scale badger vaccination trial currently taking place in East Sussex—the hon. Lady's area, I believe—the Vaccinating East Sussex Badgers, or VESBA, project will vaccinate badgers across 250 sq km of east Sussex every year for four years, with an annual vaccination target of 675 badgers. Although East Sussex is in the edge area, the Cuckmere valley in the county has long been a TB hotspot; I understand that the first vaccination waves have primarily been focused there. I hope that such a Government-backed study can independently determine whether the vaccination of the wildlife reservoir will in turn reduce TB numbers in cattle. I would be grateful if the Minister indicated whether the Department has already seen evidence of movement in the early stages of the trial.

From an animal welfare perspective, I would much rather see badgers vaccinated than shot. However, the process of identifying badger setts, laying bait, setting traps and then vaccinating the badgers is an exercise that is not only costly and time-consuming but cannot effectively be expanded throughout the country. May I impress on the Minister that if we are going to vaccinate, let us vaccinate the cattle? By contrast to the wildlife, we know how many cows we have and where they are. Will the Minister update us on where we currently are regarding the research studies announced in response to the Godfray review of the candidate cattle vaccine and subsequent improved skin test, with the ambition of introduction within the next five years?

Back in 2019, I spoke in a similar debate in Westminster Hall on the badger cull. That was before more positive announcements from the Government that were welcomed by animal welfare organisations and charities alike. In that debate, I spoke about the success of the Gatcombe strategy used at a farm in south Devon, where the farmer Dick Sibley has worked with the animal welfare group the Save Me Trust to change a farm rife with TB into one with an official TB-free status in just three years. The core element of the strategy is based on identifying and cutting off the roots of infection in the herd through enhanced testing, which is much more sensitive than the notorious skin test. This allows the farm to identify the infected cow and remove it before the disease takes hold of the herd.

Such tests are, of course, more expensive for farmers than a traditional skin test, which I believe costs around £5 a cow. Can we look at supporting farmers with the cost of administering the most reliable tests available? That makes much more economic and scientific sense in



[Tracey Crouch]

the long run and would help to identify the hidden reservoir in the English cattle herd. The improved testing techniques used by the farm both on cattle and on their immediate environment pointed to slurry in the farm harbouring harmful levels of TB and contributing to the cycle of transmission within the herd.

In response to these points about testing and improved husbandry in cattle in farms, the Secretary of State for Environment, Food and Rural Affairs, my right hon. Friend the Member for Camborne and Redruth (George Eustice), told me that he had met Dick Sibley and that from 2015 the Department had had

“a biosecurity plan that included slurry management”.—[*Official Report*, 23 October 2019; Vol. 666, c. 22WH.]

However, at that point the data was “mixed” in confirming the links between slurry and TB in cattle. My right hon. Friend confirmed that the Department was still in “dialogue with Dick Sibley” at Gatcombe Farm and the Department was “keen” to look at evidence that could show a link between slurry and cattle. Will the Minister confirm whether such work is still being carried out by the Department and whether guidelines for farms will be updated to try to minimise TB outbreaks through measures on farms?

As I have made clear, I welcome the move to gradually withdraw from culling, although I remain concerned that high-intensity culls will continue to be allowed in the already approved areas. I am encouraged by data in Wales, which has ended its badger cull and seen similar levels of TB reduction to cull areas in England.

**Matt Rodda** (Reading East) (Lab): I am grateful to the hon. Lady for giving way and I offer my support for her work in this important area. She is speaking eloquently about this ongoing and serious problem that affects one of our largest land animals, a species that makes such an important contribution to biodiversity in the wider environment and is under enormous pressure. Her point about the culls, in particular, is very well made. I understand from former civil service colleagues who have worked at DEFRA—I was a civil servant myself, albeit not in that Department—that the debate around culling has been very contested for some time, that many scientists have had deep concerns about culling for a long time, and that it is seen as quite cruel to badgers.

**Tracey Crouch:** I am grateful for the hon. Gentleman’s intervention. One of the sad things about the badger cull debate is that it has been quite divisive: two groups have been pitted against each other rather than working together. We have moved forward significantly since the start of the badger cull debate, with those who care passionately about wildlife respecting the challenges of bovine TB in herds and, equally, farmers being keen to move forward and not be seen as people who do not care about wildlife, which they do enormously.

We have come together much better and converged on a much more congenial atmosphere and conversation, but the badger cull still continues. The whole point of today’s debate, I hope, is to stress the importance of bringing the cull to an end and starting work on a whole variety of different measures. I know that the Minister will refer to the proverbial toolbox; it is clear that there is a whole host of ways of dealing with bovine TB. I am sure she will make those points in her speech.

The data from Wales is really encouraging. The devolved Government have announced a new approach and are targeting cattle as the victims and main transmission source of the disease. I would be interested to hear from the Minister whether the UK Government are in dialogue with the devolved Administration and whether they are monitoring data from that strategy to support the fight against TB in England.

The Genetic Technology (Precision Breeding) Bill is going through Parliament at the moment. I intervened on the Secretary of State on Second Reading and spoke about how gene editing may improve disease resistance in livestock. He said that there is already work going on to breed natural resistance and select, for instance, dairy cattle with a higher resistance to bovine TB. I hope the Bill will enable scientific advances to be made far faster so that cattle and farmers can be protected without harming our wildlife.

Despite the announcement in May 2021 of the phased end of culling, Natural England issued 11 new supplementary badger culling licences the following month, and announced seven new intensive cull areas in September. I am concerned that, despite DEFRA’s mantra, new areas will continue to be approved. Will the Minister outline how many new supplementary intensive culling areas have been approved this year?

Will the Minister assure me and the many other Members who care passionately about this issue that the Government are serious about phasing out the cull and are investing in a diverse armoury to tackle the disease, including accelerating work to develop an effective cattle vaccine, improving husbandry measures such as herd health plans, restricting cattle movements, and ultimately enabling financial incentives so that farmers can use improved and reliable testing to remove infected cows at source?

4.12 pm

**The Minister for Farming, Fisheries and Food (Victoria Prentis):** It is a great pleasure to serve under your chairmanship, Mr Dowd, and to participate in this important debate secured by my hon. Friend the Member for Chatham and Aylesford (Tracey Crouch). She is extremely well supported in her long-running campaigns on these issues by the Badger Trust and the Save Me Trust, which are the sources of much of the information she shared. I agree that we have moved forward. The tone of the debate has become far more measured, and indeed better for tackling the problem.

This is a very personal problem for me. My grandfather died from TB, and I gave up my Longhorn cattle 10 years ago because of the prevalence of TB up our valley. I was keeping cattle for pleasure rather than serious business purposes, and I really did not want to infect next door’s precious Jersey herd. For me, TB has very personal connotations, and I know well that it is a very dangerous disease in all species—human, bovine or badger.

Bovine TB definitely represents a threat to the cattle industry. Over the past 12 months, we have compulsorily slaughtered 26,000 cattle in England to control the disease. We all agree that badgers are implicated in the spread and persistence of bovine TB. We know, and we have seen the evidence in the Downs study—although not all agree—that the badger cull has led to a significant

reduction in BTB in the areas in which it has been carried out. We also know that many people hate the idea of culling badgers, and of course nobody wants to see a protected species culled more than necessary.

As my hon. Friend said, there is no single answer to the problem of bovine TB. It is a very costly problem for the taxpayer: we spend about £100 million a year on testing, compensation and culling cattle. We are open-minded in DEFRA about how we should continue to tackle the problem, and of course we work closely with the devolved Administrations and scientists further afield to look at what solutions are available to us. It is important that we retain that open-minded view as we look to the new stages of this dreadful disease.

**Matt Rodda:** I am pleased to hear that the Minister and DEFRA are working with the Welsh Labour Government and that there can be a process of learning from how they have moved on from culling. I appreciate the economic pressures that farmers are under at this very difficult time. I hope there can be consensus so that we can move forward, and I am grateful to the Minister for working on that basis.

**Victoria Prentis:** It is important that we continue to work with our partners in the devolved Administrations wherever we can. There has been a certain amount of angst up the border between England and Wales as a result of the difference in policy—it is a very high-incidence neighbourhood—so it is very important that we work together wherever possible.

The tools available to us include culling where necessary—I have no doubt that it will be necessary during outbreaks; I make no secret of the fact that, where there is an outbreak, culling may be the only answer for both badgers and cattle—and vaccinating cattle, which for me is the goal. Many of us received the vaccination in school; it is not that different in humans. What we need to do is develop a test that does not give a false positive reading if a cow has received a vaccine. The test is currently being trialled and worked on. We started field trials in June last year and hope to have them completed this winter. The results are not yet published. We are still hopeful, though, and we are very much working towards 2025 as the date for having a real vaccine for cattle that can be rolled out widely. For me, that will be the game changer.

Vaccinating badgers is also a solution. The hon. Member for Brighton, Pavilion (Caroline Lucas) said that the Government need to put some welly into this, if I may put it like that. I say politely that the Animal and Plant Health Agency now has 28 full-time vaccinators working hard to vaccinate badgers in the vaccination window, although not all badgers need to be vaccinated. We need to be clever about this.

As hon. Members can imagine, vaccinating badgers is a very difficult process. Initially at least, it has to be done annually, to make sure that the vaccination is effective. If there has been a significant cull, the badgers that are left can be vaccinated in a targeted way. We vaccinated about 1,500 badgers last year and expect that figure to be higher this year. We have introduced a simplified licence to cut the administrative burden for those who wish to vaccinate badgers.

Vaccinating badgers is definitely one of the tools in the toolbox, but is not a simple thing to do, nor is it entirely great from an animal welfare perspective, because

badgers need to be attracted, trapped, vaccinated and then released, and then trapped again, which is not without its difficulties.

**Caroline Lucas:** I appreciate the Minister's points about vaccination. I appreciate that there are no silver bullets, but vaccination is probably a lot better than culling. Could she clarify one point? The Government have promised an end to badger culling post 2025 but reserved the right to cull beyond 2025 in certain epidemiologically important conditions. What are the criteria for those conditions? My concern is that that is a very big loophole and that, when there are Ministers in post who are perhaps less concerned than she is, it could be used to continue the cull in a rather more indiscriminate way than I think she intends.

**Victoria Prentis:** I do not think I am able or indeed qualified to give the hon. Lady the reassurance she seeks. If a cull were to be licensed, that would be done with the chief veterinary officer, who would be able to advise the Minister at all stages of that process. What I would say is that, certainly as I see it, we are currently experiencing a decline in bovine TB in high-incidence areas and we are pleased by the way the graph is going, although we are by no means happy with the situation. TB remains a real scourge for our cattle farmers, but things are going in the right direction.

If there is an outbreak, it seems right that the Minister, whoever that is, or the chief veterinary officer, depending on the circumstances, is able to take the decision to cull cattle, badgers or other species where necessary, as is the case with other prevalent and harmful diseases. I know from my family experience that TB is a peculiar illness that can manifest itself in different species, at different times, at different speeds and in different ways. I do not think it would be appropriate for me to set out what would cause angst to the chief veterinary officer at any one time.

My hon. Friend the Member for Chatham and Aylesford referred to husbandry, which is also important. We have worked on strengthening cattle testing and movement controls. We have worked to improve biosecurity on farms and when trading, as well as simply keeping badgers away from food and water troughs where we can. We have looked at different forms of double fencing, to ensure that there is not cross-holding contamination. The ibTB website enables farmers to look at the history of the cattle they are buying, and at the disease status of nearby farms.

We have all learned a great deal from the covid pandemic, probably not voluntarily. We have learned to use a range of measures to control disease. It is not all about washing our hands thoroughly and “hands, face, space”; it is about vaccines, lockdowns, antivirals and treatment methods. We need to retain our learning from the pandemic when considering the scourge of bovine TB. I am pleased with the reductions we have seen in high-risk areas, but this remains a difficult disease for the farming industry to cope with. I am determined that we continue to work on all fronts to come up with the right solutions.

*Question put and agreed to.*

4.22 pm

*Sitting suspended.*

## Non-proliferation Treaty: 50th Anniversary Review

4.30 pm

**Caroline Lucas** (Brighton, Pavilion) (Green): I beg to move,

That this House has considered the 50th anniversary review conference of the Nuclear Non-Proliferation Treaty.

It is a pleasure to serve with you in the Chair, Mr Dowd. In her absence, I congratulate the hon. Member for Brentford and Isleworth (Ruth Cadbury) on securing the debate. I am sorry that she is unwell and I hope that she feels better soon.

The nuclear non-proliferation treaty had its 50th anniversary earlier this year and has long been regarded as the cornerstone of the global nuclear non-proliferation regime. The Government, such as they are, continue to argue that the best approach to multilateral disarmament is a step-by-step approach based on existing instruments—above all, the NPT. At the same time, however, they consistently refuse to provide specific numbers on the size of the UK's current stockpile or the timetable for their reduction programme.

In the context of the appalling war in Ukraine, the UK has been added to a list of NATO nuclear weapon storage locations in Europe. Ministers have not come clean about that either and are refusing to confirm or deny whether a green light has been given to the ramping up of nuclear capacity at Lakenheath, for example. I believe that we should be told.

It is also worrying that the UK Government have not yet decided which Ministers will attend the 10th review conference to coincide with the 50th anniversary. Given that the UK has said that it

“looks forward to working with all states to strengthen”

the NPT at the upcoming review conference, I trust that the Foreign Secretary will be present to engage meaningfully in not just the NPT process but the wider process of eradicating all nuclear weapons from our planet.

The review conference is an opportunity to call on Russia and all nuclear weapon states to declare that they will not threaten to use or use nuclear weapons under any circumstances. We need to know that the UK will make that call and that the Secretary of State will be there in person to underscore the importance of that message. Our aim surely has to be to prevent nuclear war and the use of nuclear weapons. Indeed, that is one of the most powerful reasons why many of us have campaigned for the UN treaty on the prohibition of nuclear weapons.

A successful first meeting of the treaty states parties in Vienna adopted a strong declaration and action plan to make prohibition a reality. The UK needs to support that, as well as to engage constructively in making the NPT work better. That prohibition treaty is accepted by the UN as part of the wider non-proliferation and disarmament regime. I was in New York for the UN negotiations in 2017 and I saw the seriousness with which many states participated, but I also saw the UK's empty seat and felt frankly ashamed that our Government had behaved so irresponsibly by boycotting the process.

If that prohibition treaty is now part of the multilateral regime alongside the NPT, it is an important UN process that the UK needs to participate in from now on, precisely to strengthen Britain's defence and security.

It has one clear goal: to stigmatise and prohibit nuclear weapons. Some 63 nations have ratified it, 66 have acceded and a further 23 have signed. Article 4 provides a process for nuclear weapon states to engage prior to disarmament through a legally binding time-bound plan for the verified and irreversible elimination of nuclear weapon programmes.

That is an important route for our Government to engage with the treaty and take the first steps towards signing and ratification. If the UK is genuine when it says that it is committed to multilateral disarmament, it is entirely inconsistent to do anything else, let alone to oppose the global prohibition treaty, as is its current position. Likewise, the refusal to commit to never using nuclear weapons first is inconsistent with showing leadership on nuclear disarmament and proliferation.

Some 50 years after the world agreed to prevent the spread of nuclear weapons and nuclear technology, and to achieve nuclear disarmament and a general and complete disarmament, too many countries are still pursuing aggressive models of national security that create conflict. Real human security is about using our resources and our diplomacy together to tackle and reverse those wider causes of insecurity, such as climate breakdown. It is about ensuring that everyone has enough food, water and shelter to meet the world's needs and that people have peace and education. That is the kind of security that should be at the heart of national Governments' decision making, not a stubborn ideological adherence to the nuclear doctrines of the past or to the myth of deterrence, and it also needs to be the basis for international agreement.

As the 10th review conference approaches, I call on Ministers to demonstrate real global leadership, real ambition and bold thinking. A nuclear-free world is possible if we are prepared to challenge and then shift moral, political and legal norms. That kind of security is not something that we can or should wait another 50 years to achieve.

4.35 pm

**Beth Winter** (Cynon Valley) (Lab): I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on opening the debate. The review conference will bring together over 190 signatory states to discuss progress in preventing the spread of nuclear weapons and weapons technology since the last review conference in 2015 and to further the goal of achieving nuclear disarmament.

The original treaty was negotiated by Labour's Minister for Disarmament, the MP, later Lord, Fred Mulley, under Harold Wilson's 1964 to 1970 Government, but it has been a formal commitment of all Governments—Labour and Conservative—since 1970. Nuclear disarmament is a priority of humanitarian politics, given the function of nuclear arms to wipe out mass civilian populations, as occurred tragically and appallingly in Hiroshima and Nagasaki with smaller weapons than those that exist today, and their use by all sides to assert foreign policy priorities throughout the cold war and since.

The text of the non-proliferation treaty sets out the aims of

“strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament”.



A clear goal of the treaty is to end the existence of nuclear weapons in states that possess them, alongside preventing their further proliferation. Therefore, it is truly regrettable that both Labour and Conservative Governments have retained nuclear weapons and failed to progress to the complete disarmament of the UK's nuclear weapons, which we have agreed to.

Over 60 years, the UK has replaced Polaris with Trident warheads and missiles, and replaced the Resolution-class submarines first with the Vanguard class and now with the Dreadnought class. Furthermore, the Government announced in 2021, in their integrated review of security, defence, development and foreign policy, that alongside the new submarines the ceiling on the number of nuclear warheads held by the UK will increase by 40%, in a reversal of the downward trend seen in recent decades. The proposed changes in warhead numbers are a reversal of the UK statement by Baroness Anelay at the 2015 review conference and run counter to international momentum towards global nuclear abolition.

The repeated failure of the nuclear weapons powers to make progress on taking steps towards disarmament and to carry out disarmament at repeated NPT review conferences since the first one in 1975 has made it necessary for disarmament-committed states in the New Agenda Coalition to work with civil society to drive the process forward. As the hon. Member for Brighton, Pavilion referred to, that has resulted in the treaty on the prohibition of nuclear weapons, which 86 states have signed up to and 66 states have ratified, and which has now entered into force. That is the right step forward.

However, the UK remains outside that treaty, which is dominated by nations from the global south but, critically, also includes forward-thinking countries such as New Zealand and Ireland. It really is regrettable that the UK national report on the NPT, which was published in November 2021, says nothing about the UK's planned increase in the warhead ceiling or about engagement with the treaty on the prohibition of nuclear weapons, and that its reference to the P5 process has no timetable for warhead reduction.

The war in Ukraine has resurrected ghosts of the cold war and brought home to all of us again the threat from nuclear weapons and nuclear accidents, at a time when both Russia and the USA have been modernising their weapons of mass destruction and the UK is also proposing to increase its nuclear arsenal, contrary to the nuclear non-proliferation treaty.

We need strong civil society movements in the UK and elsewhere to push the UK Government and others to join the treaty on the prohibition of nuclear weapons, and I am proud of the leadership being given by the Campaign for Nuclear Disarmament in Wales, of which I am a member. This year marks 40 years since all the then county councils in Wales declared themselves to be nuclear-free zones, which meant that nuclear weapons could not be stationed in Wales. That landmark decision is being celebrated this summer with a travelling exhibition across Wales—including a visit to my constituency during the week of 8 August—that commemorates the horrific bombing of Hiroshima and Nagasaki on 6 and 9 August 1945.

**Kirsten Oswald** (East Renfrewshire) (SNP): The hon. Lady is making some powerful points. I note her point about nuclear weapons not being stationed in Wales,

and I want to put on record that I am very envious of that. I wish that they were not stationed in Scotland, where they are located a stone's throw from our largest population centre—despite the opposition of most elected politicians in the Scottish Parliament and Scottish politicians here, and against the will of civil society.

**Beth Winter:** I agree, and I hope that one day we will have a nuclear-free United Kingdom and indeed a nuclear-free world. The horrific consequences of Hiroshima and Nagasaki remain in our memories. Let us not forget that it was women from south Wales who had the courage and vision to march to and surround the US cruise missile base at Greenham Common, and I am proud of the fact that I was there as a child with my family.

As part of the work around the touring exhibition, CND Cymru is urging support for the UN treaty on the prohibition of nuclear weapons. CND Cymru says that while nuclear weapons exist we all live under the threat of such weapons being used. It is vital that there is support for the global abolition of nuclear weapons and that the UK Government start to engage with the treaty on the prohibition of nuclear weapons and eventually become a signatory to it, so that the world can be free from all nuclear weapons. I am pleased to say that the Welsh Senedd—our Welsh Parliament—voted to back the treaty in March, calling on all states to ratify it. I also welcome the fact that a number of local authorities in Wales have signed resolutions to the same effect.

We need action now more than ever. The world continues to be an extremely dangerous place, and I am sure that everybody in this room shares my desire for a future for our children, grandchildren and beyond. Unless we have a nuclear-free world, that is unlikely to happen.

4.43 pm

**Jeremy Corbyn** (Islington North) (Ind): It is an absolute pleasure to serve with you in the Chair, Mr Dowd. I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for what she said and for the work she has done over many years on peace and nuclear disarmament issues. We have been at many rallies, meetings and demonstrations together, and I am sure we shall be at many more in the future. I also absolutely endorse everything that my hon. Friend the Member for Cynon Valley (Beth Winter) said.

This is an extremely important and timely debate, because it means that the Government have an opportunity, which they have not always had, to set out ahead of the non-proliferation treaty review conference their position and aims for the conference. I do not remember them ever doing that before, and I hope the Minister is able to help us with what the Government's aims and plans will be.

I attended the last NPT review conference, which was held in New York in 2015, as a representative of peace organisations in Britain. It was, as such events always are, extremely interesting. A large number of peace organisations were present, as were Governments from around the world. In this country, our media protect us from the anger of many people around the world who see Britain and the other five declared nuclear weapons states as insular, uncommunicative and not very interested in discussing peace issues. Our media do not report that.

[Jeremy Corbyn]

You do not have to spend long at an NPT review conference to understand that a large number of Governments around the world take non-proliferation extremely seriously and support all sections of the NPT. I have also attended a large number of non-proliferation treaty prep conferences, which take place every year, so I have seen the great efforts made to build alliances to improve things, and when people say, “Well, the NPT hasn’t achieved anything,” I beg to differ—it has achieved a great deal.

The NPT was a landmark policy in the 1960s, and we should give credit to Harold Wilson and the Government of that time for bringing it about. It requires the declared nuclear weapons states to take steps towards disarmament, and its other signatories not to share, accept or develop nuclear weapons technology. It is easy to say that it has not worked because other countries, such as North Korea, India, Pakistan and Israel, have clearly developed nuclear weapons, but many other countries have not. South Africa, for example, specifically renounced the development of nuclear weapons, which helped to bring about an Africa nuclear weapons-free zone. We also have such zones in Latin America and central Asia, so the steps have been enormous.

The significance of the 2010 and 2015 review conferences was in the discussion about the middle east weapons of mass destruction-free zone. That is a bit of a mouthful, but the point was for it to cover the whole middle east and therefore to include both Iran and Israel, as well as Saudi Arabia. That would mean negotiated talks including both Israel and Iran. I do not expect them to agree on everything, and they may well disagree on many things, but everyone must see that taking a step towards a nuclear weapons-free zone in the middle east is a huge opportunity. The issue was pushed forward in 2010 and discussed again in 2015, and that step forward has not totally happened by any means, but we did get the weapons agreement with Iran, and that is now back on the agenda.

Together with the all-party parliamentary group on Iran, I have been on visits to Iran and indeed to the International Atomic Energy Agency in Vienna to push that agenda forward, and we have a great opportunity to do that again. I hope the Minister will tell us that the Government are serious about resurrecting the deal that Donald Trump did so much to sink—by the way, that is an international agreement, not a bilateral agreement between the US and anybody else, as Donald Trump probably thought it was. I think that that is a positive development.

There are two other positive points about the global ban on nuclear weapons, as mentioned by my hon. Friends the Members for Brighton, Pavilion and for Cynon Valley. The ban is widely supported around the world, with 60 countries—a large number—having endorsed, signed and ratified it, so the idea that Britain cannot engage in any way is going against the wishes of the vast majority of the world’s nations, which have very different political views and aspirations. Instead, we are expanding our number of nuclear warheads and we have signed the AUKUS pact with the US and Australia. While that is not specifically a nuclear agreement, two nuclear-armed countries are involved in it, and

Australia is apparently willing to host whatever the US wishes to place there. We should therefore pause for a moment and think.

This is not an academic debate; it is a matter of enormous seriousness. I totally condemn the Russian invasion of Ukraine. There has to be a ceasefire and a long-term settlement of some sort that will give peace to the people of Ukraine, Russia and, in particular, the Donbas. But it must be obvious to anyone in the world that a nuclear-armed state—Russia—is directly involved in the conflict and that NATO, which is obviously nuclear-armed to a huge degree, is supplying large amounts of weapons to Ukraine. So there is a serious danger—obviously, I hope this never happens—that this thing proliferates into a nuclear war. That should at least give us some pause for thought and concentrate our minds on where we go on this.

I hope the Government can play a positive role in New York, and perhaps explain to the rest of the world why at this time we are increasing the number of nuclear warheads we have. The others of the five declared nuclear weapon states—China, Russia, France and the US—are also apparently increasing their number of nuclear warheads, despite a period in the 1990s when that number reduced. I hope that we will be serious about the negotiations and our participation.

Those who attended the Vienna conference on the humanitarian impact of nuclear weapons—my hon. Friend the Member for Streatham (Bell Ribeiro-Addy) attended it, for example—listened to the victims of nuclear war. The victims were elderly people in Japan who survived but lost family or have suffered cancers ever since, because of the bombs in Hiroshima and Nagasaki—very small compared with the nuclear weapons now available—or, with harrowing stories, nuclear-test victims from all around the world. They include British, American and French servicemen, and peoples of the Marshall Islands and so many places around the world who have suffered the effects of nuclear testing. We should think carefully about that.

I will conclude with this point: we have a whole generation now who do not really appreciate what a nuclear weapon does. It is the ultimate weapon of mass destruction, completely indiscriminate in who it affects. There is no such thing as a targeted nuclear attack or a battlefield nuclear weapon; a nuclear weapon kills everything within its reach, in the area surrounding a nuclear explosion, and it leaves behind a residue of cancerous materials, there for decades and decades to come, polluting the atmosphere and the oceans.

Anyone who would seriously contemplate using a nuclear weapon, knowing that millions will die as a result, with the potential for a further disaster after that, needs to think very seriously about what humanity is about and what we are about. On 6 August we commemorate Hiroshima Day, and 9 August is Nagasaki Day. Those were the only times that nuclear weapons have been used in war, but they have been used in tests and threats ever since.

Please, let us be serious about the non-proliferation treaty review conference and about how we can help to bring about, seriously, a nuclear-free world. It is within our grasp. As a country that has nuclear weapons—we developed them after the second world war and maintain them—we are in a strong position to say, “We will take a lead. We want to follow the NPT in its words, its letter

and its spirit, and help to bring about that change.” We have to talk peace at some point; and while there is a war going on, this is the most ideal time to talk about peace. That is really what we are all striving for.

4.53 pm

**Kirsten Oswald** (East Renfrewshire) (SNP): I had not put my name down to speak in this debate, but I am happy to make a brief contribution to reinforce what I said to the hon. Member for Cynon Valley (Beth Winter). The key point that I want to make is that nuclear weapons are located in Scotland, although the elected representatives of our country in our own Parliament and in this Parliament oppose them. That is a democratically unsustainable position. They are weapons of mass destruction that are morally and economically inappropriate to any of the threats that we face today. I am grateful to you, Mr Dowd, for giving me the chance to put that position on the record. That is all I would like to say for now.

4.53 pm

**Alyn Smith** (Stirling) (SNP): It is a pleasure to see you in your place, Mr Dowd, and to follow my good friend from Eastwood, my hon. Friend the Member for East Renfrewshire (Kirsten Oswald)—remember, no one ever criticised a speech for being too short. Those were excellent points well made. I also welcome the Minister to his place. This is our first debate together, and I look forward to many happy adventures at the Dispatch Box together.

It is a pleasure to wind up for the SNP in this consensual debate. I congratulate the hon. Member for Brighton, Pavilion (Caroline Lucas) on securing it, because it is important that we take stock in advance of the review conference in the treaty’s 50th anniversary year. Opposition to nuclear weapons and the cause of nuclear disarmament are, for my party—not just for part of my party, but for all of my party—matters of deep, deep principle.

It is worth explaining to colleagues present that the modern SNP sprang in large part out of the anti-nuclear movement and the Stop the War Coalition. Opposition to nuclear weapons is in the SNP’s DNA, and I am deeply proud to walk alongside friends and colleagues on marches and protests in opposition to nuclear weapons. I am proud to be a member of a party with such a clear ambition and stance.

We aspire to be an independent state and an enthusiastic non-nuclear member of the EU, the UN, international fora and NATO. The vast majority of NATO states—27 out of 30—are non-nuclear, and Scotland aspires to that status, so it is logical that we are an enthusiastic supporter of the non-proliferation treaty. We have high hopes for the 50th review conference, and we have hopes, at least—I hope they are not dashed—for the UK Government’s participation in it.

The treaty’s importance was arguably set out best by UN Secretary-General António Guterres in the last review conference in 2018:

“The Nuclear Non-Proliferation Treaty is an essential pillar of international peace and security, and the heart of the nuclear disarmament and non-proliferation regime. Its unique status is based on its near universal membership, legally-binding obligations on disarmament, verifiable non-proliferation safeguards regime, and commitment to the peaceful use of nuclear energy.”

That principle was echoed recently by NATO at the Madrid conference last month, when it endorsed the NPT in the strategic concept. The conclusions of the Madrid conference state:

“The Nuclear Non-Proliferation Treaty is the essential bulwark against the spread of nuclear weapons, and we remain strongly committed to its full implementation, including Article VI. NATO’s goal is to create the security environment for a world without nuclear weapons, consistent with the goals of the Nuclear Non-Proliferation Treaty.”

We are all signed up. The UK is a signatory to the treaty and has ratified it, so I call for more action from the Minister. I would be the first to support and applaud more action if we see it, and I say that with a clear conscience and in good faith. I have two main questions for the Minister. We need to see what the UK’s stance is going into the August conference, so will he publish something so that we can hold the Government to account? Will he commit to making a statement in the House after the conference so that we can likewise hold the Government to account for what they said at the time? Those are two concrete questions.

I extend a hand of friendship to the Minister and the Government. We are all signed up to these aims, but signing up to stuff is easy; making it happen is what makes the difference in the world. The UK is in a position to lead, but we have not seen much leadership to date. Scotland wants to be a nuclear-free independent state, but I would work with anybody to see the UK take a lead in nuclear disarmament for the better future of us all.

4.57 pm

**Fabian Hamilton** (Leeds North East) (Lab): It is a great pleasure to serve under your chairmanship, Mr Dowd. Thank you for being here this afternoon.

I thank the hon. Member for Brighton, Pavilion (Caroline Lucas) for stepping in at the last minute and opening this debate on behalf of my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury), who secured it. It could not come at a more important time, as all Members said, especially as Russia continues to recklessly wage an unjustified and illegal war in Ukraine.

We have had a very interesting set of speeches, and there has been a lot of unanimity. I hope the Minister’s response will continue the unanimity, because this is one of the most important treaties ever signed in the history of human society—certainly the history of the United Nations.

The hon. Member for Brighton, Pavilion opened the debate by saying that the specific number of warheads in the UK stockpile is not published anywhere. Will the Minister correct that? The hon. Lady said, and I agree, that there is no transparency, in line with our obligations to the non-proliferation treaty. Importantly, she said—again, I hope the Minister will put us right on this—that no Minister has yet been allocated to attend the NPT review conference in New York. It should be the Foreign Secretary, or at least the Foreign Secretary should be there for part of it. I am hoping to be there myself as an observer.

The aim of the NPT is to prevent the use of nuclear weapons. An inconsistent approach to multilateral nuclear disarmament seems to be emerging from the British Government, although I hope that is not the case. We want to be consistent. We want all parties in the country and the Government to agree on this.



[*Fabian Hamilton*]

The hon. Lady said that the security of a nation is about more than simply the weapons we hold. She is absolutely right. It is vital, it seems to me and to the Labour party, that we look at food security, energy security and the terrible inequality from which many nations in the world suffer, as I saw recently on my visit to Colombia. That is what brings security: if we reduce inequality and ensure the security of food, energy and housing, we can have a more sustainable and much more secure human society and planet. She said that a nuclear-free world is possible.

My hon. Friend the Member for Cynon Valley (Beth Winter) spoke about the horrors of the use of nuclear weapons, quoting Hiroshima and Nagasaki, and was echoed by my right hon. Friend the Member for Islington North (Jeremy Corbyn). The NPT demands, eventually, the elimination of all nuclear weapons. Are we going down that path at the moment? We have to conclude that that is not happening. We are increasing stockpiles not just in the UK but across the world.

My hon. Friend the Member for Cynon Valley said that the Ukraine war has resurrected fears of a nuclear war. I remember from my campaigning youth as a student the fears we had of living under the threat of nuclear war. It seems that many generations have lived under that fear, and the NPT offers the hope that we can reverse that position. She said that she deplores the 40% increase in the number of warheads in the UK stockpile. We need an answer as to why that is necessary. I cannot understand it either. We all live under the threat of nuclear weapons being used.

We then heard from my right hon. Friend the Member for Islington North. He said that this is an opportunity for the Government to set out their plans for what they will do at the NPT review conference. He is absolutely right: we would like to know. Here is an issue where we can all agree on a policy put forward by the British Government—there are not many of those right now. It would be a really good gain for this Parliament and this country if we could do that.

My right hon. Friend said that a large number of Governments across the world treat this issue with great seriousness, and so should we. The non-proliferation treaty has achieved a great deal in its 50 years. He mentioned the JCPOA—the nuclear weapons agreement with Iran—which should be resurrected. I hope we will hear more about that from the Minister. There is a serious danger—we all feel this, don't we?—that the Ukraine war could escalate into a nuclear war. That would be the end.

We heard briefly from the hon. Member for East Renfrewshire (Kirsten Oswald), who more or less said that she would like to see nuclear weapons removed from Scottish soil. I think we would all like to see nuclear weapons—

**Kirsten Oswald:** Will the hon. Gentleman give way?

**Fabian Hamilton:** Yes, of course.

**Kirsten Oswald:** I am very grateful to the hon. Gentleman for indulging me. I want to be very clear: I would like to see nuclear weapons removed from all shores across the world. There is no place for nuclear weapons in the world. They resolve none of the challenges the world faces today. He has set that out very clearly himself.

**Fabian Hamilton:** The hon. Lady interrupted me in saying exactly that. We want to see the non-proliferation treaty taken to its logical conclusion, which is the ultimate elimination of all nuclear weapons. That seems a vain hope that the moment, but we know as politicians that unless we have those hopes and aims, unless we look to the future and have a vision for a better world, we will certainly never achieve it. We may fail in our lifetimes, but we must have that vision and hope—that determination—to aim for the elimination of all nuclear weapons.

As we have heard, the nuclear non-proliferation treaty is the most successful international treaty in history. It has prevented the proliferation of nuclear weapons across the world and has almost certainly deterred some rogue states from easily accessing the materials needed for nuclear weapons programmes. It is therefore vital that the review conference in New York in August provides fresh impetus towards further nuclear non-proliferation. As a nuclear power, it is really important that the UK acts responsibly and throws its entire diplomatic weight behind this review conference in the NPT's 50th year. We need to play our part alongside other nuclear powers to ensure that a nuclear conflict can never take place, because we all know that if it did, the destruction would reach every corner of our world and kill millions and millions—not only human beings, but all living creatures.

Non-signatories to the NPT and those who continually flout its obligations should also form an important part of the review conference. Given regional tensions, it is vital that we put as much diplomatic pressure as we can on India, Pakistan, Israel, North Korea, and indeed South Sudan to finally sign and ratify this historic treaty. As far as we know, South Sudan has no nuclear weapons, but it has not signed the treaty.

It is also important to hold to account countries such as Iran that continue to pursue nuclear weapons programmes—that, of course, flies in the face of its commitments within the NPT. I would be grateful if the Minister could tell us what recent discussions the Government have had with those countries about signing up to the NPT, even if they refuse to attend the review conference. Of course, North Korea was once signed up and then withdrew from it. Can it be persuaded to sign up to the NPT again?

My party has a long and proud history of action on nuclear non-proliferation. While we are clear that the Labour party is steadfastly committed to our nuclear deterrent, we also understand that, as a nuclear power, we must act responsibly. That is why Labour Governments signed the NPT in 1968—as hon. and right hon. Members have mentioned today—signed the comprehensive test ban treaty, and phased out tactical nuclear weapons in 1998. As my right hon. Friend the Member for Islington North said, there is no such thing as a tactical nuclear weapon; it destroys every living being and creature in its path.

**Peter Dowd (in the Chair):** Order. Just a reminder: we expect a vote at around 5.17 pm.

**Fabian Hamilton:** Oh, gosh. I am sorry; I didn't realise that.

Continuing that rich history of multilateral non-proliferation is the right thing to do—to act now and use Britain's position as a nuclear-armed state to convene

a nuclear forum to discuss the next generation of arms control, including on hypersonic missiles. The non-proliferation treaty review conference is just around the corner and is the perfect opportunity for the UK to put non-proliferation back on the global political agenda at such a vital time.

With that in mind, it is worrying that the Government have, as part of their integrated review, decided to increase the cap on the amount of nuclear weapons the UK can hold. We in the Opposition all believe that sends the wrong message to our international partners. It also came without justification. Does the Minister have any update on the justification for that increase? How does he believe it will impact on our participation at the NPT review conference?

We must also look to the NPT review conference to hold discussions on the other important non-proliferation treaties, especially the comprehensive test ban treaty, because the United States has still not ratified it. Does the Minister have any plans to discuss that with his US counterpart? Beyond the political and diplomatic process, it is vital that we remember the human consequences of nuclear testing. We must honour those who risked their wellbeing in nuclear testing on behalf of this country, but also encourage other Governments to do the same in areas such as Nevada, New Mexico, Arizona and Utah, where significant cancer clusters have been linked to previous nuclear tests. The horrific consequences of nuclear testing for those communities exposed to nuclear test fallout should be a driving force in bringing Governments to the negotiating table. Our country can be a force for good for a more secure world, and it is about time that we reclaimed that moral duty.

5.8 pm

**The Minister of State, Foreign, Commonwealth and Development Office (Graham Stuart):** It is a pleasure to serve under your chairmanship, Mr Dowd. I am grateful to the hon. Member for Brentford and Isleworth (Ruth Cadbury) for securing the debate ahead of the NPT review conference in August, and to the hon. Member for Brighton, Pavilion (Caroline Lucas) for stepping in and leading it.

I completely agree with the shadow Minister, the hon. Member for Leeds North East (Fabian Hamilton) on the quality of the debate that we have enjoyed this afternoon. I will try to respond to as many of the points raised as possible in the perhaps eight minutes before we vote.

We had a mention of RAF Lakenheath. It remains long-standing UK and NATO policy neither to confirm nor deny the presence of nuclear weapons at a given location. The UK does not have a policy of no first use because—this goes to the heart of much of what we are discussing—the credibility of the deterrent rests on the conviction that we would bring all means to bear to ensure the security of the UK and our allies.

The hon. Member for Brighton, Pavilion referred to the treaty on the prohibition of nuclear weapons. The TPNW fails to address the obstacles that must be overcome to achieve lasting global disarmament and offers no solutions to the challenges posed by what is, as hon. Members suggested and with which I agree, a deteriorating security environment. The TPNW will not lead us closer to a world without nuclear weapons and risks creating division within the international community,

at a time when we need to focus on building consensus and strengthening the NPT to make progress on disarmament together.

What I have picked up, enjoyed and appreciated in the debate—the right hon. Member for Islington North (Jeremy Corbyn) was particularly fluent on the point, but hon. Members across the Chamber picked it up—is the recognition of the importance of the NPT. It is a remarkably successful treaty. Over the last 52 years, the NPT has been the cornerstone of global nuclear security and civil nuclear prosperity.

In 1960, as the right hon. Member for Islington North mentioned, President Kennedy predicted that there could be up to 20 nations with nuclear weapons as soon as 1964. Yet today the number of nuclear-armed states remains in single figures, thanks to the NPT. It is important that we recognise that and cement that progress, although I recognise people will want other initiatives. The NPT has extended access to the peaceful use of nuclear energy. It has prevented the proliferation of nuclear weapons. It has provided a framework for significant levels of disarmament since the cold war peak. It has been remarkably successful.

Now, after two years of delay, we are delighted that states will be able to come together next month in New York to review implementation and take forward the objectives of the treaty. The UK remains committed to full implementation of the NPT in all its aspects. We are a nuclear weapons state that takes its responsibilities seriously. We are committed to the long-term goal of a world without nuclear weapons, where all states share in the peaceful uses of nuclear technologies.

At the review conference, the UK will work constructively with states parties for a successful outcome. We will mark the progress of the past 50 years and call on all states to reaffirm their commitment to the three pillars of the treaty—disarmament, non-proliferation and peaceful uses of nuclear technology.

Celebrating success does not mean ignoring reality. Since the last conference in 2015, we have seen a significant deterioration in the security environment and the treaty faces a number of challenges. We have previously identified risks to the UK from major nuclear-armed states and emerging nuclear states. Those risks have not gone away, and some states are now significantly increasing and diversifying their nuclear arsenals. They are investing in novel nuclear technologies and developing new warfighting nuclear systems, which they are integrating into their military strategies and doctrines, and into their political rhetoric, to seek to coerce others. The increase in global competition and the proliferation of potentially disruptive technologies mean there are new threats to strategic stability.

Russia's illegal and unprovoked invasion of Ukraine, which the right hon. Member for Islington North rightly and fully condemned, is a dramatic demonstration of the risks we face. We do not underestimate the challenges. They make strengthening the NPT more important. The treaty is not an academic document. It must live in the real world and adapt to address modern challenges. We believe the NPT provides the only credible route to nuclear disarmament.

The UK Government are proud of our contribution to the NPT's success and of our own track record. We set out the steps we have taken since 2015 in the UK's

[Graham Stuart]

national report, published last November. I refer those asking for clarity on the UK's views and objectives to that report. It sets them out. Our views have not changed since that report. If people have already read it, they should look again. We share the aspirations of all states parties to the NPT for a world without nuclear weapons. Disarmament cannot be done unilaterally or in a single leap. It requires a series of incremental, mutually reinforcing steps.

Building such a framework requires the active participation of the entire international community. Rallying their many disparate interests presents a huge diplomatic challenge, but it is one in which the United Kingdom has already played a significant role. We have pioneered work in nuclear disarmament verification, championed transparency and advanced understanding on irreversibility. In December we published a food for thought paper, outlining one vision for how to get to a world without nuclear weapons in support of the forthcoming review conference that hon. Members have mentioned.

We have pressed for significant steps towards multilateral disarmament, including the entry into force of the comprehensive test ban treaty and successful negotiations on a fissile material cut-off treaty. It is the comprehensive test ban treaty that deals with the testing issues, which have been referred to by hon. Members, as opposed to the NPT. We possess the smallest stockpile. That is worth noting, given the impression that in some way the UK has not been stepping up: we possess the smallest stockpile of any of the nuclear weapon states recognised by the NPT, and we are the only one to maintain a single delivery system—

**Peter Dowd (in the Chair):** Order. There is a Division in the House.

5.16 pm

*Sitting suspended for Divisions in the House.*

6.5 pm

*On resuming—*

**Peter Dowd (in the Chair):** Order. I apologise to the Minister for rudely interrupting him earlier on. He can carry on where he left off.

**Graham Stuart:** Thank you, Mr Dowd. It is a pleasure to be back. I am grateful to Members for returning to the debate.

We remain committed to our article 6 obligation to pursue negotiations in good faith on effective measures relating to nuclear disarmament. Reducing the risk of nuclear conflict remains a priority and we believe that short-term progress, in line with many of the contributions we have had, is achievable. We should seek to foster dialogue, which many Members have mentioned, both among states possessing nuclear weapons and between states possessing nuclear weapons and non-nuclear weapon states in order to increase understanding and reduce the risk of misinterpretation and miscalculation.

Although we recognise that work on risk reduction does not replace disarmament obligations, we see it as a complementary and necessary step to reduce the risk of nuclear conflict and enhance mutual trust and security.

We will continue to work with international partners, civil society and academia to build mutual trust and create the environment for further progress on disarmament.

The UK works to limit the spread of nuclear weapons. We have sought to strengthen the international nuclear safeguard system and the International Atomic Energy Agency through our diplomatic efforts and through direct assistance from our nuclear safeguards programme. We will encourage all states that have not yet done so to sign, ratify and implement safeguards agreements. We will promote the ratification of security conventions and seek universal commitment to the additional protocol and a comprehensive safeguards agreement, which together provide credible assurances of the absence of undeclared nuclear activities and will strengthen the non-proliferation architecture. Nevertheless, the UK recognises that significant regional risks remain, particularly from Iran and North Korea. They have been highlighted in the debate. We are working hard to combat the risk of proliferation and remain firmly committed to ensuring coherence to the NPT and the IAEA safeguards regime to ensure global safety and stability.

Finally, the UK has encouraged and will continue to encourage the development and exchange of peaceful nuclear technologies, enabled by the NPT. Nuclear technologies have a critical part to play in tackling climate change, for instance, not only in helping to achieve net zero, but also through nuclear applications such as helping to improve food security and agricultural resilience. The technologies can help countries to adapt and become more resilient to climate change. They are also vital to global health, as they are used to treat cancer and prevent the spread of insect-borne disease. We want the review conference to highlight the significant global contribution that the peaceful use of nuclear technology makes to improving people's lives and advancing progress to the UN sustainable development goals.

**Jeremy Corbyn:** I am interested in the outline that the Minister is giving us of what will happen in New York. Could he assure us—I think a number of my colleagues raised the question—that Britain will be represented by a suitably empowered delegation that can take part in serious discussions about building alliances for the future? These conferences do not normally come to a huge conclusion themselves, but they often point to a direction for the future. I would like assurance that this country will be adequately represented, so that we can go forward on this. Also, can we possibly offer up at least a reduction in nuclear stockpiles as part of our negotiations?

**Graham Stuart:** It is not our practice to announce in advance who will be attending. What I can tell him is that we are very much looking forward to it. It has already been delayed. I hope that the rest of my speech has made clear that we take this as a serious opportunity and aim to make the most of it.

We have published a working paper on a new sustained dialogue on peaceful uses, which aims to help overcome barriers to accessing the benefits of the peaceful uses of nuclear technologies. We continue to urge all non-NPT states to sign and ratify the treaty as non-nuclear weapon states as soon as possible.

There are a number of issues, and I will try to deal with some that have been raised. The spokesman for Her Majesty's Opposition, the hon. Member for Leeds



North East, raised the point that the UK supports the universalisation of the NPT. Though we cannot force any state to join, we discuss the importance of the NPT with all states at all levels, and whenever we engage with states. We regularly seek to encourage India and Pakistan, for example, to join the NPT.

On Scotland hosting nuclear weapons, the UK's independent nuclear deterrent is a national endeavour benefiting the whole of the UK, and it underpins the security of this nation and that of our allies. By way of information, I note that recent opinion polls show that Trident enjoys 58% support among young Scots, even though the SNP and Green Ministers in the Scottish Government wish to see us remove it and even leave NATO altogether—[*Interruption.*] I do not think the SNP can have it both ways. It wants to have an independent Scotland and join NATO, which is perhaps what the hon. Member for East Renfrewshire (Kirsten Oswald) will say, while also removing part of its nuclear deterrent.

**Kirsten Oswald:** I wonder if I can point the Minister back to the speech that my hon. Friend the Member for Stirling (Alyn Smith) made only a few minutes ago. He set out our policy position very clearly, and I do not think that it is helpful for the Minister to represent what has been said in an entirely different way. It is not for the Minister to determine what happens to people in Scotland and whether nuclear weapons are situated there. That is something that rightly and properly should be for those who are democratically elected by the Scottish people.

**Graham Stuart:** As the hon. Lady will be aware, that is a matter for the UK Government, and this Parliament of the Union reflects the whole of the United Kingdom, including the people of Scotland.

The hon. Member for Stirling (Alyn Smith) requested that we should put on paper our position on the New York conference. I have already directed him to our November 2021 national report, and I am confident that the Government will update the House after the review in due course.

On the point made by the right hon. Member for Islington North about having a weapons of mass destruction-free zone in the middle east, we remain committed to that and firmly believe it can be achieved only by consensus of all the states of the region. I can reassure the right hon. Gentleman that we continue to push for that.

I hope that has addressed most of the points that right hon. and hon. Members have made. The right hon. Member for Islington North also made a point about the humanitarian impact. The UK recognises the importance of engaging with the humanitarian consequences debate and listening to the views of non-nuclear weapon states. However, we believe that that conference was co-opted by civil society organisations to press for unilateral

disarmament, which obviously is not the policy of this country. It was on that basis that the UK decided not to attend.

I hope that I have dealt reasonably with right hon. and hon. Members' points. We will be able to discuss any further ones following the New York conference, and I look forward to working with Members of different parties in doing so.

**Jeremy Corbyn:** In response to what the Minister just said and what my hon. Friend the Member for Leeds North East (Fabian Hamilton) said earlier, after the NPT conference will the Minister be in a position to make a statement or ensure there is a debate, so that Members of the House can raise in discussion what actually happened at the conference? Too often, these conferences have huge energy put into them but there is not much parliamentary discussion afterwards. If the Minister was prepared to guarantee that there will be some kind of statement, that would be very helpful.

**Graham Stuart:** The right hon. Gentleman will be aware that fresh in my post as I am, I am not yet briefed as to whether I am in a position to guarantee that, but I am quite sure that Members in this Chamber are more than capable of ensuring that we follow up on that conference, whether in this format or another. In common with the right hon. Gentleman, I would hope that would occur, given the seriousness of the issue and the fact that it must not disappear from parliamentary debate or drift out of sight.

To conclude, the NPT remains essential to the maintenance of a safe and secure world, and I am delighted to have such cross-party support for that. At the 10th review conference, the UK is ready to work with all states parties and partners from across the international community and civil society to achieve a meaningful outcome that contributes to the preservation, universal adoption and, of course, full, ultimate implementation of that treaty, which had such foresight so many decades ago.

6.15 pm

**Caroline Lucas:** I thank everyone who has taken part in the debate. It has been constructive, even though there is obviously a vast gulf between the position of the Minister and that of most of the rest of the Members in the Chamber. I still wonder how on earth he could look himself in the mirror if he really was going to give the green light to using nuclear weapons first. Sometimes we do not necessarily think through the impacts of the positions Governments take and what they would mean in humanitarian terms; I would encourage all of us to do that.

*Question put and agreed to.*

*Resolved,*

That this House has considered the 50th anniversary review conference of the Nuclear Non-Proliferation Treaty.

6.15 pm

*Sitting adjourned.*



# Written Statements

*Wednesday 13 July 2022*

## DIGITAL, CULTURE, MEDIA AND SPORT

### Channel Four Television Corporation: Annual Report and Financial Statements 2021

**The Secretary of State for Digital, Culture, Media and Sport (Ms Nadine Dorries):** The Channel Four Television Corporation (C4C) report and financial statements 2021 have today been laid before Parliament.

The 2021 annual report shows that C4C performed well last year, delivering on its remit and obligations and reporting a strong set of results, particularly in terms of growth in digital revenue and viewers. To enable C4C to continue to build on this success over the long term, it needs greater access to capital and the option to make and own content to ensure it has the best tools to support a long-term sustainable future. In this context, it is right that the Government acknowledge both the considerable opportunities and challenges presented by the dynamic market context in which C4C operates. The Government are committed to take the steps necessary to protect one of our most important public service broadcasters not just today, but in the years to come. That is why, as part of a package of reforms set out in the recent White Paper “Up next”, the Government are moving ahead with plans to move C4C out of public ownership to become a privately owned, free-to-air public service broadcaster, alongside other successful privately owned PSBs, including ITV, STV and Channel 5.

On 14 June 2022, the House of Commons debated a motion on the future of C4C. This statement fulfils the Government’s obligation to respond to this debate.

The motion called on the Government to reverse its decision on C4C. Like every broadcaster, C4C faces huge competition for viewers, for programmes and for talent. Streamers such as Netflix and Amazon Prime Video and global media groups such as Disney and Paramount have far deeper pockets than our PSBs. C4C is uniquely constrained. Under its current ownership model, C4C has fewer options to invest, fewer options to innovate, and, crucially, fewer tools to support its growth than its competitors.

As a responsible Government, we must recognise these constraints and be prepared to act now to address them. We therefore believe it is the right time to unleash C4C’s full potential, and open the broadcaster up to private ownership while protecting its public service broadcasting remit. A sale will allow C4C to access greater investment—meaning it can create more great programming made by people who live and work in the UK—without losing what makes it distinctive and without exposing taxpayers and the public finances to greater risk.

The motion called on the Government to protect C4C’s contribution to levelling up and maintain its Leeds headquarters and commissioning expenditure outside of London. The Government recognise and value C4C’s ongoing commitment to levelling up, as emphasised in its annual report, and its support for national and

regional economies. We will maintain C4C’s existing obligations in terms of production outside London and England. We expect C4C’s access to networks outside London and its ability to speak to a diverse range of audiences across the UK to be an attractive asset that any potential buyer will look to nurture and develop. Across PSBs, it is clear that ownership is not correlated with regional spending. In fact, though its latest annual report shows it is on an improving path, C4C spent less in the north of England as a percentage of its total production spend than PSBs as a whole in 2020, and less than privately owned ITV, with C4C spending 19.3% in 2020 in Northern England, compared with ITV’s 30.4%. There is no reason that a sale could not accelerate the process of growing the broadcaster’s impact outside London.

The motion also called for the Government to maintain the publisher-broadcaster restriction. The Government will remove this restriction to enable C4C to diversify its revenue streams into content and improve its business resilience. C4C will still be required to commission a minimum volume of its programming from independent producers, in line with the quotas placed on other PSBs, ensuring its continued contribution to the sector. The Government believe that in the long run, the UK production ecosystem will benefit from a more sustainable C4C. A change of ownership that improves Channel 4’s access to capital could increase spending on production. For example, Channel 5’s overall content budget increased following its acquisition by Viacom in 2014, with first-run spending up by an average of 7% per year between 2014 and 2018. C4C has excellent relationships with independent producers right across the UK, and there is no reason this should change. Indeed, we expect a new owner to value and want to build on those relationships.

The Government are clear that C4C will remain a public service broadcaster. Its public service broadcasting remit will remain written into law, and the right buyer for Channel 4 will be one who shares our ambition for the business and our belief in what makes it special. We are not trying to change the distinctive role C4C plays; we are seeking to give it the best set of tools and the freedom to flourish and thrive long into the future.

[HCWS201]

## PRIME MINISTER

### Intelligence and Security Committee’s Extreme Right-Wing Terrorism Report: Publication

**The Prime Minister (Boris Johnson):** The Intelligence and Security Committee of Parliament has today laid before Parliament a report on extreme right-wing terrorism, examining the threat to the UK and the UK’s response. I welcome the comprehensive and detailed nature of the report, and I thank the Committee for the extensive work that has gone into it.

This report highlights the significant close working relationship between our security and intelligence agencies and counter-terrorism policing. It is through this regular collaborative approach that we can keep our citizens safe from all forms of terrorism. I would like to take



this opportunity to thank our agencies and counter-terrorism policing for their excellent work to better understand and disrupt the threat from extreme right-wing terrorism.

The Government will consider the ISC's report in full and respond formally in due course.

[HCWS200]

## TRANSPORT

### Transport for London Funding Settlement: Extension

#### **The Secretary of State for Transport (Grant Shapps):**

Following my statement to the House on 27 June, *Official Report*, 5WS, I am updating the House on an extension of the current Transport for London (TfL) funding settlement that was due to expire on 13 July to 28 July. This has been agreed by the Mayor of London.

Since the start of the pandemic, we have supported the transport network in London with over £5 billion funding through extraordinary funding settlements for Transport for London. We have recognised the reliance of London's transport network on fare revenue, and the Government continue our commitment to mitigating loss of fare revenue because of the pandemic.

This extension to the current funding settlement is necessary due to the unsatisfactory progress made by TfL on meeting agreed deadlines, including relating to pensions. Resolving these issues is an integral part of setting TfL on the path to financial sustainability, and the Government stand ready to engage constructively to reach a resolution. This extension ensures that they receive due attention.

The Government are committed to supporting London's transport network as we have since the start of the pandemic and are in discussions with TfL on a longer term settlement. By rolling over the provisions of the existing agreement, the extension provides continued support to Transport for London and certainty to Londoners while we work with Transport for London on its funding needs.

This extraordinary support to Transport for London has always been on the condition that Transport for London reaches financial sustainability as soon as possible and with a target date of April 2023 and the Government continue to press the Mayor of London and Transport for London to take the decisions needed to put the organisation on a sustainable footing. I will update the House at my earliest opportunity on the details of any longer-term funding settlement.

[HCWS199]

# Petitions

*Wednesday 13 July 2022*

## PRESENTED PETITIONS

*Petitions presented to the House but not read on the Floor*

### Schools Bill

*The petition of residents of the constituency of Staffordshire Moorlands,*

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urges the Government urgently to conduct proper independent research into the outcomes of home educated

children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners reman, etc. — [*Presented by Karen Bradley .*]

[P002753]

*The petition of residents of the constituency of Coventry North East,*

Declares that the petitioners reject the imposition of an expensive, disproportionate, invasive and ill-judged registration and monitoring system for home educated children, which undermines the long-standing statutory recognition of the primacy of parents in determining the education of their children.

The petitioners therefore request that the House of Commons remove parts 3 and 4 of the Schools Bill and urges the Government urgently to conduct proper independent research into the outcome of home educated children and further, that the Government provide tangible support for home educating families including in the provision of access to examinations.

And the petitioners reman, etc. — [*Presented by Colleen Fletcher.*]

[P002754]





# Ministerial Corrections

Wednesday 13 July 2022

## WORK AND PENSIONS

### Cost of Living

*The following is an extract from the estimates day debate on the Cost of Living on 5 July 2022.*

**David Rutley:** Throughout the pandemic, the Government acted decisively to protect lives and livelihoods, continually supporting individuals and businesses. Our social security system had a key component—universal credit—which provided a vital safety net for about 6 million people during the pandemic, and stood up to those testing times. We were able to prove, in a real-life environment, how resilient the system was, and I am incredibly proud of the work that the Government did to keep the country going. Our support package was worth a total of £407 billion between 2020 and 2022, and constituted the biggest single fiscal intervention since world war two.

*[Official Report, 5 July 2022, Vol. 717, c. 766.]*

*Letter of correction from the Under-Secretary of State for Work and Pensions, the hon. Member for Macclesfield (David Rutley):*

An error has been identified in my response to the debate.

The correct information should have been:

**David Rutley:** Our support package was worth **up to £400 billion** between 2020 and 2022, and constituted the biggest single fiscal intervention since world war two.

## Unemployed People: Help into Work

*The following is an extract from questions to the Secretary of state for Work and Pensions on 11 July 2022.*

**Dan Jarvis** (Barnsley Central) (Lab): I welcome the Minister to her new role. Does she share my concern at recent data showing up to 70,000 armed forces veterans in receipt of universal credit? Does she think that the 50 armed forces champions around the country, who are no doubt doing their absolute best, have the capacity to provide the support to those who have served our country so that they can weather the cost of living crisis?

**Julie Marson:** That is a vital area. Our veterans deserve our respect and every bit of help and assistance that they can receive. We are extending the veterans champions scheme; I will be looking at that in much more detail. This is day one, but I look forward to focusing on that and ensuring that I engage with the hon. Gentleman and others who are concerned about it.

*[Official Report, 11 July 2022, Vol. 718, c. 9.]*

*Letter of correction from the Under-Secretary of State for Work and Pensions, the hon. Member for Hertford and Stortford (Julie Marson):*

Errors have been identified in the response I gave to the hon. Member for Barnsley Central (Dan Jarvis).

The correct response should have been:

**Julie Marson:** That is a vital area. Our veterans deserve our respect and every bit of help and assistance that they can receive. **We extended the veterans champions scheme in April 2021;** I will be looking at **this area of our work** in more detail. This is day one, but I look forward to focusing on that and ensuring that I engage with the hon. Gentleman and others who are concerned about it.



# ORAL ANSWERS

Wednesday 13 July 2022

	<i>Col. No.</i>		<i>Col. No.</i>
<b>PRIME MINISTER</b> .....	320	<b>WOMEN AND EQUALITIES—continued</b>	
Badger Culling .....	133WH	Cost of Living: People with Protected	
Careers Guidance in Schools .....	110WH	Characteristics .....	313
Engagements .....	320	Female Entrepreneurs .....	314
Engagements .....	329	Gender Inequalities: Armed Forces .....	316
Global Vaccine Disparities .....	102WH	Gender Pension Gap .....	311
Non-proliferation Treaty:		Sexual Harassment against Women in the	
50th Anniversary Review .....	139WH	Military .....	312
Schools Bill .....	454	Topical Questions .....	318
West Hertfordshire Teaching Hospitals Trust:		Transferring Asylum Seekers to Rwanda:	
New Acute Hospital .....	328	Government's Equalities Policy .....	317
Westminster Hall .....	85WH	Transgender Conversion Therapy .....	317
<b>WOMEN AND EQUALITIES</b> .....	311	Women in the Workplace .....	315
Careers in STEM Subjects: Women and Girls .....	312		

# WRITTEN STATEMENTS

Wednesday 13 July 2022

	<i>Col. No.</i>		<i>Col. No.</i>
<b>DIGITAL, CULTURE, MEDIA AND SPORT</b> .....	5WS	<b>TRANSPORT</b> .....	7WS
Channel Four Television Corporation: Annual		Transport for London Funding Settlement:	
Report and Financial Statements 2021 .....	5WS	Extension .....	7WS
<b>PRIME MINISTER</b> .....	6WS		
Intelligence and Security Committee's Extreme			
Right-Wing Terrorism Report: Publication .....	6WS		

# PETITIONS

Wednesday 13 July 2022

	<i>Col. No.</i>	<i>Col. No.</i>
<b>PRESENTED PETITIONS</b> .....	1P	
Schools Bill .....	1P	

# MINISTERIAL CORRECTIONS

Wednesday 13 July 2022

	<i>Col. No.</i>		<i>Col. No.</i>
<b>WORK AND PENSIONS</b> .....	3MC	<b>WORK AND PENSIONS—continued</b>	
Cost of Living .....	3MC	Unemployed People: Help into Work .....	4MC



No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons*,

**not later than  
Wednesday 20 July 2022**

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE  
PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

---

## CONTENTS

**Wednesday 13 July 2022**

**Oral Answers to Questions [Col. 311] [see index inside back page]**

*Minister for Women and Equalities*  
*Prime Minister*

**Ambulance Services and National Heatwave Emergency [Col. 335]**

*Answer to urgent question—( Maria Caulfield)*

**Sri Lanka [Col. 346]**

*Answer to urgent question—( Amanda Milling)*

**Fashion Supply Chain (Code and Adjudicator) [Col. 358]**

*Motion for leave to bring in Bill—( Liz Twist)—agreed to*  
*Bill presented, and read the First time*

**Northern Ireland Protocol Bill [Col. 361]**

*Considered in Committee—Day 1*

**Petitions [Col. 454]**

**NHS Pensions and Staffing [Col. 457]**

*Debate on motion for Adjournment*

**Westminster Hall**

**150th Open Championship [Col. 85WH]**

**Global Vaccine Disparities [Col. 102WH]**

**Careers Guidance in Schools [Col. 110WH]**

**Badger Culling [Col. 133WH]**

**Non-proliferation Treaty: 50th Anniversary Review [Col. 139WH]**

*General Debates*

**Written Statements [Col. 5WS]**

**Petitions [Col. 1P]**

**Ministerial Corrections [Col. 3MC]**

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

---