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18 October 2022**

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**Tuesday 18 October 2022**

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# House of Commons

*Tuesday 18 October 2022*

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

## PRAYERS

[Mr SPEAKER *in the Chair*]

## BUSINESS BEFORE QUESTIONS

### COMMITTEE OF SELECTION

*Ordered,*

That Sir David Evennett be discharged from the Committee of Selection and Nigel Huddleston be added.—(*Jacob Young.*)

## Oral Answers to Questions

### JUSTICE

*The Secretary of State was asked—*

#### Prisons: Working Environments and Violence at Work

1. **Gordon Henderson** (Sittingbourne and Sheppey) (Con): What steps his Department is taking to help (a) create safer working environments in prisons and (b) support prison staff who are victims of violence at work. [901679]

**The Lord Chancellor and Secretary of State for Justice (Brandon Lewis):** We are committed to making prisons a safe place in which to work and providing prison officers with the right support, training and tools to empower them to do their jobs. Our prison officers are the hidden heroes of the criminal justice system; they do great work, keeping the public safe every single day.

**Gordon Henderson:** I am grateful for that answer from my right hon. Friend, and I hope he would acknowledge that prison officers work in a dangerous and violent environment. I urge him to take this opportunity to acknowledge also that expecting them to work in such a violent environment until they are 68 is wholly unacceptable. Will he commit to an urgent review of how the pension age for prison officers can be reduced so that it reflects that of other public sector workers in similar challenging environments, such as police officers and firefighters, who are able to retire at 60?

**Brandon Lewis:** I appreciate the challenge that my hon. Friend fairly makes, and I would say a couple of things on that. First, anybody who is violent towards staff will face the full consequences of their actions and should be properly, effectively and swiftly dealt with—we will ensure that they are. On the age issue, all prison officers who joined the service after April 2001 go through and have to pass an annual fitness test. Obviously, that applies to prison officers over the age of 65, and even some of the people who have applied for those roles at that age range have passed the fitness test and are performing their roles effectively. The service, and

the prisoners themselves, can benefit from people with that level of experience, who play an important part as key members of the team.

**Jim Shannon** (Strangford) (DUP): I thank the Minister for his response. It is not just the prison officers who feel the pain of the attacks and what happens to them—the families do, too. What is being done to help the families, not only of those who are suffering physically, but of those who are perhaps suffering from post-traumatic stress disorder coming out of prisons?

**Brandon Lewis:** The hon. Gentleman makes a valid point, as he often does in this House; we focus on the frontline service personnel, such as our brilliant prison officers, but their families and friends pick up on this, as they are the people who work with them and are in their social lives and family lives. We do provide post-incident support through our care teams, trauma risk management teams and the work associated with occupational health. Obviously, there is also counselling for staff who are impacted by violence in the workplace. The best way we can crack down on this is by being very clear that that kind of behaviour simply will not be tolerated and will be prosecuted.

**Mr Speaker:** I call the shadow Secretary of State, Steve Reed.

**Steve Reed** (Croydon North) (Lab/Co-op): Thank you, Mr Speaker. First, may I welcome the Secretary of State to his place and indeed welcome his colleagues on the Government Front Bench?

Uncontrolled violence in prisons is a key reason officers leave their jobs nearly as quickly as Tory Chancellors. One in four prison officers now quit their job within a year of starting, which damages the supervision of prisoners, leaving victims' families sickened to see Stephen Lawrence's killer bragging about using a mobile phone in his cell and the murderer Sean Mercer running a drugs empire from behind bars. When will the Government get back control of our prisons?

**Brandon Lewis:** First, I thank the hon. Gentleman for his initial remarks in welcoming our team to our places. I am sure that there will be a range of issues on which, across this Dispatch Box and away from it, we will be able to work together for the benefit of the safety of the public. Obviously, I also look forward to our exchanges here at the Dispatch Box.

We know that there is a link between staffing levels and prison violence, which is why we are continuing to strengthen the frontline. We have seen an increase in the number of prison officers from under 18,000 to almost 22,000; we have some 3,770 more full-time officers. He has also highlighted a couple of incidents. I agree that they are completely unacceptable, which is why I have initiated a review to ensure that those kinds of situations cannot happen again. People need to understand that if they are in prison, they are there for a reason: to keep the public safe. We will make sure that they are.

**Mr Speaker:** We might need to speed up; if we take eight minutes on one question, it is going to take time.

### **Violence Against Women and Girls: Criminal Justice System Reform**

2. **Kate Osborne** (Jarrow) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [901680]

12. **Helen Hayes** (Dulwich and West Norwood) (Lab): What steps his Department is taking to reform the criminal justice system to help tackle violence against women and girls. [901692]

**The Minister of State, Ministry of Justice (Rachel Maclean)**: Since we published the end-to-end rape review, rape convictions have increased by 77% in the past year, and they are up by 30% on pre-pandemic levels. But there is much more to do, which is why, among other measures, we are more than quadrupling funding for victim support, to £192 million, and investing in increasing the number of independent sexual and domestic abuse advisers to 1,000 by 2024-25.

**Kate Osborne**: Crime is up, charges are down, criminals are getting off and victims are being let down—and that is just in the Met police. Yesterday, we saw the alarming weight of evidence from the Casey report, identifying structural misogyny, racism and homophobia in the Met, with thousands of serving police officers getting away with breaking the law. That cannot be a problem for the Met alone but goes across police forces. That culture explains the failures in our wider justice system, where sexism, racism and homophobia are unrecognised by police officers, and victims are not believed or supported. Unless those issues are addressed, we will never change the appalling low charge and conviction rates for rape and sexual assault, so will the Secretary of State—

**Mr Speaker**: Order. I am sorry, but I just said that we need to make progress. We cannot read speeches out; there has to be a question.

**Kate Osborne**: Will the Secretary of State look into whether this culture is symptomatic across police forces and take steps to ensure that victims get the justice that they deserve?

**Rachel Maclean**: I thank the hon. Lady for her remarks; I have two observations on what she said. First, she talks about the Met police. The Labour Mayor of London, Sadiq Khan, is the police and crime commissioner for the London police forces. I also ask her to direct her questions to the Home Office, which leads on these matters. Of course, we will play our part, which is why we are rolling out all the measures in the Crown courts to protect victims of sexual assault and rape, and there is a lot more to do.

**Helen Hayes**: Under this Conservative Government, people can be fined for cycling on the pavement but not for following a girl walking home from school. The problem is so widespread that research by Plan International revealed that one third of all schoolgirls have received unwanted sexual attention in their school uniform. For so many women, a lifetime of feeling unsafe on our streets starts in childhood. The Government continue to ignore the problem. Does the Minister agree that the law must be changed to criminalise street harassment?

**Rachel Maclean**: I thank the hon. Lady, but I strongly disagree with her remark that we are ignoring the problem. As she will know from Home Office questions, in which we have had many exchanges over the Dispatch Boxes about that issue, the Home Office is leading on a review of the laws relating to street harassment—not to mention the significant amounts of funding that we have put in to local councils all over the country to keep women and girls safe at night.

**Mr Richard Holden** (North West Durham) (Con): Under the Ministry of Justice's masterplan to increase the number of approved premises available, high-risk and very high-risk offenders could be located at Highfield House in Consett right in the centre of my local town, in a residential area near a lot of local youth facilities. Will the Minister meet me to discuss that, because it is quite inappropriate for the location that has been suggested?

**Rachel Maclean**: I thank my hon. Friend for bringing his constituents' concerns to the House and I would be delighted to meet him to discuss that in detail.

**Mr Speaker**: I call the shadow Minister, Ellie Reeves.

**Ellie Reeves** (Lewisham West and Penge) (Lab): I, too, welcome the Secretary of State and his ministerial team to their place.

Under the Tories, we have seen rape prosecutions reach record lows, court backlogs reach record highs and victims waiting more than three years for justice, yet in his conference speech, the Justice Secretary did not announce any tangible ways to change that. Labour, on the other hand, would introduce specialist rape courts to drive up prosecutions, reduce delays and fast-track cases through the system. Does that not show that the Tories have run out of ideas and that it is only under Labour that the public can again have confidence in our criminal justice system?

**Rachel Maclean**: It is lovely to have these exchanges across the Dispatch Boxes with the hon. Lady, and I am sure that we will have more of them, because it is in all our interests that we improve the criminal justice system and the response to rape. That is why, as she well knows, the work of the rape review is vital, and we have seen police referrals, Crown Prosecution Service charges and Crown court receipts increasing as a result of that vital work, driven by our law enforcement partners and the CPS. I draw her attention to two specific measures that we have introduced to assist: we have ended the criminal Bar strike, thanks to the efforts of the Lord Chancellor; and we have rolled out section 28 pre-recorded evidence to all Crown courts in the country to spare rape victims the trauma of live cross-questioning.

### **Offenders: Employment after Release from Prison**

3. **Jack Lopresti** (Filton and Bradley Stoke) (Con): What steps his Department is taking to help offenders find employment following their release from prison. [901681]

5. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What steps his Department is taking to help offenders find employment following their release from prison. [901683]

**23. David Rutley** (Macclesfield) (Con): What steps his Department is taking to help offenders find employment following their release from prison. [901703]

**The Lord Chancellor and Secretary of State for Justice (Brandon Lewis):** Getting prisoners into employment helps not only to fill the 1.25 million vacancies that businesses have right now, but to drive down reoffending. To achieve that, we are building stronger links with employers and suppliers and are offering more offenders the chance to work in prison, on release on temporary licence, and on release from prison.

**Jack Lopresti:** Will my right hon. Friend confirm that through the apprenticeships programme that his Department is running, prison leavers will be given the opportunity to achieve qualifications that will help them into new jobs and careers and help them to turn their back on crime?

**Brandon Lewis:** My hon. Friend is absolutely right. We want to get more prisoners the skills and qualifications that they need to get into employment and have the chance to contribute to society, which cuts crime and grows the economy. I am delighted that the first apprentices have now started work. We are planning a roundtable to encourage a wide range of employers, particularly in the UK hospitality and construction industries, where there is a lot more that we can do.

**Stephen Metcalfe:** I welcome my right hon. Friend's commitment to building links with employers to ensure that prison leavers go into sustainable employment. Will he assure me and the House that his Department will support that ambition with appropriate funding?

**Brandon Lewis:** Yes. My hon. Friend makes an important point. We are investing in new roles, such as prison employment leads and a head of education, skills and work, to give our prisoners the support that they need to get into jobs. We are also funding new infrastructure such as employment hubs. This investment will cut crime and help prisoners to get work-ready, which will mean a better, safer society and a healthier community.

**David Rutley:** Having visited HMP Thorn Cross recently while I was a Minister in the Department for Work and Pensions, I have seen the great work that Timpson and TalkTalk, among others, are doing to prepare offenders for the world of work. At a meeting in Macclesfield on Friday, Sodexo also demonstrated its clear commitment to the task. Does my right hon. Friend agree that we need more such partnerships, as well as clear pathways of support on leaving prison, including access to relevant benefits, to ensure that more prison leavers land better on their own two feet?

**Brandon Lewis:** My hon. Friend is absolutely right and gives some key examples. The employability innovation fund announced in our prisons strategy White Paper will help prisoners to build more partnerships with employers like those at HMP Thorn Cross. I have seen other organisations and initiatives such as twinning projects that are looking into different things and are even using sports such as football to prepare prisoners for leaving prison and contributing positively to their

community and future life. Those are great projects, and my hon. Friend gives a good example of a good prison doing great work.

**Dan Jarvis** (Barnsley Central) (Lab): One in three prisoners are released on a Friday, but many support services are closed over the weekend, which makes the transition and route into employment more complicated. It is welcome that the Government have said that they want to end Friday releases. Will the Secretary of State update the House on when that will happen?

**Brandon Lewis:** The hon. Gentleman makes a clear and correct observation about timing. A private Member's Bill on the subject—the Offenders (Day of Release from Detention) Bill—will come before the House in the next few weeks, and we are looking at it very carefully.

**Mr Speaker:** I call Liz Saville Roberts.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Diolch yn fawr, Llefarydd.

Securing employment for offenders is vital to rehabilitation, and the role of experienced probation officers is key to success. Earlier this month, I visited the Caernarfon office of the north Wales probation delivery unit and learned that the region has 27 vacancies in a present workforce of 200. Does the Secretary of State recognise the risk to the effectiveness of rehabilitation and to public safety as a result of the loss of experienced probation staff and increased workloads? Will he commit to no further cuts in probation?

**Brandon Lewis:** I recognise the challenge across prisons and probation. Making sure that we have the right teams, with staff who have the right experience to work with people, is important in preparing people and avoiding reoffending, which is so important to the safety of our communities. I am very focused on the issue. We are recruiting people across His Majesty's Prison and Probation Service at the moment. I look forward to making sure that we can support people across the country, and I look forward to visiting Wales to see that for myself.

**Mr Speaker:** I call the shadow Secretary of State.

**Steve Reed** (Croydon North) (Lab/Co-op): The probation service is not finding jobs for prisoners, because understaffing is at crisis point: the service now faces a shortage of nearly 1,700 officers, according to the MOJ's own figures. That allows serious offenders such as Katie Piper's acid attacker to evade monitoring and escape abroad. Will the Secretary of State apologise to victims, including Katie Piper, for letting the probation service get so run down that it can no longer control offenders?

**Brandon Lewis:** I appreciate that for political reasons the hon. Gentleman will want to do the probation service down. I have to say that I think our probation officers across the country work hard every day, not only to keep communities safe but to help prisoners to rehabilitate and get into communities.

The hon. Gentleman is absolutely right to highlight situations that are not acceptable. The example of Katie Piper is a current one, and it is not acceptable. As Lord Chancellor and Secretary of State, I am determined to



do everything I can, working with my ministerial team and the brilliant teams across probation, to ensure that such situations do not happen in future. It is not acceptable, and it should not have happened.

#### **Rwanda Partnership: Legal Compatibility**

**4. Marion Fellows** (Motherwell and Wishaw) (SNP): Whether he has had recent discussions with Cabinet colleagues on the compatibility of the migration and economic development partnership with Rwanda with (a) domestic law and (b) the 1951 convention relating to the status of refugees. [901682]

**17. Chris Law** (Dundee West) (SNP): Whether he has had recent discussions with Cabinet colleagues on the compatibility of the migration and economic development partnership with Rwanda with (a) domestic law and (b) the 1951 convention relating to the status of refugees. [901697]

**19. Owen Thompson** (Midlothian) (SNP): Whether he has had recent discussions with Cabinet colleagues on the compatibility of the migration and economic development partnership with Rwanda with (a) domestic law and (b) the 1951 convention relating to the status of refugees. [901699]

**20. Kirsten Oswald** (East Renfrewshire) (SNP): Whether he has had recent discussions with Cabinet colleagues on the compatibility of the migration and economic development partnership with Rwanda with (a) domestic law and (b) the 1951 convention relating to the status of refugees. [901700]

**21. Richard Thomson** (Gordon) (SNP): Whether he has had recent discussions with Cabinet colleagues on the compatibility of the migration and economic development partnership with Rwanda with (a) domestic law and (b) the 1951 convention relating to the status of refugees. [901701]

**The Parliamentary Under-Secretary of State for Justice (Gareth Johnson):** The Secretary of State works closely, and has regular discussions, with the Home Secretary and other members of the Cabinet on tackling illegal migration. The migration and economic development partnership is an essential part of the Government's strategy to improve the fairness and efficacy of the United Kingdom's immigration system. Its aim is to deter illegal entry to the UK, break the business model of people smugglers, and remove from the UK those who have no right to be here. There are ongoing legal challenges to the partnership, but the Government remain confident that it is fully compliant with national and international law.

**Marion Fellows:** I thank the Minister for his answer, and welcome him to his place—for the time being.

The United Nations refugee convention prohibits refoulement—returning a refugee to a place, including any third country, where they would face persecution. Given that UK Government officials are warning their own Ministers about Rwanda's appalling human rights record, how can the Minister be confident that this plan is compatible with the convention?

**Gareth Johnson:** Nothing in the UN convention prevents people from being transferred to a safe country. Rwanda is a safe country. It is a signatory to the convention. It has been praised by the UN for its work on refugees, and it is a good partner to do business with.

**Chris Law:** Yesterday I returned from Rwanda, where I saw at first hand what some people are now calling Hopeless House, a refurbished orphanage. It is clear that there is zero transparency in respect of the £120 million payment to Rwanda.

Is the Justice Secretary not alarmed by the fact that the world's largest refugee agency, the United Nations High Commissioner for Refugees, has said that this policy will

"undermine, not promote, the Government's stated goal of improving protection for those at risk of persecution",

and, as a result, will send the clearest possible message to international partners that this UK Government are stepping away yet again from their international responsibilities on human rights protections?

**Gareth Johnson:** What is clear is that the current situation in the channel is deathly. What we need to do is smash the business model of the people smugglers, and ensure that we have a safe and human route for those people who have been transferred to Rwanda. I am confident that we are on track to do that. We are confident of our legal position; no court has deemed our plan to be in any way unlawful.

**Owen Thompson:** Under the Government's plans people could be given as little as seven days' notice of deportation, which is clearly insufficient time for them to seek any legal advice about their removal to Rwanda. Does the Minister agree with the Law Society of England and Wales, which says that anyone subject to a life-changing order must be able to challenge the decision and have their case processed fairly and transparently?

**Gareth Johnson:** Access to legal advice is, of course, extremely important to anyone seeking asylum, which is why legal assistance is available to all asylum claimants. For example, 30 minutes of telephone legal advice and access to legal aid are available to people who claim asylum in this country.

**Kirsten Oswald:** Does the Minister agree with the chief executive of the group Refugee Action that stepping back from the UK's obligations under the 1951 convention would be

"a blatant breach of the international refugee laws that the UK proudly helped create in the first place",

and does the new Justice Secretary not feel a responsibility to uphold those international obligations?

**Gareth Johnson:** Everything we are doing complies with the UN convention, and with the UN convention on human rights. It also complies with national law. I have to say to Scottish National party Members that if they spent a little more time looking at the border between the UK and France and a little less time looking at the border between England and Scotland, they might come up with some viable alternatives.

**Richard Thomson:** Does the Minister not realise how embarrassingly abject it is to hear the Home Secretary accuse judges in Strasbourg of mission creep, when all they are doing, when it comes to the refugee convention, is interpreting and upholding laws that successive UK Governments have helped to create and have tasked them with upholding?

**Gareth Johnson:** The hon. Gentleman should have more faith in our judges. I repeat that everything we are doing complies with the UN convention on refugees. It complies as well with UK law and with the European convention on human rights. We are determined to stop what is going on in the channel. This is the fourth question we have heard from the Scottish National party, and not once have we heard a viable alternative proposal from them. Not once.

**Mr Speaker:** It was five, but don't worry.

### Human Rights

6. **Sir Desmond Swayne** (New Forest West) (Con): What steps his Department is taking steps to reform the UK human rights framework. [901685]

16. **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): What recent discussions he has had with Cabinet colleagues on strengthening human rights in the UK. [901696]

**The Lord Chancellor and Secretary of State for Justice (Brandon Lewis):** The Government stand by their manifesto commitment to update the Human Rights Act 1998. Obviously we want to look at the best way to do this and we are therefore looking again at the Bill of Rights to ensure that we deliver on the Government's objectives as effectively as possible. And, as the Under-Secretary of State for Justice, my hon. Friend the Member for Dartford (Gareth Johnson) has just outlined, we remain a committed party to the European convention on human rights.

**Sir Desmond Swayne:** Has the Secretary of State proposals to protect free speech from the use of strategic lawsuits against public participation?

**Brandon Lewis:** Yes. SLAPPs, as they are referred to, are an abuse of the legal system involving people using legal threats and litigation to silence journalists, campaigners and public bodies. The invasion of Ukraine has heightened concerns about oligarchs abusing these laws and seeking to shut down reporting on their corruption and economic crime. I have met the Justice Minister and Deputy Justice Minister from Ukraine to talk about these issues. I am still determined to introduce legislation to deal with SLAPPs and with freedom of speech more widely.

**Drew Hendry:** The Minister is crying out for alternatives and advice, but section 3 of the Human Rights Act requires Parliament to ensure the compatibility of UK legislation with the European convention on human rights

"so far as it is possible to do so".

Why, then, are his Government so intent on removing these protections altogether, when the Act already grants them this obvious flexibility?

**Brandon Lewis:** I will say two things. First, we want to ensure that we have protection of freedom of speech, as in some areas we are seeing a sad increase in the cancel culture and, importantly, the targeted anti-SLAPP reforms will be able to be delivered through a statutory definition of a SLAPP, with identifying characteristics and cost protections for SLAPPs cases, giving absolute confidence that we are not going to have our legal system abused by ne'er-do-wells and foreign oligarchs trying to suppress the reality of what is happening in situations such as those in Ukraine.

**Mr Speaker:** We now come to the SNP spokesperson, Anne McLaughlin.

**Anne McLaughlin** (Glasgow North East) (SNP): To save me raising a point of order later, I want to say in response to the Under-Secretary of State for Justice, the hon. Member for Dartford (Gareth Johnson), that we are constantly saying that there should be safe and legal routes. If he looks them up, he will find out what our solutions are to the Rwanda plan.

Professor Aileen McHarg, a professor of public law and human rights at Durham Law School, has told the Joint Committee on Human Rights that she has

"no doubt that...any changes to the Human Rights Act will have knock-on consequences for the scope of devolved competence."

Does the Secretary of State agree with her? Assuming that he does, does he also accept that this brings any future reforms firmly within the scope of the Sewel convention and that he must therefore seek the consent of the Scottish Parliament?

**Brandon Lewis:** On the hon. Lady's opening remark, one thing that was not clear from the questions asked is that we have to ensure we are cracking down on the people who are abusing the system and abusing people through modern slavery and using these tragic life-threatening transports. I make no apology, and nor does anybody in this Government, for trying to do the right thing and crack down on those criminals. I have already said that we are looking at the Bill of Rights, and she will be able to see what we are bringing forward in due course to ensure that we are delivering on our objectives correctly. I repeat that we are a committed party to the European convention on human rights.

**Anne McLaughlin:** I am not sure that that was an answer to my question. However, assuming that the Secretary of State does agree with Professor Aileen McHarg and that he will consult the Scottish Parliament, if the Scottish Parliament, on behalf of the people of Scotland, says no—as it absolutely will do—to tinkering with our human rights, will he stop tinkering with them, or will he do as many Members right across this House do and dismiss the views of the people of Scotland, thus adding to the very many reasons to say yes to independence and yes to retaining our human rights?

**Brandon Lewis:** It did not take long to get on to a separatist debate in oral questions today, but as I have said, we are looking at the Bill of Rights. Actually, the Government have consulted all the devolved authorities through the entire process of looking at the Bill of Rights; I know that my predecessor did that as well. I will always look to continue to engage, but we are

committed to delivering on our manifesto pledges and doing the right thing by the people of the United Kingdom—all of the United Kingdom.

### Magistrates: Sentencing Powers

7. **Nadia Whittome** (Nottingham East) (Lab): Whether it is his policy to increase the sentencing powers of magistrates. [901686]

**The Parliamentary Under-Secretary of State for Justice (Gareth Johnson):** We extended magistrates courts' sentencing powers from a maximum of six months' imprisonment to 12 months' imprisonment for single triable either way offences in April of this year. We estimate this will save up to 1,700 Crown court sitting days a year, and we are keeping the impact of these increased powers under review.

**Nadia Whittome:** That does not really answer my question, although I thank the Minister for his response. My question is whether he intends to extend the sentencing powers further. Although I obviously share his desire to tackle backlogs and reduce waiting times in the Crown courts, concerns have been raised that further increasing the sentencing powers of magistrates is not the right way to go about this. More defendants may elect to be tried in Crown courts anyway, and expanded powers could result in higher sentences, putting even more pressure on already overcrowded prisons and leading to an increase in Crown court appeals. What consideration has he given to these concerns, and what alternatives are there?

**Gareth Johnson:** I make no apologies for locking up criminals. I have confidence in the good blend of district judges and justices of the peace in the magistrates courts. We have not seen how the existing increase in powers has been borne out, and we have not seen what the impact will be. We will keep that under review and, until we have that information, I cannot add anything further.

### Prisoners: Mental Health

8. **Mr Laurence Robertson** (Tewkesbury) (Con): What recent steps his Department has taken to help support the mental health of prisoners. [901687]

**The Parliamentary Under-Secretary of State for Justice (Rob Butler):** The Government published the draft Mental Health Bill in June, and it is now subject to pre-legislative scrutiny. It includes vital reforms to support people with serious mental illness in the criminal justice system by speeding up access to specialist in-patient care and treatment, and it seeks to end the use of prison as a place of safety. The Bill will introduce a new statutory time limit of 28 days for transfers from prison to hospital.

**Mr Robertson:** As the Minister is aware, a very high percentage of prisoners have mental health problems. It may also be the case that they end up in prison because of mental health issues. Will the Ministry of Justice work more closely with the Department of Health and Social Care and other people who can provide mental health services to try to stop the spiral?

**Rob Butler:** My hon. Friend is absolutely right. I am pleased to tell him that the Government are working very closely with the national health service. I will give two quick examples. We know that people leaving custody present a risk of reoffending, so we work with NHS England on a project called RECONNECT, which offers prison leavers targeted support to ensure they go to their appointments in the community to help them on their journey. At primary level, we are rolling out community sentence treatment requirements, including mental health treatment requirements. NHS England is on track to roll them out to every court in England by the end of 2024.

### Intimate Image Abuse

9. **Dame Maria Miller** (Basingstoke) (Con): If he will hold discussions with the Secretary of State for Digital, Culture, Media and Sport on the potential merits of including the recommendations by the Law Commission on intimate image abuse published in July 2022 in the Online Safety Bill. [901688]

**The Minister of State, Ministry of Justice (Rachel Maclean):** The Government welcome the Law Commission's review, and we are carefully considering its recommendations. As my right hon. Friend will expect, the Lord Chancellor is working very closely with his counterpart in the Department for Digital, Culture, Media and Sport.

**Dame Maria Miller:** The Law Commission's report says there are gaps in the law on online intimate image abuse that

"mean that harmful, culpable behaviour is not appropriately criminalised and victims are left without effective recourse."

The Government have a strong record on tackling crime against women, including by introducing the new revenge pornography laws. Rather than just talking about it, can we please act now and either include this in the Online Safety Bill or have a standalone Bill, as the Government recently did to tackle upskirting?

**Rachel Maclean:** My right hon. Friend has a hugely impressive track record of campaigning on all these issues, to enable women and girls to live safely both online and in the real world. She points to some of our previous work. Of course, technology is always changing, and the Government always keep this under review. It is right that we take time to consider the Law Commission's recommendations, but I would be happy to meet her to discuss it in more detail.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Will the ministerial team go further in protecting women online? Is the Minister aware of the number of women journalists at the BBC who are trolled mercilessly into mental health issues? One dreadful troll was described as being in the Olympic class. These women have never been supported by the BBC, and they have never been given the support they should have been given. Will she join our campaign to secure justice through an independent inquiry into the negligence of the BBC towards its employees?

**Rachel Maclean:** I thank the hon. Gentleman for bringing that matter to the attention of the House. Of course, the Government have a range of responses to keep all women—not just BBC journalists—living their



lives. It is absolutely right that we put in place the further protections that are contained in the Online Safety Bill. If he has further proposals, I ask him to bring them to me and I will be happy to look at them.

### **Criminal Court Backlog: Bolton**

10. **Yasmin Qureshi** (Bolton South East) (Lab): What recent estimate he has made of the size of the backlog of criminal court cases in Bolton. [901689]

**The Parliamentary Under-Secretary of State for Justice (Gareth Johnson):** The outstanding case load in the Crown court in Bolton was 528 at the end of June 2022. We are taking action across the criminal justice system to deliver swifter access to justice for victims and to reduce the backlog of cases. That includes the investment of £477 million into the criminal justice system over the next three financial years to maximise the capacity of the system.

**Yasmin Qureshi:** As a former prosecutor, a barrister in private practice and a shadow Justice Minister, I find sitting in this House and watching the Government oversee the managed decline of our legal system deeply concerning. In Bolton, as the Minister has said, the backlog stands at 500—more than 10% greater than six months ago. It includes 20 rape cases among other serious criminal cases. Can the Secretary of State for Justice inform me why the Government have effectively legalised criminal activity in Bolton, in Greater Manchester and throughout Britain?

**Gareth Johnson:** The hon. Lady is right to raise the issue of the backlog; it is a serious matter. That is why we have put in a catalogue of measures to help tackle it, including: introducing Nightingale courts, which will be sitting until 2024-25; increasing the cap on sitting days; and raising the retirement age for judges. We have done a lot and I hope the hon. Lady will be gracious enough to congratulate the Lord Chancellor on successfully negotiating an end to the Bar strike, which will help tackle this serious problem.

**Mr Speaker:** You could always open the courts in Chorley to help.

**Rehman Chishti** (Gillingham and Rainham) (Con): With regards to addressing the backlog of criminal cases, the Minister will know that the largest category in the backlog of 60,000 cases is sexual offences. Previously, I have made representations to the former Lord Chancellor and the No. 10 policy unit to have specialist sexual courts to address that category. On 16 June, the previous Justice Secretary announced pilot projects for sexual offences courts in Leeds, Newcastle and Snaresbrook Crown court. That is something that I pushed for along with Kim Hollis, the former Director of Public Prosecutions in the British Virgin Islands. Has that taken place and what further steps have been taken to ensure that those pilot project results are taken forward?

**Gareth Johnson:** I understand that, yes, that has taken place. My hon. Friend raises a very serious issue about the backlog and particularly about the serious offences that are contained within it. This is why we must get the number of outstanding cases, particularly the serious sexual offences, down. As far as the courts specialising in sexual offences are concerned, we are

looking at pilots and considering the matter. There are pros and cons to that approach, and that is represented right across the criminal justice system with some people speaking up in favour of it and others against. That is why we need to look incredibly carefully at that very serious issue.

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

**Alex Cunningham** (Stockton North) (Lab): I am grateful to my hon. Friend the Member for Bolton South East (Yasmin Qureshi) for raising this question—a question that could be asked of each and every town and city with a courtroom, because the picture is dire up and down the country. I am glad, however, that the Ministry of Justice got back round the table with representatives from the criminal Bar and engaged with their concerns so that justice could get moving again. However, just a couple of weeks after that strike action ended, the Minister is facing more. It is about the failure of the Common Platform, which is preventing staff from doing their jobs effectively and holding up justice for victims and defendants alike. I welcome to his place the fourth Justice Minister that I have faced across the Dispatch Box. Will he now do what his managers and predecessors have refused to do and pause the further roll-out of this system until he gets it fixed?

**Gareth Johnson:** I totally reject the argument that somehow the Common Platform is responsible for the backlog in the courts; it is not. What happened is that the backlog in the courts increased during covid. We were the first country in the world to recommence jury trials and get our courts back working again. The backlog was going down, but we then had the Bar strike, which, understandably, increased it because barristers were not working, but thanks to the actions of the Lord Chancellor, we now have resolved that issue and can look forward to the backlog coming down.

### **Criminal Barristers: Return to Work**

11. **Duncan Baker** (North Norfolk) (Con): What recent steps his Department has taken to help support criminal barristers return to work. [901691]

**The Lord Chancellor and Secretary of State for Justice (Brandon Lewis):** We have boosted the system with additional investment and engagement with the Criminal Bar Association. I welcome its constructive engagement and that of the Bar Council, which led to the end of the strike. We have ensured there is an uplift on new cases and for the vast majority of existing cases, which will come into force by 31 October 2022, plus additional funding for case preparation work, further funding for defence barristers involved in pre-recorded cross-examinations, which are used to reduce the trauma of a trial for vulnerable victims and witnesses, by early 2023—coming back to the earlier question from the shadow Minister, the hon. Member for Lewisham West and Penge (Ellie Reeves)—a substantial uplift per year for fees in the youth court and the criminal legal aid advisory board. All those changes, alongside the longer-term proposed reforms, mean there is an increased expected criminal aid spend of £1.2 billion per year. I am glad the barristers are back to work; that is good for victims and we can get these cases moving.

**Duncan Baker:** I thank my right hon. Friend for his collegiate approach and the speed with which he has brought about this situation with the Criminal Bar Association. Can he further assure me that, as well as the 15% uplift for barristers, his Department will continue to invest more widely in criminal legal aid, to ensure that it is adequately funded for the future as well?

**Brandon Lewis:** My hon. Friend makes an important point. The reality is that all lawyers, barristers and solicitors want to be working for the benefit of their clients and to ensure that victims are able to see cases come to justice. Speedy justice is good justice, with positive and proper outcomes through the right processes. Following the publication of the criminal legal aid independent review, we will be investing a further £135 million in criminal legal aid per year, the biggest increase in many decades, and setting out further plans for all parts of the profession as part of our response to CLAIR at the end of November.

**Valerie Vaz** (Walsall South) (Lab): The Secretary of State mentions solicitors, so can he say why solicitors have received only a 9% increase in fees, prompting the Law Society to say that they may not undertake criminal defence work?

**Brandon Lewis:** I am not sure many people would class 9% as “only”, but that also does not reflect some of the other investments that solicitors will benefit from, particularly the substantial investment in youth courts, for example. As I said, we will respond more widely to CLAIR for the whole profession at the end of November and work with the relevant societies and associations.

**Alex Chalk** (Cheltenham) (Con): I warmly commend the intervention of the Secretary of State to end the dispute; it was decisive and constructive and it is hugely welcome. I echo the points made just now: it is important for the criminal justice system to work well that solicitors too are properly remunerated. That is the view I take and I know the Chair of the Justice Committee would have made those points if he was not unavoidably detained today.

**Brandon Lewis:** My hon. and learned Friend makes an important point, and from the Dispatch Box I congratulate the Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), who is otherwise engaged today on some very enjoyable and well-deserved matters. I hope he has a wonderful day. As I have said, we are going to be responding more fully to the CLAIR report, but my hon. and learned Friend is absolutely right that the criminal justice system works best when all parts of it are functioning fluidly and effectively for the benefit of all their clients and for wider society, and I am determined to ensure that we deliver that.

**Andy Slaughter** (Hammersmith) (Lab): On the issue of solicitors' fees, the Secretary of State clearly does not agree with his Justice Minister in the other place, Lord Bellamy, who said that the situation for criminal legal aid solicitors is more parlous than for barristers. The 9% is below the rate of inflation and it follows a 25-year pay freeze. When is the Secretary of State going to look properly at the issue of solicitors' fees?

**Brandon Lewis:** In the classic phrase, I refer the hon. Gentleman to the remarks I have made many times already in the last few minutes.

**Mr Speaker:** We come now to shadow Minister Afzal Khan.

**Afzal Khan** (Manchester, Gorton) (Lab): I hope the Justice Secretary will join me in congratulating Lubna Shuja, who becomes the first Asian and Muslim president of the Law Society.

Sir Christopher Bellamy's review of criminal legal aid was clear that legal aid rates needed to rise to 15% to put the system on a sustainable footing. However, the Government's proposals would raise legal aid rates only to 9% for solicitors, which is below inflation. The Law Society warned that the justice system is on the verge of collapse without funding all parts of it equally. Will the Lord Chancellor adjust his proposals to meet the recommendations of the Bellamy review?

**Brandon Lewis:** I join the hon. Gentleman in congratulating the new president of the Law Society. I look forward to working closely with her, as I do with other parts of the criminal justice system's leadership through the Criminal Justice Board. We will respond to the full CLAIR report and we will be working with solicitors. There is a wider package for the entire criminal justice system; even within what we have announced as part of the Criminal Bar Association package, there are substantial chunks that benefit solicitors as well. The hon. Gentleman should have a look at the wider package.

### Support for Victims

13. **Sarah Champion** (Rotherham) (Lab): What steps he is taking to support victims in the criminal justice system. [901693]

**The Minister of State, Ministry of Justice (Rachel Maclean):** Our victims Bill will improve support for victims of crime, so they can cope with and recover from the impact. It will help them remain engaged with the criminal justice system and strengthen the transparency and accountability of those agencies and authorities that should be there to protect them.

**Sarah Champion:** I thank the Minister for her comments, but I want to raise something specific that could be done through the victims Bill, which is to ban the use of victims' counselling notes in courts. In July, the Attorney General extended the guidance, making it easier for such notes to go into the public domain. That has had a huge and immediate chilling effect on victims getting pre-trial therapy and on them coming forward at all. Please can the Minister address this.

**Rachel Maclean:** The hon. Lady raises a vital issue to which we are paying close attention through the work of the rape review. It is not the case that it is now easier for those notes to be requested. I am aware that the hon. Lady is holding an event this afternoon. I would be very happy to come along, talk to her and put right some of the points she has made. We are determined to improve the experience of victims of rape and we are making great strides already.

**Anna McMorris** (Cardiff North) (Lab): While the Government derail the economy and crash the markets, victims and survivors are still being abandoned. This Government are too busy trying to save their own skin to care about what is happening to victims. One survivor told me her partner sexually assaulted her and abused her child. Her truth was misbelieved and mistrusted. She never got her day in court. Now she is just one of many Jane Does denied justice and traumatised by the criminal justice system. These are the victims being failed by this Government's negligence, and now we have a victims Bill going nowhere. Will the Minister tell victims when she is finally going to put them first and bring forward a Bill?

**Rachel Maclean:** This Government are determined to stand behind victims of crime. That is why, as the hon. Lady knows, the Justice Committee has carried out detailed pre-legislative scrutiny. We are reviewing that very carefully and we will bring forward the victims Bill as soon as parliamentary time allows.

### Topical Questions

T1. [901704] **Nadia Whittome** (Nottingham East) (Lab): If he will make a statement on his departmental responsibilities.

**The Lord Chancellor and Secretary of State for Justice (Brandon Lewis):** My immediate priority on becoming Justice Secretary was to end the disruptive strike action that was delaying justice in our criminal courts. I am pleased that the Criminal Bar Association voted to agree a new legal aid deal and its members returned to work last week.

The Government have reset a constructive relationship with barristers and we have agreed to work together to bring down court backlogs, so that victims can get the timely justice they deserve. We have also announced more plans for more prison leavers to be fitted with GPS tags, so that we can keep a close eye on them to help deter reoffending, reduce crime and, importantly, keep our citizens and communities safe.

**Nadia Whittome:** Ten years since the abolition of the sentence of imprisonment for public protection, nearly 3,000 people are still in prison serving indeterminate sentences. Last month, the Justice Committee released a report calling the sentence "irredeemably flawed", highlighting the severe psychological harm it causes and its adverse impact on rehabilitation. Will the Secretary of State act on the report's recommendation to bring in legislation to resentence prisoners subject to IPP sentences?

**Brandon Lewis:** As the hon. Lady rightly says, that report has been published. We are considering it and we will respond in due course.

T3. [901706] **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): I was pleased by my right hon. Friend's announcement at the party conference that more criminals will be closely monitored through GPS tagging. Can he assure me that the funding for that is available, so that my constituents can have the confidence that they will be safer on their streets?

**Brandon Lewis:** Yes, absolutely. I am looking forward to being able to roll out up to 8,000 new tags as part of the scheme we have announced. The scheme is funded and will be happening. It is important to stress that it is on top of current prison leavers, and it will give extra protection and confidence to communities because we will know what the people who are tagged are doing and where they are. It adds to community safety and gives a sense of safety to everyone.

T2. [901705] **Chris Law** (Dundee West) (SNP): Recent statistics show the backlog in the Crown court has increased to more than 61,000 cases. Given our collective experience during covid and the necessity of non-face-to-face meetings, and how valuable the work done during such difficult times was, will the Justice Secretary update the House on what discussions have taken place on more use of virtual proceedings, and on a full and sustained funding package to modernise the courts estate? Does he agree that this needs to be implemented urgently, with Scotland receiving its full Barnett consequential?

**The Parliamentary Under-Secretary of State for Justice (Gareth Johnson):** The court backlog is an important issue. As part of the deal done with the Criminal Bar Association, we are looking at giving better funding for cross-examination under section 28 of the Youth Justice and Criminal Evidence Act 1999 for victims of serious sexual violence, but the hon. Gentleman will know that the Government have put in place a catalogue of measures to tackle the backlog in the Crown court. We want to get on top of the backlog; we were getting on top of it until the Bar strike took place, and thanks to the deal that has been struck, we are now optimistic that it will start to come down.

T5. [901708] **Sir Edward Leigh** (Gainsborough) (Con): Everyone is scratching their head about how to send illegal migrants back across the channel, but every time we try something, it is trumped by human rights lawyers. Clearly something must be done. Is there anything in the Human Rights Act 1998 or the convention on refugees to stop us sending illegal migrants straight back to our sovereign military base in Cyprus, which we own? They do not need to be locked up; they can just be sent back to where they come from.

**Gareth Johnson:** We believe that our proposals to process people in Rwanda are compliant with not only the UN convention on refugees, but the European convention on human rights. We believe that our proposals are within not just international law but national law. There is nothing in those laws that prevent us from carrying out the policy we are proposing.

T4. [901707] **Ruth Jones** (Newport West) (Lab): A teenage girl in my constituency was sexually assaulted by two boys from her school. The police took a long time to investigate, but eventually the file was passed to the Crown Prosecution Service. The CPS has stated that there was sufficient evidence to show that the young woman was physically and sexually assaulted by the two youths; however, it went on to state that despite this evidence it would be dropping the case because it would prejudice further the two youths in future. Is this justice? What message does it send to women and girls across England and Wales?



**The Minister of State, Ministry of Justice (Rachel Maclean):** I will be happy to look into that case. More broadly, the hon. Lady highlights the vital importance of the police and the CPS working closely together when they develop case files to go forward to the courts. That is the work we are doing in Operation Soteria. It is already resulting in more charges and more convictions for rape and serious sexual assault.

T7. [901710] **Henry Smith** (Crawley) (Con): I very much welcome the Department for Work and Pensions having a dedicated team in my constituency to ensure that ex-offenders find gainful employment. May I seek assurances from the Ministry of Justice that that collaborative work to rehabilitate ex-offenders will continue?

**The Parliamentary Under-Secretary of State for Justice (Rob Butler):** I thank my hon. Friend for that question, to which the short answer is yes, it absolutely will. It is a priority for this Government to increase the proportion of prison leavers in sustainable employment. We work closely with DWP to do that via its network of prison work coaches. We are also committed to working with the Department to improve access to universal credit.

T6. [901709] **Martyn Day** (Linlithgow and East Falkirk) (SNP): Before shelving the Bill of Rights, the Justice Secretary's predecessor, the right hon. Member for Esher and Walton (Dominic Raab), attempted to exclude the Government from the protections on free speech. Does the current Justice Secretary agree that if the Bill is to return in some form at a later date, the Government should not seek to impose on others rules that they are not willing to accept on themselves?

**Brandon Lewis:** We will always make sure that we are working within the rule of law, including internationally. That is vital to us. We are committed to bringing forward proposals that work, that protect freedom of speech, and that ensure we deal with some of the egregious attempts at prosecution and shutting down debate being made by ne'er do wells around the world.

T9. [901712] **Scott Benton** (Blackpool South) (Con): It is becoming pretty clear that we cannot get a grip on the small boats crisis and deliver significant reform of our asylum system without reforming the Human Rights Act. What is the Government's plan?

**Gareth Johnson:** I am grateful to my hon. Friend for his question. It is the Government's position that we can tackle that significant problem within the current law. He will be aware that two judicial reviews are pending, but we are committed to the European convention on human rights and to the UN refugee convention. We believe that our proposals are within the law and that no court has said otherwise.

T8. [901711] **Mr Tanmanjeet Singh Dhesi** (Slough) (Lab): In recent weeks, my constituency has endured a spate of drugs and knife crime, which has resulted in the tragic loss of young lives. We must get more policing and preventive resources for Slough. Given the current justice backlogs, caused by Conservative Governments closing half of all our courts in England and Wales since 2010, what reassurances can the Secretary of State give to

victims and their families that they will not have to wait up to the current unacceptable average of four years to get their day in court?

**Brandon Lewis:** As we said earlier, getting on top of that core backlog, which has obviously gone up as a result of pressures, is an absolutely key piece of work for us. People sometimes forget that we have lost almost a couple of years through covid and through the Bar strike this year. It is also about making sure that communities are safe through things such as the tagging scheme that we are rolling out, to ensure that people have confidence in their communities as well.

T10. [901713] **Jack Brereton** (Stoke-on-Trent South) (Con): Stoke-on-Trent has been blighted by drugs recently, particularly monkey dust, which is ruining lives. I am calling for monkey dust to be reclassified as a class A drug. Will my hon. Friend update the House on what action the Government are taking to increase the penalties for people who trade in those horrific drugs?

**Rachel Maclean:** My hon. Friend is completely right to highlight the harm and the horrendous impacts of drug dealing in his constituency. There are already significant penalties for supplying that drug—as a class B drug, the maximum penalty is four years in prison—but the Government always keep such matters under review.

**Dame Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): It is not just the criminal courts that are seeing backlogs; the probate registry service and the divorce courts are also causing problems. One constituent came to my surgery last week. She is still living with her husband but her divorce case has been passed to Suffolk, where people cannot understand how she could still be living in the same house as him while trying to divorce—but that is the reality of the London housing situation. What action is the Minister taking to make sure that the pace of dealing with such cases increases?

**Gareth Johnson:** The Government have invested £324 million over the next three years to bring down the backlog in the family courts. The hon. Lady is right to mention the probate court as well. Obtaining grants of probate has a satisfaction rating of about 90%, but there are some serious delays with that other 10%. When people apply online and everything is order, probate is swiftly dealt with, but there are difficulties with some of the other 10% of cases. We are working on that at speed.

**Dr Luke Evans** (Bosworth) (Con): Colin Pitchfork is a double child killer and rapist who came in front of the Parole Board. My predecessor referred the case back to the Parole Board to be reviewed, but Colin Pitchfork was then released and had his licence revoked again after worrying behaviour around young women. The Government committed to a root-and-branch review of the parole system in March. Will the Minister update the House on progress on that, so that such cases never happen again?

**Rachel Maclean:** The public rightly want to know how that was allowed to happen, which is the impetus for our root-and-branch reform of the Parole Board. It now falls to the Parole Board to review Pitchfork's detention. I assure my hon. Friend that it is very much



the Secretary of State's intention to provide a view on suitability for release. As soon as parliamentary time allows—

**Mr Speaker:** I call Emma Lewell-Buck.

**Rachel Maclean:** We will legislate to go further to allow Ministers to block release.

**Mr Speaker:** Order. When I say I am moving on, I am moving on; it is not for you to continue. It goes at my pace, not yours. I call Emma Lewell-Buck.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): I have repeatedly raised the anguish that my constituents, the parents of Chloe Rutherford and Liam Curry, are going through. Chloe and Liam were murdered in the Manchester Arena terror attack. Archaic law in relation to terror attacks prevents my constituents registering their precious children's death. I first raised the issue in March—it was urgent then. Despite multiple promises from the Government Benches that legislative change was being considered, nothing at all has been forthcoming to me or my constituents. Why?

**The Parliamentary Under-Secretary of State for Justice (Mike Freer):** I thank the hon. Lady for the work that I know she has been doing on the issue and I am very conscious that the matter is outstanding. I can only reassure her of the Government's commitment to find a route through the current legal blockage that does not allow the families to take part in registration. I promise her that I will bring forward a solution as soon as I can.

**Tim Loughton** (East Worthing and Shoreham) (Con): Yesterday, *The Telegraph* reported on some very worrying cases of babies who were born alive but sadly died soon after, but whose deaths have been recorded as stillbirths by the hospital, meaning a coroner could not investigate. Three and a half years ago, my Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 required the Secretary of State to prepare a report on how the Coroners and Justice Act 2009 could be amended to give coroners the power to investigate those stillbirths. Why has it still not happened?

**Mike Freer:** I can reassure my hon. Friend that the Government are still reviewing those recommendations and looking forward to bringing forward methods, with the Chief Coroner, on how we can address that backlog.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Will the new team look at the way we handle miscarriages of justice in this country? Will they look at the report from the all-party group on miscarriages of justice, which is chaired by me and the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Sir Robert Neill), and help us to reform the way in which we treat miscarriages of justice?

**Brandon Lewis:** I always make it a priority to ensure that I am working with Committees. I will very happily have a look at that report. I am happy to talk to the hon. Member and his co-chairman in due course as well.

**James Daly** (Bury North) (Con): The Justice Committee —[*Interruption.*]

**Mr Speaker:** Order. The hon. Member for Rutland and Melton (Alicia Kearns) is going to have to take her seat. She cannot just stand there while we are in the middle of questions.

**James Daly:** The Justice Committee, of which I am a member, published our report on IPP—imprisonment for public protection—sentences on 28 September. There was a very clear recommendation that all IPP prisoners currently in custody should be resentenced, something which I wholeheartedly support. Could I ask my hon. Friend to confirm the timeframe for the Government's response to the Justice Committee report? Further, what immediate steps are being put in place to support IPP prisoners currently struggling in a custodial environment?

**Rob Butler:** I thank my hon. Friend for his question. It is probably right that I point out that I was still a member of the Justice Committee when it took evidence for that inquiry, but I did not contribute to the drafting of the report. I absolutely acknowledge that we find ourselves in an extremely difficult position with IPP prisoners, and I am determined to resolve the problem as far as possible, but it has to be understood that there is not a simple one-size-fits-all solution that is appropriate for all people, so I am very carefully considering the recommendations. That is something we are doing very speedily, and as soon as we have come up with a conclusion, the Justice Committee will receive my response.

**Andy Slaughter** (Hammersmith) (Lab): The Government rightly abandoned their Bill of Rights, describing it as a “complete mess”, principally because it sought to stay within the jurisdiction of the European Court of Human Rights while ignoring its judgments. Is that still the Government's position and, if so, how will they stop their next attempt also being a complete mess?

**Brandon Lewis:** Rather like the answer earlier, I would refer the hon. Gentleman to answers I gave earlier. I have extensively outlined the position on the Bill of Rights.

**Matt Warman** (Boston and Skegness) (Con): So-called open prisons in constituencies such as mine, such as North Sea Camp, play a vital role in our justice system, but the inmates in those prisons often cause concern to local residents. Would the Minister join me in encouraging both the Prison Service and the Parole Board to engage with local communities so that they can understand what they do to make sure local communities are kept as safe as they possibly can be?

**Rob Butler:** I am very happy to do so. Open prisons play a very important part in the rehabilitation of offenders, and I am more than happy to make sure that they have the understanding and the commitment of local communities, so we can rehabilitate prisoners, reduce reoffending and ensure we have fewer victims of crime.

**Mr Speaker:** That completes the questions. We now come to the urgent question. Those who wish to leave, please do so.

## Chinese Consulate: Attack on Hong Kong Protesters

12.33 pm

**Alicia Kearns** (Rutland and Melton) (Con) (*Urgent Question*): To ask the Secretary of State for Foreign, Commonwealth and Development Affairs if he will make a statement on what representations he has made to the Chinese Communist party following the attack on Hong Kong protesters at the Chinese consulate in Manchester.

**The Minister for the Americas and the Overseas Territories (Jesse Norman)**: Top of the morning to you, Mr Speaker, and thank you very much indeed for allowing us to have this urgent question on a topic of enormous importance. May I start by recognising, thanking and welcoming my hon. Friend to her position as Chair of the Foreign Affairs Committee?

As the House will know, His Majesty's Government are extremely concerned at the apparent scenes of violence at the consulate of the People's Republic of China in Manchester on Sunday afternoon. Greater Manchester police had been pre-notified of the demonstration and intervened to restore order; we are grateful to them for their action. I understand that Greater Manchester police have launched an investigation to establish the facts of the incident.

The Foreign Secretary has issued a summons to the Chinese chargé d'affaires at the Chinese embassy in London to express His Majesty's Government's deep concern at the incident and to demand an explanation for the actions of the consulate staff. It would be inappropriate to go into further detail until the investigation has concluded, but let me be clear that, as this House has always recognised, peaceful protest is a fundamental part of British society and our way of life. All those on our soil have the right to express their views peacefully without fear of violence. FCDO officials expressed that clearly to the Chinese embassy yesterday. We will continue to work with the Home Office and Greater Manchester police colleagues to decide on appropriate next steps.

**Alicia Kearns**: Thank you, Mr Speaker, for granting this UQ and for the personal interest you have taken in this over the last few days.

On Sunday, peaceful protesters gathered outside the Chinese consulate to campaign for human rights in Hong Kong. What we saw was the Chinese consul-general then ripping down posters during a peaceful protest. There soon followed grievous bodily harm against Hong Kongers, one of whom was hospitalised for taking part in that peaceful protest. Some were then dragged on to consulate territory for a further beating by officials who have been recognised to be members of the Chinese Communist party. We cannot allow the CCP to import its beating of protesters and silencing of free speech, and its utter failure time and again to allow protest on British soil.

This is a chilling escalation. We have seen continued persecution of the Uyghur, Tibetans, Hong Kongers and all those who come to our country to seek refuge. What took place on Sunday suggests they cannot seek refuge here and have their voices heard, and our job is to make sure their voices are not silenced.

I am grateful to the Minister for confirming that the ambassador has been summoned. I am surprised the meeting has not taken place so far. Will he please confirm when it will be taking place and that he will update the House thereafter? Will he also confirm that any Chinese official involved in the beatings will be prosecuted and that, if they cannot be prosecuted, they will be expelled from this country within the week, and what the Government are doing to protect protests? That is a fundamental right and we must uphold it at home if we are to have any chance of upholding it abroad.

**Jesse Norman**: I thank my hon. Friend for her question. On the point of the summons, my understanding is that the chargé d'affaires will meet with officials this afternoon, there having already been an informal exchange of concern between the two sides. My hon. Friend will know that, precisely because of the belief in this House in the rule of law, it is up to our independent police and Crown Prosecution Service to decide first on the facts of the matter and then on whether a prosecution should be brought. But, like her, I witnessed what took place in the video on Sunday and I am sure every Member of this House feels the same level of concern as she does.

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

**Catherine West** (Hornsey and Wood Green) (Lab): I am so pleased that there is consensus across this House that freedom of expression is an important principle which we hold dear in our democracy, and it is testament to our freedoms that on countless occasions in recent years protesters have been able to express their views, whether on China, Russia, Myanmar or countless other countries.

What we saw at the weekend in Manchester was, as the Mayor of Manchester has said, a sharp departure from this established pillar of our liberal democracy. The sight of suspected Chinese consular officials destroying posters, using violence and intimidation, and dragging a protester into the grounds of the consulate and assaulting him is deeply shocking. We all want to be clear that that behaviour is not and never will be acceptable and deserves condemnation in the strongest possible terms. We simply cannot tolerate the type of action we have seen. The principle of free expression is so important, as is the protection of Hong Kongers and others who have fled Beijing's repression, although I note with irony that later today we will be debating a Government Bill that discusses some of the same themes.

Labour has been consistently warning about the need to protect newly arrived Hong Kong people. May I press the Minister on what exactly will happen to consular officials who have been properly identified as involved in this incident? Can this House expect that they will be expelled from the UK?

What discussions has the Minister had with the Home Office and Levelling Up Secretaries on a proper plan for robust and extensive support for Hong Kong people across the country to ensure that they are protected and supported in the face of ongoing surveillance and oppression? What steps will he take to ensure that the sanctity of our freedoms—specifically, the freedom of expression—is protected outside all foreign embassies and consulate grounds in the UK to avoid a repeat of

this shocking behaviour? Mr Speaker, as you said yesterday, the Hong Kong community in the UK is watching, and actions must match words.

**Jesse Norman:** I thank the hon. Lady for her questions. She asked about the treatment of consular officials. Of course, I would wish to be able to give the House details of my personal views on these matters, but the fact of the matter is that we are in a process of law. I would expect that process to be diligently and effectively carried out, but, for reasons that she will understand, I cannot comment on it.

As regards the treatment of Hong Kong visitors and arrivals to this country under the new scheme, my colleagues in the Home Office and the Levelling Up Department have taken great measures to put in place a welcome set of arrangements for them and to manage the processing in an effective and timely way. I am pleased that we have done that because we need to support Hong Kong in all the ways that I am sure she would welcome.

**Sir Iain Duncan Smith** (Chingford and Woodford Green) (Con): First, I congratulate my hon. Friend the Member for Rutland and Melton (Alicia Kearns) on getting the urgent question. I also congratulate you, Mr Speaker, on pursuing it, quite rightly. I do not understand why the Government could not have put forward a statement today, even if that was to say what they have said today. I am afraid it really does show a little bit the Government dancing away from this in the hope that something else will turn up.

We have spoken to the individual who was hauled in, and I want to mention a couple of points from the statement that he is giving the police. He confirms categorically that the guards at the gate hauled him in, tore his hands and his hair, and beat him. He said that at least four people were kicking him and, for one minute at least, tearing his hair. He said:

“My head, face, arm, body and back are hurt—especially my back. It is very painful.”

He said that he struggles at the moment even to sit down. That is happening on British soil. The Government has now got to step up and answer this simple question, asked earlier by my hon. Friend: has the Secretary of State not just called on the *chargé d'affaires* but hauled in the ambassador directly to see him? Will the Secretary of State now be prepared to expel the consul-general and any of those found to have been part of that punishment beating and vandalism? All I want is a simple, “Yes. If there is evidence, we will expel them.”

**Jesse Norman:** I thank my right hon. Friend for his question. I do not think that there is any suggestion of dancing away. My hon. Friend the Member for Rutland and Melton, in her position as the recently elected Chair, put the question. We respect that, and we worked with the Speaker's Office and with her to answer it. That is exactly what we are doing now, and rightly so.

As to my right hon. Friend's question, it is of course a question of law as to what offences were committed on British soil, and it is absolutely right to have a legal procedure that goes through that and examines the question in all its aspects. As to summoning the ambassador, I thank my right hon. Friend for his input. We have already outlined the process of raising the matter formally

with the Chinese embassy, and we will see where the legal and prosecutorial procedures may lead. At that point, we will take further action.

**Mr Speaker:** I call the SNP spokesperson.

**Alyn Smith** (Stirling) (SNP): I commend the Chair of the Foreign Affairs Committee for bringing forward the urgent question and, you, Mr Speaker, for granting it. This is an important thing for us all to take stock of. I take at face value the Minister's assurance of consequence once the independent investigation has completed. I invite him to come back to the House and make a statement once that investigation is concluded, because we need to maintain our interest in it.

There has been concern for many years about the networks of coercion and control that the Chinese state has over Chinese nationals in the UK. Will the Minister add to his efforts and bring Confucius Institutes into his thinking? There are networks that need a lot more scrutiny than they have had. If Manchester proves to be what we fear it was, it was a considerable escalation of the Chinese networks of coercion and control, and the Confucius Institutes need to be part of the investigation.

**Jesse Norman:** Of course, there is enormous interest in this topic, and not just on the specifics of particular events but on the wider geo-strategic question of the relationship between China and the rest of the world, and its respect for the rules-based order. Of course, I understand that. The hon. Gentleman will be aware that the Higher Education (Freedom of Speech) Bill will apply to Confucius Institutes and has within it some important new measures to track foreign influence and to ensure that it is publicly held to account. As I wrote the original amendment as a Back Bencher on which they are based, I must say that I feel a certain degree of pride in that area. It was not aimed at any particular country, but it can absolutely be used in relation to the Confucius Institutes.

**John Glen** (Salisbury) (Con): My constituents will be alarmed at what they saw happen in Manchester. I recognise that the Government will have to maintain a constructive dialogue amidst a complicated relationship with China, but let us be really clear that the Chinese regime have shifted in their behaviours in recent years. The behaviour on the streets of Manchester demonstrates that shift. I urge my right hon. Friend not to hold back in facing up to the reality of the new dynamics of the relationship with China. We must remain constructive, but we must also face up to the fact that we now have very different values from those in China.

**Jesse Norman:** I thank my hon. Friend very much for his intervention. He is absolutely right. The point of constructive engagement is to do what we can to retain China's respect for the international rules-based order, while also noting and concerting with allies to exercise influence where we can on any breaches in that area. He is absolutely right to point that out. Let me say one other quick thing. The many overlapping areas in which we and our allies interact with China require a nuanced and constructive approach, but the point about doubling down is absolutely right. Let me remind him that although the integrated review is not about any specific country or region, it is going through a refresh at the moment, and it will take account of emerging, current and expected future threats.



**Mr Speaker:** I call the Member whose constituency was involved, Afzal Khan.

**Afzal Khan** (Manchester, Gorton) (Lab): I have joined peaceful protests outside the consulate countless times and I am sickened that such an event took place in my own constituency. The scenes, which are reminiscent of the aggressive intimidating tactics of the Chinese Communist party, have no place on the streets of my city or our country. The UK stands for freedom, the rule of law and democracy. The crushing of peaceful protest will never be tolerated on British soil. The Minister knows that the consul general has diplomatic immunity, so he cannot be prosecuted. Will the Minister take immediate action and declare the consul general as a persona non grata, and what steps will he take to protect pro-democracy activists here in the UK?

**Jesse Norman:** I thank the hon. Gentleman very much for his question. I completely understand the personal constituency interest he has in this set of events and in previous events and activities around the consulate. He is right, of course, to say that the UK stands for freedom, the rule of law and democracy. I could not have put it better myself and that is exactly right. He is also right to ask the question about persona non grata. We cannot anticipate the results of a legal process, but I have already told the House that we will take action once we have a full understanding of the facts and the prosecutorial decision—*[Interruption]*—allowing chuntering from all sides if necessary, from a sedentary position. Let me just say, finally—*[Interruption.]*—if I may, that he is also right to focus on the victim. That is a crucial aspect—my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) mentioned it—and it is something we expect local government, as well as central Government, to be supportive of, to the extent that we possibly can be.

**Fiona Bruce** (Congleton) (Con): Yesterday, as patron of Hong Kong Watch, I had the privilege to meet about 50 admirable and mainly young people who have moved here from Hong Kong and are keen to engage in community life and, in some cases, political life in the UK. They deserve our support and encouragement, so will the Minister confirm what steps are being taken to address concerns of the Hong Kong community about potential intimidation and threats from the Chinese state apparatus on UK soil in respect of those who wish to engage in this way?

**Jesse Norman:** My hon. Friend will be aware that, in relation to Hong Kong, we have ended the extradition treaty and taken a number of other steps designed to recognise the seriousness of the issues. Of course, we have also, vitally, opened the British national overseas route to Hong Kong residents, and more than 100,000 people have applied for that; that is an incredible infusion of energy and genius into our polity and we should absolutely welcome it. We have extended that, in part in response to concerns in this House, via an amendment to be tabled today, to the adult children of BNO-eligible people, so that they, too, can feel that warm welcome we should be extending to those people.

**Jim Shannon** (Strangford) (DUP): China has no respect for the rule of law and its attitude is aggressive; it thinks it can do whatever it wants and get away with it—this

House needs to say that it cannot. Reports suggest that one of the consulate staff who assaulted the pro-democracy protestor was the consul general, Zheng Xiyuan. Does the Minister agree with me and others in this House that if the consul general is found to have led the attack, he should be declared persona non grata by His Majesty's Government and sent, along with the others involved, back to China, where he belongs?

**Jesse Norman:** The hon. Gentleman asks whether action will follow “if” what he sets out is found to be the case. I am not going to comment on a hypothetical, but he is right to recognise that there has to be a process of determination before any action can follow. Let me say one other thing that relates to the point raised earlier about the rule of law, human rights, freedom and democracy. There is an ideological clash here and we should be aware of it. We should not be shy in recognising it and we should do what we can to insist on the importance of the rules-based order that we have always stood for as a nation. We should encourage allies to be talking in those terms, rather than to be ceding ideological ground, whoever may be on the other side of the argument—there are various parts of the world in which different arguments are being made against this. That is ultimately the core of what this institution of Parliament is about.

**Matt Warman** (Boston and Skegness) (Con): The concern is ultimately that China is taking the same attitude to human rights in this country as it is taking at home. Many of us have raised that concern and it is not my understanding that we need to follow through a legal process prior to expelling people who are involved in this. Will the Minister say why he believes we need to follow that process?

**Jesse Norman:** I think my hon. Friend has misunderstood me, as I have not said that there needs to be a legal process; I have said that there has to be a process of determining what the facts are. That has already been conceded by Members from across this House, and it is important that we have not only our private views as to what may or may not have been on video, however well founded they may be, but an official view based on proper scrutiny.

**Sarah Owen** (Luton North) (Lab): As the Minister is hiding behind process on a number of these issues, I will try a different tack. What steps is he taking to work with colleagues in the Home Office to ensure that police officers are adequately trained and aware of the cultural and political sensitivities when protecting the thousands of Hongkongers who are seeking safety in our country, especially when people have been attacked by Chinese communist party agents or suspected CCP agents? We know that what we saw outside the consulate is not an isolated incident.

**Jesse Norman:** As you will be aware, Mr Speaker, there is no question of hiding behind process; we have a rule of law in this country and we allow legal processes to go through. We allow processes of fact and determination before action is taken. That is entirely appropriate, and it is what one would expect from a country that professes to be the home of the rule of law, as has been rightly said. However, it is important to say that police forces are extremely concerned about and sensitive to the



kinds of issues that the hon. Lady raises. Indeed, I do not need to tell the House that the Greater Manchester police deal with a very wide range of ethnicities and concerns, and have specific training in order to manage those issues in a sensitive and engaged way.

**Mr Robin Walker** (Worcester) (Con): I welcome the question from my hon. Friend the Member for Rutland and Melton (Alicia Kearns) and the fact that a proper investigation into this will be held. But even before these incredibly worrying scenes that we have all seen, concerns were being raised in both the British and Irish press about an informal network of Chinese overseas police service stations. Constituents of mine who are deeply worried about that have contacted me and asked me to seek ministerial action on it. Will the Minister confirm that there is no legal standing for such organisations? If we are summoning Chinese diplomats and officials, may we ask them for an explanation of these stories about such networks?

**Jesse Norman:** I am grateful to my hon. Friend for raising that important point. My understanding is that such organisations have no formal status of any kind in this country. The concerns of this House are understood and very much reflected in the concerns that my officials and those in the respective parts of the Home Office and the Department for Levelling Up, Housing and Communities have.

**Andrew Gwynne** (Denton and Reddish) (Lab): I refer to my entry in the Register of Members' Financial Interests. I congratulate the hon. Member for Rutland and Melton (Alicia Kearns) on securing this urgent question and I thank you, Mr Speaker, for granting it. Had these incidents happened on the streets of Hong Kong, there would rightly have been outrage from the British Government. They happened on the streets of Manchester, in this United Kingdom, yet the Minister is basically sending a memo to the Chinese embassy and an offer of a cup of tea and a chat with the ambassador. We want the ambassador to be brought to the Foreign Office and told in no uncertain terms that these actions are against the rule of law and against human rights in this country. Any Chinese agent found responsible for the disgraceful actions in Manchester should be on the first plane back to Beijing.

**Jesse Norman:** There is a massive difference between this country and the situation in Hong Kong: in Hong Kong there are genuine, proper concerns about whether there is anything approximating the rule of law, in the sense that we would understand it. So when we express anger as individuals, as parliamentarians and as concerned citizens about this, that is, in part, what we have a concern about. I do not think, however things may appear in the short term, that this is a question in this country. We will pursue this situation and these people according to the rule of law, and we will follow up on that basis.

**Mr Richard Holden** (North West Durham) (Con): I welcome my hon. Friend the Member for Rutland and Melton (Alicia Kearns) to her new position; it is great to see a member of the '29 intake taking on that role. I also welcome the Government's statement so far, although I just hope they can go a bit further and faster. Does the

Minister agree that this might be the most visible and violent manifestation of the long arm of the CCP? Will he also ensure that more underground and less visible bullying and intimidation by CCP agents, such as on university campuses in this country, will also be exposed and challenged at every opportunity?

**Jesse Norman:** Young, youthful and vigorous as the Chair of the Foreign Affairs Committee is, the intake of '29 might not be quite the right one for her. Of course I take the point made by my hon. Friend the Member for North West Durham (Mr Holden) and it is wonderful to see that 2019 generation coming into positions of great authority in the House. My hon. Friend the Member for Worcester (Mr Walker) raised the point about covert activity and he is right to double down on that and discuss it in the context of universities. He will also understand that we have rules now on foreign influence coming into play, in terms of registration, that are, in part, precisely designed to identify those people and institutions and bring them within a more explicit and transparent framework.

**Christine Jardine** (Edinburgh West) (LD): I thank the hon. Member for Rutland and Melton (Alicia Kearns) for securing the urgent question on this shocking incident. It was a flagrant breach of human rights on British soil, but we should not allow ourselves to think that it was an isolated one, because we know that it is not. My constituency houses the Chinese consulate in Scotland, and I am regularly contacted by young Hongkongers in Edinburgh who are concerned about the level of surveillance and intimidation. I have experienced it myself when speaking at a Hong Kong protest in Edinburgh, where we were filmed by a drone operated by a gentleman sitting nearby. It is not acceptable that this is happening on UK soil. For young Hongkongers who were born after 1997 and do not hold BNO passports, having to travel to consulates to have their special passports renewed is a particular fear for many of them. So will the Minister find a way of issuing travel documents so that they do not have to go on to the grounds of the consulate, where they now, rightly, might fear that their safety is jeopardised?

**Jesse Norman:** The hon. Lady raises two interesting points. There are aspects of our open democratic society—such as the use of drones—that can be used in a very intimidating way. She is absolutely right to point to that, and it raises a longer-term issue for our security and wellbeing. On the consulates, I thank her for her suggestion, which needs to be taken very seriously; I am grateful for it.

**Graham Stringer** (Blackley and Broughton) (Lab): At a time when relationships with China were improving, I was a guest at the consulate in Manchester on a number of occasions. It struck me then that the consulate is huge—by far the biggest consulate of the many in Manchester. At a time when détente has finished and relationships with China are getting worse, because it is not respecting international law or the laws of this country, the size of that consulate indicates to me that it is being used to control and police members of the Chinese community in Manchester. When the Minister has had the results of the investigations—whatever they turn out to be—will he consider reducing the size of

[Graham Stringer]

that consulate and any other consulates that the Chinese have, because they are being used not for the normal business of consulates, but as an extension of the Beijing Government in this country?

**Jesse Norman:** I thank the hon. Gentleman for his question. I do not think that I should comment on the activities of the consulate, with which I am not personally familiar, but he is right that the fundamental consular activity is extremely straightforward, in terms of the support of one's own people in a foreign country. One would not think that an enormous infrastructure is needed to do that. His point could be applied not just to consulates, but to other potential institutions around the country and around the world, and I thank him for that.

**Kate Green** (Stretford and Urmston) (Lab): Trafford has been pleased to welcome many Hong Kong BNO families and we are very proud in my constituency to be the new home of the Manchester Taiwanese Association. Those communities will need considerable reassurance from the Government that they will be safe and secure in our country. Will the Minister give an assurance that if, as reports suggest, some of the activity—the abuse and violence—was conducted on consular premises, that will not preclude full investigation and full consequences being waged against those who conducted such activity?

**Jesse Norman:** The hon. Lady is absolutely right to raise that question. We would expect the independent police and other authorities to make as thorough an investigation as they can, given the circumstances, and we would expect to be sensitive to areas where they have not been permitted to undertake the level of scrutiny that we would expect under such circumstances.

**Claire Hanna** (Belfast South) (SDLP): The footage from Manchester was chilling to all of us who value human rights and non-violence, but it resonated particularly with many of my constituents in south Belfast—which is where the Northern Ireland Chinese consulate is located—who have seen up front the approach that the CCP take not just to international law, but respecting local law. In our case, that relates to developing its premises and enforcing security at them. South Belfast is also very proudly home to many people from Hong Kong who are creating a new life away from risk and repression. Will the Minister advise the House what guidance he will give to local authorities that are dealing with consulates and what his Government will do to protect the right to peaceful protest?

**Jesse Norman:** I am not sure that I fully caught the final sentence of the hon. Lady's question, but it is of course an aspect of a UK-wide support network that we should be able to provide a welcome for visitors from Hong Kong. We have 12 virtual welcome hubs across the UK and funding for organisations to deliver UK-wide and regional projects, as well as other forms of welcome and support. I can encourage colleagues from the Home Office and the Department for Levelling Up, Housing and Communities to come forward if further things need to be put in place to address the issues that she raises.

**Mike Kane** (Wythenshawe and Sale East) (Lab): It was only in 2015 that we were welcoming his excellency, Xi Jinping, to Manchester, where he spoke of our city's historical links with Wuhan and investments in Manchester airport, Manchester City, the University of Manchester and the Manchester international festival, but much has changed. Having met local Hong Kong residents in Trafford, which my hon. Friend the Member for Stretford and Urmston (Kate Green) mentioned, and having been personally at the rough end of Chinese state tactics—having met Cardinal Zen who is under house arrest in Hong Kong—I think that this country, to use the Mancunian vernacular, needs to grow a pair and say to China, “Be a force for good in the world and stop being state-sponsored thugs.”

**Mr Speaker:** There we are—I call the Minister.

**Jesse Norman:** It is absolutely right to highlight the change in the position that China has taken over the past seven years. I do not think there is any doubt that it has changed, and we have had to evolve and change our response to that. The hon. Member is also right to talk about the importance of resolute action. However, this is in the context of the kind of constructive, multi-layered relationship that my hon. Friend the Member for Salisbury (John Glen) mentioned. We therefore have to try all the measures in our power to retain a respect for the rules-based order, not just in this country, but around the world with our allies, and we are doing that.

**Jeff Smith** (Manchester, Withington) (Lab): My constituents in south Manchester were really shocked by the scenes that we saw on the video. With the greatest respect to the Minister, who I like a lot, we need not an explanation, but condemnation of that behaviour. I understand that he has to couch things in diplomatic terms, but as a matter of principle, if it was the case that senior officials of a foreign consulate were involved in an attack on peaceful protesters on the streets of Manchester, surely the only way to deal with that is to expel them.

**Jesse Norman:** The hon. Member may have missed the point in my statement where I said—and let me go further—that His Majesty's Government are not only deeply concerned, but actively condemn the apparent scenes of violence that we saw at the consulate. I do not think there is any doubt about that. More widely, the position, as I have described it, is that we will await a factual determination and then take a decision based on that.

**Stephen Kinnock** (Aberavon) (Lab): The export of China's brutal, authoritarian, democracy-crushing behaviours is what we saw in Manchester. It is completely and utterly unacceptable. It is clear not just that there is the intimidation of Hongkongers and others, but that, in so many other areas, there is covert influence and attempts to subvert our democracy and education system. It is clear that we need an in-depth, comprehensive, strategic audit of every aspect of the relationship between the UK and China, from the Department for Business, Energy and Industrial Strategy to defence and education—right across Whitehall.

However, may I press the Minister on the specific point about the behaviour of the consul general? Will he make it absolutely clear from the Government Dispatch

Box that there is no connection between a police decision and a decision to expel? The decision to expel is a political decision. It is plain as the nose on our face that the consul general was involved in those violent scenes. He should be expelled immediately. Will the Minister confirm that there is no connection to a police investigation? It is a political decision to expel.

**Jesse Norman:** I have already made that clear to the House, but let me do so again. I am not suggesting—as I said earlier—that there is a direct connection, or indeed, any connection, between that decision and a police investigation, but we need to establish the facts in a way that is official and not just, as it were, the presentation of a personal view. That process is continuing and when we have the answer to that, we will take action. That is entirely appropriate. One should, in these contexts, seek an absolutely objective basis on which to act, which takes in all the information that may be available. That is what I think the police and the prosecuting authorities, to the extent that they take an interest, will do.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): I welcome the Minister back to the Front Bench. I know he has always had a laid-back style, but I really think he should get a little angrier about the disgraceful thing that happened in Manchester.

I have many friends from and in Hong Kong, who tell me that when they come to this country now, they feel intimidated. The Chinese influence is in our universities, in our major companies and everywhere. That has not just happened; it is part of a serious effort by China to infiltrate this country at every level. As I have said before in the House, the electricity supply to all of London and the south of England is owned by a Chinese company. Has this not gone too far?

**Jesse Norman:** The hon. Gentleman will know that there are plenty of ways in which this country has economic relationships with Chinese companies. In the normal course of trade, that has been to mutual benefit, but he is right that there is a need for concern about where there may be infiltration, coercion and the rest of it. That is a very live matter for the Government, which we have talked about it in the context of Confucius institutes and covert policing operations—as they may

be—and I have drawn the House's attention, and do so again, to the foreign influence registration scheme that is being introduced under the National Security Bill. That scheme has been created specifically to tackle covert influence in the UK.

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): What discussions has the Minister had with his counterparts in the USA, Canada, Australia and the EU about co-ordinated sanctions against the individuals responsible for the ongoing crackdown in Hong Kong?

**Jesse Norman:** The hon. Lady will be aware that the sanctions regime in question relates to the UN, which is a very effective international co-ordinating body. As I have touched on, we have taken lots of action short of that in responding to the coercion of Hongkongers in Hong Kong. I can also confirm that my officials remain in very close contact with similarly high-ranking staff of our allies around the world.

**Richard Foord** (Tiverton and Honiton) (LD): Reflecting on what we saw over the weekend, the Chinese consulate general justified it by saying that the activists had “hung an insulting portrait of the Chinese president at the main entrance”.

A spokesperson for the consulate general claimed:

“This would be intolerable and unacceptable for any diplomatic and consular missions of any country.”

I have looked at an image of the portrait and, although I accept that it would be regarded as offensive, I disagree with the Chinese consulate's spokesperson. Does the Minister agree that if there had been such a demonstration outside the British consulate in Shanghai, we might not have liked the protest—we might even have found the portrait a little insulting—but we would have tolerated it? Is that difference in values being communicated to the Chinese ambassador?

**Jesse Norman:** I think it fair to say that the Chinese ambassador is fully aware of the spectrum of our concerns in relation to Chinese behaviour, whether that is in relation to victims of internationally condemned crimes in Xinjiang, whether it is in Hong Kong or whether it is in this country.



## Points of Order

1.13 pm

**Richard Foord** (Tiverton and Honiton) (LD): On a point of order, Mr Speaker. As we are all aware, the Prime Minister was absent during yesterday's urgent question. We were assured at the time by the Leader of the House that there was "a very good reason" why the Prime Minister was unable to attend.

We were told that

"the Prime Minister is detained on urgent business".—[*Official Report*, 17 October 2022; Vol. 720, c. 377.]

Naturally, Members across the House wondered whether that might mean a matter of national security or perhaps a meeting with an international ally, but it has now been reported that in fact the Prime Minister was holding a meeting with the chairman of the 1922 committee—not crisis talks, but a planned meeting. In the light of that information, it is hard to see how the picture painted by the Leader of the House yesterday holds up. Will she come and correct the record?

**Mr Speaker:** I am grateful to the hon. Member for notice of his point of order. He will know—if he did not, he will now—that I am not responsible for ministerial answers. If the Leader of the House feels that she has to correct the record, I am sure that she will do so. Also, we should not always look at or listen to what is in the press.

**Marsha De Cordova** (Battersea) (Lab): On a point of order, Mr Speaker. The ministerial code is very clear that if a Minister is visiting a Member's constituency, he or she should inform that Member in good time. Indeed, all hon. Members who are visiting another Member's constituency should inform that Member.

On Wednesday 12 October, the Minister for London, the hon. Member for Sutton and Cheam (Paul Scully), attended my constituency, as did the hon. Member for Gloucester (Richard Graham). Disappointingly, neither of their offices sought to inform mine. I seek your guidance, Mr Speaker, as to how we can ensure that all hon. Members adhere to the conventions and inform other Members when they wish to attend their constituencies.

**Mr Speaker:** I thank the hon. Lady for notice of her point of order and am grateful, as ever, for the way in which she puts it. She is absolutely correct. Not only do the House's rules of behaviour and courtesies make it clear to all colleagues that they should give notice whenever they

"visit a colleague's constituency (except on purely private visits)",

but the ministerial code states:

"Ministers intending to make an official visit within the United Kingdom must inform in advance, and in good time, the MPs whose constituencies are to be included within the itinerary."

It is about courtesy to colleagues. Ministers in particular must follow their own rules. I look to those on the Government Benches to ensure that this exchange is shared with ministerial colleagues so that it is not a recurring problem.

I add that the general election will be a frantic time, so I remind Members in all political parties that when they go into constituencies—I recognise that some might be more marginal than others—they must give due notice to ensure that the relevant Member is aware.

## BILL PRESENTED

### ENERGY EQUITY COMMISSION BILL

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

Clive Lewis, supported by Caroline Lucas, Nadia Whittome, Claire Hanna, Stephen Farry, Liz Saville Roberts, Olivia Blake and Rachael Maskell, presented a Bill to establish an Energy Equity Commission to prepare a strategy for the UK Government to help manage energy costs for households, businesses, non-profit organisations and public services by ending fossil fuel dependence; to require the Commission to set equalities and environmental objectives to be met by the UK Government in implementing the strategy; to require the Commission to make recommendations on replacing the price cap system with a free Universal Basic Energy Allowance and an associated social tariff for retail energy, on an energy allowance in Universal Credit and legacy benefits, on writing off household energy debt, on the remit and objectives of Ofgem, and on how the UK Government should meet the costs of the measures recommended by the Commission; to require the Commission to prepare a Retrofitting Strategy for the Nations, including proposals for a street-by-street retrofit programme led by devolved administrations and local authorities, for financial support for improving energy efficiency, for how to target households, businesses, not-for-profit organisations and public services most in need of support, for any changes required to Minimum Energy Efficiency Standards and Future Buildings Standards, for addressing workforce and training needs, and proposals on how the UK Government should meet the costs of these measures; to require the UK Government to implement the strategy and recommendations of the Energy Equity Commission within a specified timeframe; and for connected purposes.

*Bill read the First time; to be read a Second time on Friday 24 March 2023, and to be printed (Bill 163).*



## Working Time Regulations (Amendment)

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

1.17 pm

**Peter Dowd** (Bootle) (Lab): I beg to move,

That leave be given to bring in a Bill to amend the Working Time Regulations 1998 to reduce the maximum working week from 48 hours per week to 32 hours per week and to provide for overtime pay; and for connected purposes.

It was almost exactly a century ago that British workers switched from a six-day week to a five-day week. Saturday used to be included in a standard working week, but between the 1920s and the 1940s, a five-day working week and a weekend became the normal way of working across most of the western world.

One of the early pioneers was Ford Motor Company in the United States. On 1 May 1926, Ford became the first major company in America to adopt a five-day, 40-hour week for workers in its automotive factories. Edsel Ford, who was Henry Ford's son and the company's president, said:

"Every man needs more than one day a week for rest and recreation... We believe that in order to live properly every man should have more time to spend with his family."

Although working time was reduced, productivity went up.

Manufacturers all over the country soon followed Ford's lead. Closer to home, John Boot, chairman of the Boots cosmetics company, initiated the same experiment. He, too, found that having two days off each week had a positive effect on productivity and reduced absenteeism. The weekend was made official Boots policy in 1934. Those who argued at the time against such a move said that the country would suffer economically, that businesses would not be able to afford it and that workers would not be able to adapt. They were proved wrong.

It should be put on record that without the sustained campaigns by the trade union movement that began towards the end of the 19th century and lasted for many decades, the weekend that we all enjoy today would never have been won. In that historical context, right hon. and hon. Members should reflect on the surge today in the popularity of a four-day working week.

The nine-to-five, five-day working week still remains the dominant model of work in much of the western world, but it is important to remember that it was designed for the industrial and agricultural economy we had at the time. I am sure Members would agree that 100 years later, the world of work has been completely transformed. However, working hours have not adapted to the changing nature of work. Campaigners for a four-day week say:

"The nine to five, five day working week is outdated and no longer fit for purpose."

A look back at our more recent history suggests that they have a point. Since the 1980s, working hours in the UK have barely reduced at all. Despite the productivity gains of the last few decades, none of that has been passed on to workers through more free leisure time.

We are long overdue an update, and the covid pandemic has given us that opportunity. The UK is currently taking part in the biggest ever experiment of a four-day week, with no loss of pay for workers. Seventy companies

and more than 3,300 workers are taking part in a pilot run by 4 Day Week Global, the think-tank Autonomy and the 4 Day Week Campaign, and a survey of the companies taking part at the halfway point suggests that the trial is going extremely well. The companies taking part are from a diverse range of sectors: hospitality, manufacturing, healthcare, housing, telecommunications, construction and financial services.

It may seem counterintuitive that working fewer hours results in greater productivity, but there is already mounting evidence that proves the hypothesis. Wherever in the world a four-day week with no loss of pay has been trialled, it has been a win-win for both workers and employers. Productivity has improved, and so has the wellbeing of workers. When Microsoft in Japan trialled the four-day week, it found that productivity increased by 40%. In Iceland—the country, not the company—the largest ever public sector shorter working week trial was an "overwhelming success", and resulted in 86% of the working population gaining the right to shorten their hours.

Between 2015 and 2019, Iceland ran two large-scale trials of a reduced working week of 35 to 36 hours with no reduction in pay. The analysis of the results, which included 2,500 workers, demonstrates the transformative effects of a shorter working week for both employees and businesses. Productivity and service provision remained the same or improved across the majority of trial workplaces, and worker wellbeing dramatically increased across a range of indicators, from perceived stress and burnout to health and work-life balance. The trials also remained revenue-neutral for both the city council and the Government.

I was therefore pleased to learn that last month South Cambridgeshire District Council became the first UK council ever to proceed with plans for a four-day week. A three-month trial of a four-day week with no loss of pay will begin in January for all desk-based staff, and if it is successful, a trial of the council's blue-collar workers—such as bin collection crews—will follow next year.

There are other major benefits for businesses that are worth noting, including a reduction in the number of sick days and the ability to retain staff and attract new talent, which is increasingly important in a tight labour market. When Atom Bank, the largest UK four-day-week employer, made the switch, it found that job applications increased by an astonishing 500% in just three months. The four-day, 32-hour working week is a multi-dividend policy which, ultimately, is about giving everyone the time in which to lead a happier and more fulfilled life.

Long working hours are an acute problem in this country. According to the TUC, British workers put in some of the longest full-time hours in Europe, while having one of the least productive economies in comparison and the fewest bank holidays. According to the Health and Safety Executive, 18 million working days were lost in 2019-20 as a result of work-related stress, depression or anxiety. Furthermore, the World Health Organisation has shown that long working hours are killing hundreds of thousands of people globally every year.

It is time for change. The arguments made against the four-day week today are exactly the same arguments that were made against the five-day week 100 years ago, and I am afraid that the evidence just does not back them up: all the evidence shows that a four-day week with no loss of pay would be good for the economy,

[Peter Dowd]

good for workers and, indeed, good for the environment. We should not forget the impact that such a move could have in bringing down carbon emissions. One study has suggested that simply working one day less could cause carbon emissions to fall by up to 127 million tonnes per year, which is the equivalent of taking all private cars off the road.

The pandemic has undoubtedly shaken up the world of work. We have already seen a huge rise in remote working, flexible working, part-time work, and yes, four-day working weeks. Change is coming, and the Government and my own party should grasp it. We could be leading the world in moving to a four-day week, and my Bill would enable us to do just that.

The same old arguments about the economy suffering that were made against the introduction of the weekend, holiday pay, maternity pay, the living wage and equal pay are being made again today against a four-day working week. Those arguments were wrong then and they are wrong now, and the growing number of businesses adopting a four-day week successfully in this country are proving them wrong. Long working hours and low wages are no way to live. My Bill includes a clause that will ensure that anyone working beyond a 32-hour working week is paid extra in overtime, in recognition of the falling wages and falling living standards that this country has experienced over the last decade or so.

The movement for a shorter working week is growing in strength and momentum. I am proud to support that movement, and I urge colleagues to support the Bill.

1.26 pm

**Sir Christopher Chope** (Christchurch) (Con): I thank the hon. Member for Bootle (Peter Dowd) for presenting a measure that should single-handedly unite all on these Benches in their belief that there is a real, continuing threat from the prospect of a Labour Government who will be intent on destroying our economy. The hon. Gentleman has articulated one way in which that would happen, and I am delighted to see that he has the right hon. Member for Hayes and Harlington (John McDonnell) here to support him this afternoon. The hon. Member for Bootle himself, of course, is a former shadow Chief Secretary to the Treasury.

In his speech, the hon. Gentleman suggested that there were virtues, or could be virtues, in a four-day working week. I do not think anyone disputes that, and there is already a freedom—which the hon. Gentleman recognised—for employers, or other individuals, to work four days a week to limit their working time to 32 hours. Unfortunately, however, that is not what his Bill says. It is described as a

“Bill to amend the Working Time Regulations 1998 to reduce the maximum working week from 48 hours...to 32 hours per week”

—in other words, to prevent people from being able to work for more than 32 hours a week—

“and to provide for overtime pay; and for connected purposes.”

Effectively, what the hon. Gentleman is saying is that everyone who is currently working more than 32 hours a week will be prevented from so doing in the future under the provisions of his Bill. If ever one could think of a hand grenade being thrown into the economy, preventing people from being able to work longer hours and forcing them to reduce their hours at a time when

we have very high levels of employment and very low levels of unemployment is probably a good example. When someone is forced to be able to work only four days a week, who is going to fill the gap? Who is going to work during the time in which that person is not working? We are told that there is a crisis in the health service relating to the number of people working in it. If the Bill were passed, the junior doctors to whom the working time regulations were applied in, I think, 2004 would not be allowed to work for more than 32 hours a week. How will that help the national health service? It will not help it at all; in fact, it will undermine its effectiveness.

However, the hon. Gentleman has done us a great service because he has reminded us that the working time directive upon which the 1998 regulations were based emanated from the European Union and that it was implemented in this country under duress because the EU interpreted the working time directive as being a health and safety measure for which there was no veto and it could therefore be proceeded with under qualified majority voting. The present Government are quite rightly committed to supply-side reforms and removing unnecessary regulations upon our workforce, and this is a timely reminder that they could, and in my view should, get to grips with the issue of the working time directive and the working time regulations.

My basis for saying this is that in the period between 1993 and 1997, when the working time directive and the implications flowing from it were being discussed in this country, I was a member of the Health and Safety Commission. The commission produced a series of papers in which it was made quite clear that the working time directive had nothing whatsoever to do with health and safety and that it was all to do with employment protection on the continent of Europe. It was a specious justification of the introduction of these regulations to label them as health and safety regulations merely so that they could be imposed on this country under the qualified majority voting that applied at the time.

So the working time directive has nothing whatsoever to do with health and safety. It is a legitimate issue in relation to employers and employees, and it is certainly an important issue in relation to productivity. The hon. Gentleman is absolutely right in saying that some of the organisations that have reduced the length of time that their workers work have benefited from more productivity from the workforce, but there is no evidence that making this compulsory would result in higher productivity. All it would do is result in much higher and unbearable costs for employers in the private sector and, significantly, in the public sector.

Once again I say that this is a timely intervention by the hon. Gentleman and his allies on the Labour Benches. I am sure that if his Bill were to be put to a vote today, he would receive overwhelming support from his parliamentary colleagues, but it would not receive any support at all from our side. I am not going to divide the House on this because I am a believer that everybody should have the right to bring in whatever Bill they want to, and I have exercised that right on many occasions. However, it is important to put on record that, were such a Bill to be drafted and brought forward for debate by the hon. Gentleman, it would be hotly opposed by everybody on this side, although we would enjoy the spectacle of seeing many on his own side having to eat

their words. They talk the talk on high growth but obviously a compulsory measure such as this applying to all employers up and down the country would be damaging to growth. It would undermine the right of people to be able to work hard to look after their families and to spend their money as they wish. It would be an impoverishing exercise for so much of our economy and so many of the people engaged in it.

It is also important in a debate such as this that we remind colleagues on our own Front Bench that there is a lot more to be done to deregulate the labour market. The working time directive is now completely surplus to our requirements, and I would like to see a Bill brought forward to repeal the working time regulations and all that flows from them. They have been developed insidiously over the years since 1998. Originally it was said that the directive should deal only with matters such as drivers' hours, for example, and with the mobile people employed in the transport industry. It was then extended to cover almost everybody with a sedentary occupation in any of those industries and in the early 2000s it was extended to cover doctors as well. The working time directive is in itself responsible for an enormous lack of productivity and potential among our workforce in this country, and I am grateful to the hon. Gentleman for giving me the opportunity to try to goad our Government into action on this point. In the meantime I put on record my strong opposition to everything contained in the Bill.

*Question put (Standing Order No. 23) and agreed to.*

*Ordered,*

That Peter Dowd, Kim Johnson, Yasmin Qureshi, Ms Marie Rimmer, Judith Cummins, Mike Amesbury, Tony Lloyd, Ian Byrne, Dan Carden, Sir George Howarth and Mick Whitley present the Bill.

Peter Dowd accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 9 December, and to be printed (Bill 164).*

## Public Order Bill (Programme) (No.2)

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

That the Order of 23 May 2022 (Public Order Bill (Programme)) be varied as follows:

- (1) Paragraphs (4) and (5) of the Order shall be omitted.
- (2) Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the Motion for this Order.
- (3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on the Motion for this Order.—(*Damien Moore.*)

## Public Order Bill

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

### New Clause 7

#### POWER OF SECRETARY OF STATE TO BRING PROCEEDINGS

“(1) Subsection (4) applies where—

- (a) the Secretary of State reasonably believes that one or more persons are carrying out, or are likely to carry out, activities related to a protest, and
- (b) the condition in subsection (2) or (3) is met.

(2) The condition in this subsection is that the Secretary of State reasonably believes that the activities are causing, or are likely to cause, serious disruption to—

- (a) the use or operation of any key national infrastructure in England and Wales, or
- (b) access to any essential goods, or to any essential service, in England and Wales.

(3) The condition in this subsection is that the Secretary of State reasonably believes that the activities are having, or are likely to have, a serious adverse effect on public safety in England and Wales.

(4) Where this subsection applies and the Secretary of State considers that it is expedient in the public interest to do so, the Secretary of State may bring civil proceedings relating to the activities in the name of the Secretary of State.

(5) Before bringing proceedings under subsection (4) in relation to any activities the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate, having regard to any persons who may also bring civil proceedings in relation to those activities.

(6) The bringing of proceedings by the Secretary of State under subsection (4) in relation to any activities does not affect the ability of any other person to bring civil proceedings in relation to those activities.

(7) The reference in subsection (1)(a) to “activities” does not include a reference to activities carried out or likely to be carried out wholly or mainly in contemplation or furtherance of a trade dispute.

(8) In this section—

“key national infrastructure” has the same meaning as in section 7 (key national infrastructure);

“trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992, except that section 218 of that Act is to be read as if—

- (a) it made provision corresponding to section 244(4) of that Act, and
- (b) in subsection (5), the definition of worker included any person falling within paragraph (b) of the definition of worker in section 244(5) of that Act.”

*Brought up, and read the First time.*

1.37 pm

**The Minister for Crime, Policing and Fire (Jeremy Quin):** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker (Dame Eleanor Laing):** With this it will be convenient to discuss the following:

Government new clause 8—*Injunctions in Secretary of State proceedings: power of arrest and remand.*

New clause 1—*Guidance on locking on—*



“The Secretary of State must by regulations issue guidance to police forces about the protest technique of locking on, which includes—

- (a) examples of best practice, and
- (b) detailed guidance on addressing new and developing forms of locking on.”

**New clause 2—*Consolidated protest guidance*—**

“(1) Within three months of Royal Assent to this Act, the Secretary of State must by regulations issue guidance which consolidates into a single source—

- (a) the College of Policing’s authorised professional practice for public order guidance,
- (b) the National Police Chiefs’ Council’s operational advice for protest policing, and
- (c) the National Police Chiefs’ Council’s protest aide memoire.

(2) The Secretary of State must regularly review the guidance and, if appropriate, must by regulations issue revised consolidated guidance.

(3) The consolidated guidance must include specific updated guidance about the protest technique of locking on.”

**New clause 3—*National monitoring tool*—**

“(1) The Secretary of State must develop a consistent national monitoring tool, accessible by all police forces, to monitor the use of or requests for specialist protest officers across England and Wales.

(2) Data collected under this section may be used to evaluate capacity and demand for specialist protest officers across England and Wales.

(3) The monitoring tool must be accessible on a national, regional and local basis.

(4) The monitoring tool must include—

- (a) examples of best practice from policing protests across the United Kingdom, and
- (b) data on how many trained officers have been required for any protests during the period in which monitoring took place.”

**New clause 4—*Injunction to prevent serious disruption to effective movement of essential goods or services*—**

“(1) Upon an application by a person under subsection (4), an injunction may be ordered by a Judge of the High Court against ‘persons unknown’ in order to prevent a serious disruption to the effective movement of any essential goods or any essential services occasioned by a public procession or public assembly.

(2) The “persons unknown” may be—

- (a) anonymous persons taking part in a public process or public assembly who are identifiable at the time of the proceedings; and/or
- (b) persons not presently taking part in a public procession or public assembly protest but who will in future join such a public procession or public assembly.

(3) The conditions under which such an injunction may be granted are as follows—

- (a) there must be a real and imminent risk of a tort being committed which would result in a serious disruption to the effective movement of any essential goods or any essential services;
- (b) a method of service must be set out in the order which may reasonably be expected to bring the proceedings to the attention of the “persons unknown”;
- (c) the “persons unknown” must be defined in the order by reference to their conduct which is alleged to be unlawful;
- (d) the acts prohibited by the order must correspond with the threatened tort;
- (e) the order may only prohibit lawful conduct if there is no other proportionate means of protecting the effective movement of essential goods or essential services;

- (f) the terms of the order must set out what act(s) the persons potentially affected by the order must not do;
- (g) the terms of the order must set out a defined geographical area to which the order relates; and
- (h) the terms of the order must set out a temporal period to which the order relates, following which the order will lapse unless a further order is made upon a further application by the applicant.

(4) An applicant for an injunction to prevent serious disruption to effective movement of essential goods or services may be—

- (a) a local authority with responsibility for all or part of the geographical area to which the proposed order relates;
- (b) a chief constable with responsibility for all or part of the geographical area to which the proposed order relates; or
- (c) a person resident in, or carrying on a business within, the geographical area to which the proposed order relates.

(5) A “serious disruption to effective movement of essential goods or services” includes a prolonged disruption to—

- (a) the effective movement of the supply of money, food, water, energy or fuel;
- (b) a system of communication;
- (c) access to a place of worship;
- (d) access to a transport facility;
- (e) access to an educational institution; and
- (f) access to a service relating to health.”

**New clause 5—*Definition of “serious disruption”*—**

“(1) For the purposes of this Act, ‘serious disruption’ means—

- (a) significant delay to the delivery of a time-sensitive product to consumers of that product, or
- (b) prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
  - (i) the supply of money, food, water, energy or fuel,
  - (ii) a system of communication,
  - (iii) a place of worship,
  - (iv) a place of worship,
  - (v) an educational institution, or
  - (vi) a service relating to health.

(2) In subsection (1)(a) a ‘time-sensitive product’ means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.”

**New clause 6—*Offences impeding emergency workers*—**

“(1) This section applies where—

- (a) the court is considering for the purposes of sentencing the seriousness of an offence under sections 1 (Offence of locking on) or 3 (Obstruction etc of major transport works) of this Act, and
- (b) the commission of the offence had the effect of impeding an emergency worker in exercising their functions, subject to the exception in subsection (2).

(2) The exception is that the emergency worker was exercising their functions in connection with the offence for which the person is being sentenced or in connection with any action which the court considers to be related to that offence.

(3) The court—

- (a) must treat the fact mentioned in subsection (1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
- (b) must state in open court that the offence is so aggravated.

(4) In this section, ‘emergency worker’ means—

- (a) a constable;



- (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
- (c) a National Crime Agency officer;
- (d) a prison officer;
- (e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;
- (f) a prisoner custody officer, so far as relating to the exercise of escort functions;
- (g) a custody officer, so far as relating to the exercise of escort functions;
- (h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
- (i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);
- (j) a person employed for the purposes of providing, or engaged to provide—
  - (i) NHS health services, or
  - (ii) services in the support of the provision of NHS health services, and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.

(5) It is immaterial for the purposes of subsection (4) whether the employment or engagement is paid or unpaid.

(6) In this section—

‘custodial institution’ means any of the following—

- (a) a prison;
- (b) a young offender institution, secure training centre, secure college or remand centre;
- (c) services custody premises, as defined by section 300(7) of the Armed Forces Act 2006; “custody officer” has the meaning given by section 12(3) of the Criminal Justice and Public Order Act 1994;

‘escort functions’—

- (a) in the case of a prisoner custody officer, means the functions specified in section 80(1) of the Criminal Justice Act 1991;
- (b) in the case of a custody officer, means the functions specified in paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994;

‘NHS health services’ means any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 and under section 1(1) of the National Health Service (Wales) Act 2006;

‘prisoner custody officer’ has the meaning given by section 89(1) of the Criminal Justice Act 1991.”

**New clause 9—*Publication of data about use of stop and search powers***—

“(1) The Secretary of State must publish data about the use of the stop and search powers under sections 9 and 10 within three years of—

- (a) if sections 9 and 10 come into force on the same date, the date on which they come into force, or
- (b) if sections 9 and 10 come into force on different dates, the later of those two dates.

(2) The data published under this section must include—

- (a) the total number of uses of stop and search powers by each police force in England and Wales, including whether the powers were used on suspicion or without suspicion,
- (b) disaggregated data by age, disability, ethnicity/race, sex/gender and sexual orientation of the people who have been stopped and searched, and

- (c) data relating to the outcomes of the use of stop and search powers.”

**New clause 10—*Review of the use of stop and search powers***—

“(1) The Secretary of State must appoint an independent reviewer to assess and report annually on the use of the stop and search powers under sections 9 and 10.

(2) In carrying out their review, the person appointed under subsection (1) must—

- (a) consider the impact of the use of stop and search powers on groups with protected characteristics under the Equality Act 2010, and
- (b) consult such civil society organisations as appear to the person appointed under subsection (1) to be relevant.

(3) The person appointed under subsection (1) must ensure that a report on the outcome of the review is sent to the Secretary of State as soon as reasonably practicable after the completion of the review.

(4) On receiving a report under this section, the Secretary of State must lay before Parliament—

- (a) a copy of the report, and
- (b) the Government’s response to the findings.

(5) The first report under this section must be completed no later than one year after the date provided for under section [publication of data about use of stop and search powers](1).”

**New clause 11—*Offence of interference with access to or provision of abortion services***—

“(1) A person who is within a buffer zone and who interferes with any person’s decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence.

(2) A “buffer zone” means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is—

- (a) on or adjacent to a public highway or public right of way,
- (b) in an open space to which the public has access,
- (c) within the curtilage of an abortion clinic, or
- (d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.

(3) For the purposes of subsection (1), ‘interferes with’ means—

- (a) seeks to influence,
- (b) persistently, continuously or repeatedly occupies,
- (c) impedes or threatens,
- (d) intimidates or harasses,
- (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion,
- (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means, or
- (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent.

(4) A person guilty of an offence under subsection (1) is liable—

- (a) in the first instance—
  - (i) on summary conviction, to imprisonment for a term not exceeding 6 months,
  - (ii) to a fine not exceeding level 5 on the standard scale, or
  - (iii) to both; and
- (b) on further instances—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or

- (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.

(5) Nothing in this section applies to—

- (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
- (b) anything done in the course of providing medical care within a GP practice, hospital or other healthcare facility,
- (c) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental and the camera or footage is not used for any of the purposes listed in subsection (3), and
- (d) a police officer acting properly in the course of their duties.”

**New clause 12—Justice impact assessments for Wales—**

“(1) Within six months of the passage of this Act, the Secretary of State must issue a justice impact assessment for any provision of this Act, or any regulations which have been made under this Act, which impact on matters which are devolved to Senedd Cymru.

(2) Within one month of the date on which they are made, the Secretary of State must issue a justice impact assessment for any regulations made under this Act which are not included in the assessment required under subsection (1) which impact on matters which are devolved to Senedd Cymru.

(3) The Secretary of State and the Welsh Ministers must jointly prepare and publish guidance on the implementation of the provisions on which justice impact assessments have been issued under subsections (1) and (2).”

**New clause 13—Intentional harassment, alarm or distress on account of sex—**

“(1) A person (P) commits an offence under this section if—

- (a) P commits an offence under section 4A of the Public Order Act 1986 (intentional harassment, alarm or distress), and
- (b) P carried out the conduct referred to in section 4A(1) of that Act because of the relevant person’s sex. In this subsection ‘the relevant person’ means the person to whom P intended to cause, harassment, alarm or distress.

(2) For the purposes of subsection (1)(b) it does not matter whether or not P carried out the conduct referred to in section 4A(1) of the Public Order Act 1986 for the purposes of sexual gratification.

(3) For the purposes of subsection (1)(b) it does not matter whether or not P also carried out the conduct referred to in section 4A(1) of the Public Order Act 1986 because of any other factor not mentioned in subsection (1)(b).

(4) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, to a fine or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine, or to both.

(5) If, on the trial on indictment of a person charged with an offence under subsection (1), the jury find the person not guilty of the offence charged, they may find the person guilty of the basic offence mentioned in that provision.

(6) References in this section to P carrying out conduct because of another person’s (B’s) sex include references to P doing so because of B’s presumed sex.”

**New clause 14—Harassment, alarm or distress on account of sex—**

“(1) A person (P) commits an offence under this section if—

- (a) P commits an offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress), and

- (b) P carried out the conduct referred to in section 5(1) of that Act because of the relevant person’s sex.

In this subsection ‘the relevant person’ means the person to whom P intended to cause, or caused, harassment, alarm or distress.

(2) For the purposes of subsection (1) it does not matter whether or not P carried out the conduct referred to in section 5(1) of the Public Order Act 1986 for the purposes of sexual gratification.

(3) For the purposes of subsection (1) it does not matter whether or not P also carried out the conduct referred to in section 5(1) of the Public Order Act 1986 because of any other factor not mentioned in subsection (1).

(4) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction to a fine not exceeding level 5 on the standard scale;

(b) on conviction on indictment to imprisonment to a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

(5) If, on the trial on indictment of a person charged with an offence under subsection (1), the jury find the person not guilty of the offence charged, they may find the person guilty of the basic offence mentioned in that provision.

(6) References in this section to P carrying out conduct because of another person’s (B’s) sex include references to P doing so because of B’s presumed sex.

(7) It is not a defence under this section for P to claim that they could not reasonably have foreseen that their behaviour may constitute an offence.”

**New clause 15—Public inquiry into the impact of policing of public order on Black, Asian and minority ethnic people—**

“Within six months of the date of Royal Assent to this Act, the Secretary of State must set up an inquiry under the Inquiries Act 2005 into the impact of the policing of public order on Black, Asian and minority ethnic people.”

**New clause 16—Equality Impact Analyses of provisions of this Act—**

“(1) The Secretary of State must review the equality impact of the provisions of this Act.

(2) A report of the review under this section must be laid before Parliament within 12 months of the date of Royal Assent to this Act.

(3) A review under this section must consider the impact of the provisions of this Act on—

- (a) households at different levels of income,
- (b) people with protected characteristics (within the meaning of the Equality Act 2010),
- (c) the Government’s compliance with the public sector equality duty under section 149 of the Equality Act 2010, and
- (d) equality in the different nations of the United Kingdom and different regions of England.

(4) A review under this section must include a separate analysis of each section of the Act, and must also consider the cumulative impact of the Act as a whole.”

**New clause 17—Public inquiry into the policing of protests—**

“Within six months of the date of Royal Assent to this Act, the Secretary of State must set up an inquiry under the Inquiries Act 2005 into the policing of public order and protests, including investigation of the use of—

- (a) force,
- (b) kettling,
- (c) police horses,
- (d) policing powers contained in the Police, Crime, Sentencing and Courts Act 2022, and policing powers contained in this Act.”

Amendment 3, page 1, line 4, leave out clause 1.

Amendment 28, clause 1, page 1, line 6, after “they” insert

“, without reasonable excuse, and using a device or substance that impedes detachment”.

*This amendment, together with Amendment 30, would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” away from the Defendant and make it an element of the offence. It would also narrow the meaning of “attach” to focus on the use of devices or substances that make removing the protester difficult.*

Amendment 29, clause 1, page 1, line 10, leave out paragraph (1)(b) and insert

“that act causes, or is likely to cause, serious disruption to the life of the community, and”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by replacing the current threshold of serious disruption with a higher threshold based on serious disruption to the life of the community (defined in Amendment 32).*

Amendment 30, clause 1, page 1, line 16, leave out subsection (2).

Amendment 31, clause 1, page 1, line 20, leave out “the maximum term for summary offences” and insert “three months”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by reducing the maximum penalty for the offence of locking on.*

Amendment 32, clause 1, page 2, line 1, leave out subsections (4) and (5) and insert—

“(4) For the purposes of subsection (1)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest in a democracy by virtue of Article 10 and Article 11 of the European Convention on Human Rights.

(5) For the purposes of subsection 1(b), “serious disruption to the life of the community” means a prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—

- (i) the supply of money, food, water, energy or fuel,
- (ii) a system of communication,
- (iii) a place of worship,
- (iv) a transport facility,
- (v) an educational institution, or
- (vi) a service relating to health.”

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by inserting an express requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions when locking on. It also provides detail on the meaning of serious disruption to the life of the community.*

Amendment 4, page 2, line 11, leave out clause 2.

Amendment 33, clause 2, page 2, line 13, leave out “may be used in the course of or in connection with” and insert “will be used in”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of this offence.*

Amendment 5, page 2, line 20, leave out clause 3.

Amendment 6, page 3, line 23, leave out clause 4.

Amendment 7, page 4, line 19, leave out clause 5.

Amendment 8, page 4, line 35, leave out clause 6.

Amendment 34, clause 6, page 4, line 36, leave out subsection (1) and insert—

“(1) A person commits an offence if—

- (a) the person obstructs the undertaker or a person acting under the authority of the undertaker—
  - (i) in setting out the lines of any major transport works,
  - (ii) in constructing or maintaining any major transport works, or
  - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating the construction or maintenance of any major transport works, or
- (b) the person interferes with, moves or removes any apparatus which—
  - (i) relates to the construction or maintenance of any major transport works, and
  - (ii) belongs to a person within subsection (5), and
- (c) that act causes, or is likely to cause, significant disruption to setting out the lines of, the construction of or the maintenance of the major transport works affected, and
- (d) the person intends their act—
  - (i) to obstruct the undertaker or person acting under the authority of the undertaker as mentioned in paragraph (a) or to interfere with or remove the apparatus as mentioned in paragraph (b), and
  - (ii) to have a consequence mentioned in paragraph (c) or are reckless as to whether it will have such a consequence.”

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of this offence to ensure it criminalises only conduct that would cause or be likely to cause serious disruption to major transport works. It would also introduce a requirement of intention or recklessness.*

Amendment 35, page 5, line 9, leave out

“It is a defence for a person charged with an offence under subsection (1) to prove that”

and insert

“A person does not commit an offence under subsection (1) if”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” or that the act was part of a trade dispute away from the Defendant and making it an element of the offence.*

Amendment 36, page 5, line 14, at end insert—

“(2A) For the purposes of subsection (2)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by inserting an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.*

Amendment 9, page 6, line 42, leave out clause 7.

Amendment 37, clause 7, page 7, line 5, leave out

“It is a defence for a person charged with an offence under subsection (1) to prove that”

and insert

“A person does not commit an offence under subsection (1) if”.



*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by taking the burden of proving “reasonable excuse” or that the act was part of a trade dispute away from the Defendant and making it an element of the offence.*

Amendment 38, page 7, line 10, at end insert—

“(2A) For the purposes of subsection (2)(a), in determining whether a person has a reasonable excuse, particular regard must be had to the importance of the right of peaceful protest by virtue of Article 10 and Article 11 of the European Convention on Human Rights.”

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights by inserting an explicit requirement to have particular regard to the right to peaceful protest when considering whether an individual has a “reasonable excuse” for their actions.*

Amendment 39, page 7, line 18, leave out “to any extent” and insert “to a significant extent”. *This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the scope of the offence to prevent it sweeping up minor interference.*

Amendment 40, page 7, line 22, after “means” insert “an essential element of”. *This amendment would give effect to a recommendation of the Joint Committee on Human Rights by narrowing the meaning of “key national infrastructure” to exclude inessential elements of infrastructure.*

Amendment 51, page 7, line 31, at end insert—

“(j) farms and food production infrastructure.”

Amendment 10, page 8, line 17, leave out clause 8.

Amendment 41, clause 8, page 8, line 24, leave out “or B”.

Amendment 42, page 8, line 27, after “Act)” insert

“, but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by railway”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of “rail infrastructure” so as to ensure the offence does not extend to interference with inessential elements.*

Amendment 43, page 8, line 39, after “Act)” insert—

“(c) but excludes infrastructure that is not essential for the purposes of transporting goods or passengers by air”.

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of “air transport infrastructure” so as to ensure the offence does not extend to interference with inessential elements.*

Amendment 44, page 8, line 41, leave out “or in connection with”.

*This amendment, together with Amendments 45 to 48, would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence, and reduce uncertainty, by narrowing what amounts to key national infrastructure.*

Amendment 45, page 9, line 5, leave out “or in connection with”. *See the explanatory statement for Amendment 44.*

Amendment 46, page 9, line 20, leave out “or in connection with”.

*See the explanatory statement for Amendment 44.*

Amendment 47, page 9, line 35, leave out “or in connection with”.

*See the explanatory statement for Amendment 44.*

Amendment 48, page 10, line 1, , leave out “or in connection with”.

*See the explanatory statement for Amendment 44.*

Amendment 49, page 10, line 18, leave out

“‘newspaper’ includes a periodical or magazine.”

*This amendment would give effect to a recommendation of the Joint Committee on Human Rights to narrow the scope of the offence by narrowing the meaning of “newspaper” so as to prevent it extending to any periodical or magazine.*

Amendment 52, page 10, line 18, at end insert—

“(16) “Farms and food production infrastructure” means—

(a) any infrastructure, used for the commercial growing of crops and horticultural produce or rearing of livestock for human consumption or as an ingredient in items for human consumption; or

(b) any premises on which items for human consumption are processed, produced, or manufactured for commercial purposes; or

(c) any abattoir.”

Amendment 11, page 10, line 20, leave out clause 9.

Amendment 12, page 11, line 1, leave out clause 10.

Amendment 13, page 12, line 29, leave out clause 11.

Amendment 14, page 13, line 9, leave out clause 12.

Amendment 15, page 13, line 33, leave out clause 13.

Amendment 16, page 14, line 6, leave out clause 14.

Amendment 17, page 14, line 15, leave out clause 15.

Amendment 1, page 18, line 7, leave out clause 16.

Amendment 2, page 20, line 15, leave out clause 17.

Amendment 20, page 22, line 11, leave out clause 18.

Amendment 21, page 23, line 12, leave out clause 19.

Amendment 22, page 24, line 12, leave out clause 20.

Amendment 23, page 25, line 20, leave out clause 21.

Amendment 24, page 26, line 9, leave out clause 22.

Amendment 25, page 27, line 1, leave out clause 23.

Amendment 26, page 27, line 8, leave out clause 24.

Amendment 27, page 27, line 26, leave out clause 25.

Amendment 53, page 29, line 33, leave out clause 26.

Amendment 54, page 30, line 28, leave out clause 27.

Amendment 55, page 31, line 8, leave out clause 28.

Amendment 56, page 31, line 23, leave out clause 29.

Amendment 57, page 31, line 30, leave out clause 30.

Amendment 58, page 32, line 10, leave out clause 31.

Government new schedule 1—*Injunctions in Secretary of State proceedings: powers to remand.*

Government amendment 50.

**Jeremy Quin:** I thank hon. Members who have joined us for this important debate today and I look forward to the lively discussion that we are bound to have over the course of the afternoon. Although there will inevitably be differences of opinion, which I will come on to, I hope we can all agree on the fundamental point that should be underpinning this discussion—namely, that it is completely unacceptable for a selfish minority to wreak havoc on the lives of people going about their daily business. I would like to open the debate by

speaking to the amendments in the Government's name, and I will respond to other amendments in my closing remarks.

I will also touch on new clause 11, which covers abortion clinic buffer zones. We totally endorse the sentiment behind the new clause, but I look forward to setting out in my summing up why measures in existing legislation combined with the growing use of public space protection orders—PSPOs—can be used and are effective.

**Stella Creasy** (Walthamstow) (Lab/Co-op) *rose*—

**Jeremy Quin:** I think the hon. Lady will want to hear me out.

We recognise that this is a matter closely associated with issue of abortion, on which people have very strong views across the House. Therefore, as far as we are concerned, there will be a free vote on new clause 11. Members will hear the debate, and I will set out why the current legislation is proportionate and how PSPOs are increasingly being used and are increasingly effective, but this is a matter on which hon. Members will make their own judgment.

Before going further into the debate, it might be helpful if I briefly recap what the Bill does and does not do. This Bill does not criminalise the right to protest, as some hon. Members have said. The right to protest is a fundamental principle of our democracy, and that will never change. Any suggestion that we are intent on interfering with or watering down the right to protest peacefully is simply wrong.

What the Bill does is target acts that cause serious disruption, such as those that wreak havoc on our roads, disrupt thousands of journeys, cost the taxpayer millions and put lives in danger. It does this by giving the police the enhanced powers they need to respond to such disruption and better balance the rights of protesters with the right of the public to go about their daily lives.

I will now speak to Government new clauses 7 and 8, Government new schedule 1 and Government amendment 50. Some of the protest tactics we have seen in recent months have had significant consequences for the public. Protests such as those by Insulate Britain and Just Stop Oil have targeted fuel supply chains and created blockades. Indeed, hon. Members will be familiar with recent images of ambulances, fire services and cars carrying babies to hospital being blocked by the selfish actions of protesters in the name of Just Stop Oil. These tactics are not only seriously disruptive but dangerous.

We have heard the Opposition's calls to ensure that injunctions are in place to prevent serious disruption, including through new clause 4 tabled by the hon. Member for Croydon Central (Sarah Jones). It is a pleasure to see her in her place, and I look forward to working with her across this Dispatch Box.

We have seen how effective injunctions can be, and we believe we can build on the current position in which only private persons and local authorities can pursue this legal remedy through the courts. That is why the Government tabled new clauses 7 and 8, new schedule 1 and amendment 50 to provide the Secretary of State with a specific mechanism to apply for an injunction where it is in the public interest to do so because the activity causes serious disruption to key national infrastructure, prevents access to essential goods or services, or has a serious adverse impact on the public.

This will be accompanied by a power of arrest to support swifter enforcement action. This does not affect the right of local authorities or private landowners to apply for an injunction, but it gives the Secretary of State an additional way to act in the public interest where the potential impact is serious and widespread.

These measures will support better co-ordination between the Government, law enforcement, local authorities and private landowners in responding to serious disruptive behaviour. We know injunctions can play a major role in helping to constrain some of the tactics deployed and, as a result, can limit serious disruption. Although I understand the sentiment behind new clause 4, tabled by the hon. Member for Croydon Central, I do not think it achieves the change she seeks, as the law already enables private persons and local authorities to pursue an injunction where they can evidence harm to their rights or interests in civil law. The police already have a range of powers and avenues to manage protest and to act on criminal or antisocial behaviour.

I therefore encourage the hon. Lady not to press her new clause and to support Government new clauses 7 and 8, new schedule 1 and amendment 50.

**Stella Creasy:** I rise to support all the amendments in the name of the Labour Front Bench, and to speak to new clauses 11, 13 and 14.

I put on record my gratitude to the Minister for respecting the convention that issues around abortion are matters of conscience, and new clause 11 is about abortion because, let us be honest, nobody is praying outside the places where people go to have a hip operation. Nobody offers rosary beads or dead foetuses outside the places people go when they have an ankle injury. This is about women accessing a very specific form of healthcare.

This goes to the heart of the Bill. Whatever the Bill's merits, it is about protest. At the point at which women are accessing an abortion, they have made a decision and they are not opening themselves up for a debate or further discussion. These women are often in a very vulnerable state, and they want to be able to access basic healthcare.

New clause 11 would not stop free speech on abortion, and it would not stop people protesting. I have regularly been subjected to protests, and new clause 11 would do nothing to stop the protests I have experienced from many of the people involved in this subject. New clause 11 simply says that people should not have a right to protest in another person's face, and very often these protesters are right up in front of people, at a point when they have made a decision.

1.45 pm

For all of us who defend free speech, the simple point is that speech is not free if 50% of the conversation feels harassed, if women feel they have made a decision and they wish to move on. New clause 11 is a tightly drawn amendment, and I pay tribute to the hard work of the hon. Member for Ealing Central and Acton (Dr Huq) and Members on both sides of the House to make sure we have the right legislation. New clause 11 sets out a clear parameter so that both free speech and the rights of everybody in that conversation can be upheld. It is not about picking one side or the other. There are many other things that the Bill is trying to do, and it would

seem egregious to many of us if women were singled out by not having that balance upheld. New clause 11 upholds that balance. People do not have to support abortion to believe that, frankly, there is a time and a place to have that conversation, and it is not when dealing with vulnerable women.

Let me address some of the arguments people make for why this measure is not necessary. The Minister spoke about PSPOs. I am sorry that this is the first time we have had this debate, because I would love to talk to him about my experience of PSPOs. Some suggest this is a minor issue, but it is not. We know from the research that, every year, 100,000 women who try to access abortion services for various reasons, including women who have had miscarriages and therefore need an abortion, are targeted by these protesters. That is half of all women attending these clinics. This is not a minor issue, nor is it a localised one.

The protests we are talking about range from women being given plastic foetuses to women being offered to have people pray over them or for them, being filmed, being shouted at, being called “mum” or “murderer,” and being told to rethink their lifestyle. The point of these protests, as the protesters admit, is not benign. The protesters are not marking the fact that a woman has made a decision; they are trying to change that decision, at a point when a woman has already made that choice.

I pay tribute to Sister Supporter, which has worked with people on the ground to try to protect those women who have made this choice and who now wish to access the service in peace and privacy, without somebody trying to tell them they have to rethink that often very painful, personal decision. Sister Supporter has tried to make the PSPO process work, and we have so few PSPOs in this country because it is an expensive, complicated, long-winded process.

My former colleague in Colchester would say, “PSPOs require proof that women are being harassed before we act. We have to find evidence that people are being harassed. We already have to admit that this intimidation and harassment is taking place.” There is no other part of the law or healthcare where a person has to admit that they are being harassed before there is an intervention.

We recognise that access to healthcare is important. Local authorities have to spend thousands of pounds to get these PSPOs, often repeatedly defending them in the courts. As we see from the numbers, this is a national issue and, therefore, it requires a national solution. Frankly, it requires our local authorities and our local police to support them, and not to say it is acceptable for only Ealing, Bournemouth, Manchester and Twickenham to have gone through this process.

**Huw Merriman** (Bexhill and Battle) (Con): I pay tribute to the hon. Lady for what she has done to bring us to this position. I am grateful that the Minister has confirmed that this will be a free vote, as it should be.

I support the Public Order Bill because it is about stopping people interfering with the right of others to go about their business. Does the hon. Lady agree that this is at the heart of new clause 11, which is about protecting women who want to go about their lawful business from being harassed? They are emotionally vulnerable, and the decision is hard enough as it is, let

alone with what they have to go through outside the clinic. Does she agree that it is a Conservative principle of the Bill to ensure women have the right to go about their lawful business?

**Stella Creasy:** I would not deign to comment on or set out Conservative principles, although I have the free speech to do so, but I share the hon. Gentleman’s recognition that this is about balancing rights. This is an omission from the Bill because it is such a specific issue. Let me be clear: PSPOs are not working and new clause 11 is very tightly drawn about abortion clinics themselves. At 28 weeks pregnant. I was subject to sustained campaigns in my town centre. People put up pictures of my head next to dead babies. They told my constituents to stop me and they incited anger and intimidation. This would not be covered by the new clause. That is the free speech debate that we might want to have another day. Perhaps if those protesters had thrown a can of tomato soup at me, the police might not have seen it as a “both sides now” conversation. This is something different. These women have not put themselves up for debate and I understand that. As a public figure, I have put myself up for debate. Obviously, I had not put my unborn child up for debate, which is what those protesters felt that they could do.

This is about when a woman wants to access an abortion. The new clause specifies abortion clinics. It is no more broad than that, because this is a very specific problem. The challenge in this place is that we can dance on the head of a pin having theoretical debates, but it is our constituents who see the reality. They see the people shouting at these women. They see the women who are frightened, scared and vulnerable, who just want to make a decision in peace—who just want to go about their business.

That is why this amendment has such support from across the House, from among the royal colleges, and from among those who work with women and campaigners, particularly organisations such as the British Medical Association and the Fawcett Society. It is also why there have been so many emails pouring into our inbox. A person does not have to be a supporter of abortion to think that, at that point, we probably need to protect that person. A person does need to be a supporter of abortion to think that, if something is stopping women or is designed to deter them at a point when they have made a decision to have an abortion, we need to step in and not leave it to local authorities to find the money to cover the court costs, or even for that to be part of the decision they are making.

I understand that the Minister will talk against this measure. He needs to explain why, when 50 clinics have been targeted, only five have managed to get PSPOs. The current legislation is not satisfactory in dealing with that balance. It leaves it to chance and creates a postcode lottery of the protection that people recognise is required—whether or not they support abortion and whether or not they think about free speech.

I ask the Minister to listen to women. Women in their droves are asking for this protection for their sisters who are making this decision. They should not be shouted at when they are accessing it. Let them make that decision in privacy. If we consider abortion to be a human right, do not ask them to run a gauntlet to get one, which is what is happening now. I hope that



colleagues across the House will recognise the thought, care and attention that has gone into this new clause, the widespread support across the House for acting and for not leaving it to local authorities to have to deal with these issues, and the fact that the abortion debate must continue, but that there is a time and a place for it.

Let me turn now to new clauses 13 and 14, which, again, I hope will have cross-party support. They reflect a concern that we need to tackle the experience of women on our streets, and, in particular, the fact that 24,000 women a day experience street harassment in this country. For too long that has become normalised. For too long, we have taught young girls ways to minimise their exposure rather than challenging those people who do it. For too long, we have asked the questions, “Did you have your headphones on?” “Were you wearing a short skirt?” What did you say when that person said that?” We do that rather than recognising this as a form of harassment.

I welcomed the words of the Prime Minister when she said that violence against women and girls does not have to be inevitable. She said:

“Women should be able to walk the streets without fear of harm, and perpetrators must expect to be punished.”

She also said:

“It is the responsibility of all political leaders, including us in Westminster and the Mayor of London, to do more.”

I know that the Mayor of London wants to do more because I have been working with him for many years on the campaign to learn from our police forces who treat misogyny as a form of hate crime and use that to identify the perpetrators of these crimes. I know, too, that there is support across the House for doing that. There is no other crime that happens on such a scale on a daily basis where we have not made progress. I welcome the fact that there is agreement in this place that we need to tackle street harassment. As ever, when it comes to upholding a woman’s rights and freedoms and basic ability to go about her daily business, the challenge today is that it goes on the backburner when something else turns up. It is something that we will get round to eventually. It is something that is terribly complicated, when shouting at statues is not.

I ask the Minister today to commit to joining all of us in saying, “Enough is enough, and we will legislate and legislate promptly.” We should not be at a point in 2022 going into 2023 where thousands of women are still experiencing street harassment. Over their lifetime, seven in 10 women will experience sexual harassment in public. It is clear that those who engage in these behaviours often escalate to further and more serious crimes. Recognising sexual harassment and tackling it, which is what the police forces who are treating misogyny as a form of hate crime have been able to do, offers us valuable lessons about how we can move forward.

I recognise what the Law Commission said, and I recognise that the debate has moved on, but having a standalone offence, which identifies where women are being targeted for street harassment, would help us to gather the data and send that very powerful message that no woman should have to look behind her or carry her keys in her hand just because she wants to go out and buy a pint of milk. That is a daily experience.

**Fay Jones** (Brecon and Radnorshire) (Con): My concern about street harassment is that it could be too broad. I am particularly concerned about the rising prevalence

of cyber flashing, and I very much urge the Government to pursue their intention to make that a criminal offence through the Online Safety Bill. Does the hon. Lady agree that we are at risk of going too broad and too shallow and not focusing on individual crimes such as cyber flashing?

**Stella Creasy:** I agree that cyber flashing is an issue that needs to be addressed, but I caution the hon. Lady to understand the importance of recognising where harassment is targeted at women; it does not have to be sexual to be harassment. There is a risk here that we deny the experience of women from minority communities of the multiple ways in which they are harassed. A couple of years ago, a gentleman was going around my community targeting Muslim women, pulling off their hijabs. That was both Islamophobic and misogynistic—he was not targeting Muslim men. Yet, under our current hate crime framework, we ask the victims to pick a particular box to tick to identify a crime. The evidence from the areas of the country where they are using this approach shows that where we have that understanding of how misogyny motivates crime, we see the victim as a whole and victims themselves have much more confidence to come forward. I recognise the hon. Lady’s concern about being specific in law, but there is a really important issue for all of us not to focus purely on sexual behaviour, but to recognise what is driving these crimes: it is power, entitlement and privilege that some men have—it is mainly men who do this—to target women for crimes.

New clause 13 looks at intentional harassment. New clause 14, which I hope the Minister will address in his comments, looks at foreseeable harassment. That is a really critical issue and why it is so important to get these new clauses accepted to help change the culture. If the harassment is foreseeable, it is recognising that there should be no defence, such as, “I thought she would enjoy being groped by me.” “I thought she would like it if I followed her down the road.” “I thought that she would find it flattering.” In 2022, we should not be breeding a generation of men who think that that is acceptable. I promise the Minister that I will stop campaigning on these issues when I go to a wedding and the bride gets up and says, “He tried to get me in the back of a van. I thought that it was the most fantastic thing ever and I immediately had to get to know this man.” That does not happen, but that is often an everyday experience for many women in this country—to be followed, to be targeted and to be hassled.

Finding ways to recognise that in law and not give someone the defence of saying, “I don’t know why she was upset by what I said” is what new clause 14 does. The Minister may tell me that he has better ideas. I know the right hon. Member for Tunbridge Wells (Greg Clark) has an important Bill coming up. What all of us are looking for is a commitment to act promptly and not to leave this for another five or 10 years—the Law Commission review dates back to the heady days of 2016—and also to not give people a defence that women themselves are being difficult by wanting simply to go about their freedoms and not be hassled.

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

**Madam Deputy Speaker (Dame Eleanor Laing):** The right hon. Gentleman cannot intervene because he was not here at the beginning of the hon. Lady’s speech. He

[*Madam Deputy Speaker*]

can intervene later, but he cannot intervene halfway through a speech when he was not here at the beginning of it. I appreciate that the hon. Lady is proposing amendments that everybody wants to hear about, but she has held the Floor for 15 minutes. We have three hours for this debate and I have more than 20 people who wish to speak, so I have to appeal for brevity. I would rather not put on a time limit, because that curtails debate. I hope the hon. Lady will appreciate the position of everybody else in the Chamber who also has to have an opportunity to speak.

**Stella Creasy:** Thank you, Madam Deputy Speaker; I promise I was just about to wind up. I hope the Minister will address the issue in new clause 14 about foreseeable harassment and that perhaps over the course of the debate he will rethink his opposition to new clause 11. I know many of us across the House would welcome that.

**Caroline Nokes** (Romsey and Southampton North) (Con): It is a pleasure to follow the hon. Member for Walthamstow (Stella Creasy).

2 pm

I thank my hon. Friend the Minister for having indicated from the Dispatch Box that this is to be a free vote; that is an important principle when considering new clause 11 specifically. I must gently say to him that I am a little disappointed that I have to speak to the issue without hearing his arguments on why the new clause is not necessary, although of course I will be here for the winding-up speeches to listen to his arguments then.

I will speak briefly on the hon. Lady's new clauses 13 and 14 on street harassment. That is an important issue. We have seen work on violence against women and girls, started by my right hon. Friend the Member for Maidenhead (Mrs May). I am blessed to have sitting next to me my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), who is bringing me up to speed on some of the more recent work done in the Home Office by her successor, my hon. Friend the Member for Redditch (Rachel Maclean), and now by my hon. Friend the Member for Mid Sussex (Mims Davies). That is quite a list of female Members of this House who have sought over many years to get legislation on to the statute book so that we can tackle public sexual harassment effectively.

I pay tribute to my right hon. Friend the Member for Tunbridge Wells (Greg Clark), who is still doing great work in this area, and I look forward to his private Member's Bill. However, we had the recommendations from the Law Commission many months ago, we have had a Home Office consultation, and it feels to me that we are making very slow progress. Meanwhile, thousands of young women, particularly those in school uniform, are still subject to public sexual harassment—and indeed other types of harassment, as the hon. Member for Walthamstow pointed out.

There is great work going on in police forces up and down the country, including in my own county of Hampshire, which is no surprise given that we have a great female chief constable who has been leading on this issue and a female police and crime commissioner, Donna Jones, who has spoken extensively up and down

the country and is the lead police and crime commissioner on violence against women and girls. However, the reality is that progress has been too slow.

On new clause 11, abortion is an important and emotive issue, and I do not in any way undermine the profoundly held beliefs people have on it, but the new clause, as the hon. Lady has pointed out, is about a woman's right to access healthcare. It is a decision that they will have made in some instances many weeks before they ever attend a clinic.

I will speak of the experience we have had relatively locally to my constituency. Just a few weeks ago, Bournemouth, Christchurch and Poole Council successfully introduced a buffer zone in six streets surrounding the British Pregnancy Advice Service clinic in Bournemouth. That has come at significant expense to local authority taxpayers. I welcome its contribution to the patchwork of protections that we see in five areas of the country, but it is a patchwork; five areas have successfully brought in public space protection orders, but there are 50 clinics where they might be of benefit.

Enormous work has been done by colleagues on both sides of the House to bring forward protections for women—but protections from what? Specifically, in the consultation in Bournemouth, which was completed by more than 2,000 people, 75% of whom showed that they supported a buffer zone, it was protection from intimidation, protection from being followed and protection from being filmed. I think we would all in this House want to see people who are accessing healthcare being protected in those ways.

Service providers have consistently sought to use the laws that I know my hon. Friend the Minister will point out are already available and are suggested by the Home Office, but even where individual groups have been dealt with through the courts, other individuals have come forward and the protests outside the clinics have simply not stopped. Annually, about 100,000 women are targeted in that way—abused and harassed while they are just trying to access healthcare that is perfectly legal.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): I apologise for not having been here earlier, Madam Deputy Speaker; I was dealing with other parliamentary business. I have a clinic on Station Road in my constituency where, after a lot of hard work, residents secured a public space protection order on 7 September. Because of the concern about the legal considerations and the consultation, it was drawn quite tightly, and its effect has been simply to push the protesters further down the road so that, ironically, they are now nearer to the local school. That makes it easier for gentlemen my age and sometimes older to approach 13 and 14-year-old girls and ask them if they know where babies come from and what God's view of pregnancy might be. Normally, I would call anyone doing that a bit of a pervert, but apparently these people are speaking on behalf of some higher order. Does that not demonstrate that the need for communities to individually pursue PSPOs at local expense is not a satisfactory way to proceed, and that we need some national legislation that everyone can draw upon?

**Caroline Nokes:** The hon. Gentleman is absolutely right. We need national legislation; we do not want a piecemeal approach or to push the problem to a different

area or from one clinic where a public space protection order has been put in place to a clinic where protest may still be legal. It is imperative that we have a coherent national approach and that we protect women from that sort of harassment.

I hope the Minister will confirm what further action the Home Office will take in the event that this new clause falls today. I hope it will be successful; I hope this House can come together and recognise the benefit that the new clause will provide, and that we can make some progress on the issue.

I will speak briefly about the finances. I referred to the cost to a local authority and the hon. Member for Birmingham, Selly Oak (Steve McCabe) indicated that in his constituency it will have been expensive for the council to bring a PSPO forward. Too often, councils face legal challenges from campaign groups with very deep pockets, which are potentially not even funded from this country.

I vividly remember going to a sixth form college just outside my constituency at the start of the summer and talking to the female students there, girls aged between 16 and 18. They talked to me specifically about abortion, because they were scared that they would see their right to access healthcare being eroded. They asked whether I thought the overturning of *Roe v. Wade* would travel across the Atlantic and impact us here.

At the time I said, “No, I don’t”, but since then I have watched the deep pockets of largely American-funded campaigns opposing our local councils when they seek to bring legal orders to protect women from harassment. How can I now look at those teenagers and say, “Of course the overturning of *Roe v. Wade* won’t come here. Of course the American influence will not impact your right to access healthcare in this country”? It is about time that this country and this Government were prepared to step up where the United States has stepped back. That is why I will be supporting new clause 11, tabled by the hon. Member for Walthamstow. It is imperative that we send a message to women—I was going to say young women, but it is actually to all women in this country—that we are on their side.

**Joanna Cherry** (Edinburgh South West) (SNP): I rise to speak to the amendments in my name and the name of the hon. Member for Vauxhall (Florence Eshalomi), which arise from the legislative scrutiny of the Bill by the Joint Committee on Human Rights. They are amendments 28 to 31, 33, 34 to 36, 37 to 40 and 41 to 49, and also amendments 12 to 15, which appear first in the name of my hon. Friend the Member for Glasgow North East (Anne McLaughlin), and 1 and 2.

I remind hon. Members that the Joint Committee is a cross-party Committee with half its members from the House of Commons and half from the House of Lords, and we undertake scrutiny of the human rights implications of all Bills. I speak here in my capacity as the Chair of the Committee rather than in my personal capacity. I have great sympathy for new clause 11—similar measures are being taken in the Scottish jurisdiction—but, as my Committee did not have the chance to consider it, I will not be speaking about that new clause.

The Public Order Bill contains further significant changes to the law on public order in England and Wales, following on from those introduced in the Police,

Crime, Sentencing and Courts Act 2022. It is obvious from my accent that I am a Scottish MP. Despite the fact that this law only applies in England and Wales, it is of interest to a lot of Scots, because they come to London to protest—I see the Minister laughing, but it is the truth, and many of us have been doing it for years, since before we were elected to this House.

**Jeremy Quin:** I welcome that. I am a firm believer that we are stronger together and a firm believer in the Union. I always welcome hearing the views of Scots people in London, and indeed of English people who wish to protest in Edinburgh.

**Joanna Cherry:** I suspect the Minister will still hear our views after we become independent, so I would not get too upset about that.

During the passage of the Police, Crime, Sentencing and Courts Bill, the Joint Committee looked very carefully at a large volume of responses and heard from two panels of witnesses about the issue of the public order provisions. The Minister has said the stated intention of the Bill is to strengthen police powers to tackle dangerous and highly disruptive protest, but we think the measures go beyond that, to the extent that we believe they pose an unacceptable threat to the fundamental right to engage in peaceful protest. That was the conclusion of the Committee’s report dated 17 June, in which we proposed the amendments that I am speaking to today.

**Wendy Chamberlain** (North East Fife) (LD): I wanted to reflect on the point that it is not just about our constituents in Scotland being concerned about the provisions in the Bill. One of the fundamental parts of policing in the UK is mutual aid, so there will be considerations for Police Scotland in relation to the Bill, if it is passed, when we have police officers from Scotland attending protests in other parts of the UK.

**Joanna Cherry:** That is a very good point and I am grateful to the hon. Lady for making it.

It is a matter of regret that when the Government responded to our cross-party report they said:

“Any chilling effect on the right to protest, damage to the UK’s reputation, or encouragement of other nations seeking to crack down on peaceful protest is more likely to arise from the misleading commentary on the PCSC Act and this Bill”

than anything else. No, Minister. That is not the case. The Committee’s conclusions are not misleading commentary. They are the conclusions of a cross-party Committee of this House, informed by evidence from many different sources and advice from our own legal experts on the European convention on human rights, to which, thank God, the UK is still a signatory and which is still enforceable under the Human Rights Act 1998, which seems, thankfully, safe for the time being.

Before I turn to the amendments, I want to quickly make the point that the criminal law and the powers of the police already allow for action to be taken against violent protest and disruptive non-violent protest. That is addressed in detail in paragraph 18 of our report, where we list all the existing provisions under the criminal law of England and Wales that cover the situations about which the Minister says he is concerned. So not only do we think that the Bill is an attack on the



[Joanna Cherry]

fundamental rights of freedom of speech and freedom of assembly, but we believe that it is unnecessary and simply replicating existing law.

Our first tranche of amendments deal with the new offences set out in clauses 1 and 2—the proposed offences of “locking on” and

“being equipped to lock on”.

The purpose of those amendments is to try to water down what we consider to be far too stringent positions. We are particularly concerned about the reversal of the burden proof, putting it on the accused. The purpose of our amendments is to reverse that and put that burden on the prosecution, as is consistent with the presumption of innocence and therefore with article 6 of the ECHR. So amendments 28 to 33 would narrow the scope of clauses 1 and 2 and improve safeguards against violation of convention rights.

We believe that the offence of obstructing major transport works in clause 6 is so widely drafted that it could easily criminalise the peaceful exercise of rights under articles 10 and 11, so our amendments 34 to 36 would narrow its scope, including by introducing a requirement of intent and removing the unnecessary reversal of the burden of proof.

We think the proposed offence of interfering with “key national infrastructure” is too widely drawn and thus risks criminalising, without justification, behaviour that would fall within the provisions of articles 10 and 11 of the ECHR. Amendments 37 to 49 would narrow its scope and remove the unnecessary reversal of the burden of proof.

The proposal to extend stop-and-search powers to cover searches for articles connected with protest-related offences risks exposing peaceful protesters and other members of the public to intrusive encounters with the police without sufficient justification. We would like the utilisation of these new powers to be carefully monitored. In that respect, I note with approval the terms of new clauses 9 and 10 in the name of the hon. Member for Battersea (Marsha De Cordova).

2.15 pm

The most concerning part of the Bill is the power to stop and search without reasonable suspicion. That is a highly exceptional power and will inevitably give rise to the risk of arbitrary or discriminatory use. Such powers have previously been authorised only in respect of serious violence and terrorism. The Committee believes their introduction in response to problems caused by disruptive protest would be disproportionate and inconsistent with the right to engage in peaceful protest. That is why we tabled amendments 12 to 15, which are supported by other hon. Members present and have quite a significant measure of cross-party support beyond the Joint Committee.

We would like to see the serious disruption prevention orders taken out of the Bill completely, along with the power to stop and search without reasonable suspicion. We believe that they would also result in interference with the legitimate peaceful exercise of the right to freedom of speech and the right to freedom of assembly. We therefore support amendments 1 and 2.

Finally, we have heard a lot from the current Government about the importance of freedom of speech. The Bill is about freedom of speech and freedom of assembly. Sometimes when people exercise their right of freedom of speech and freedom of assembly, it can be a bit annoying to the rest of us and a bit disruptive. Sometimes I have become involved in demonstrations, not as a demonstrator but as somebody trying to get somewhere, and I have found them annoying and disruptive, but to quote Salman Rushdie:

“What is freedom of expression? Without the freedom to offend, it ceases to exist.”

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): I am grateful to have the opportunity to support new clause 11, which was tabled by the hon. Member for Ealing Central and Acton (Dr Huq). She has got into a bit of a scrape because she said something silly, but those of us who know her know that she is an extremely committed parliamentarian and very public spirited, and I hope that order will be restored in that department as soon as possible.

I also congratulate the hon. Member for Walthamstow (Stella Creasy) on new clause 11 and I thank my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) for supporting it. I note that SNP Members support the new clause, although I am not sure whether they will vote on it—they might decide that it is an English measure—but it is interesting that similar measures are being considered in Scotland.

I am grateful to the Minister for Crime, Policing and Fire, my hon. Friend the Member for Horsham (Jeremy Quin), who kindly saw me at short notice yesterday about this matter. The Government may well oppose this new clause. I hope they do not, but I know they are seized of the issue and are giving it consideration. I will listen very carefully to what he has to say about it later.

“Clinic harassment” is the term used to describe the presence outside abortion clinics of groups who seek to dissuade and deter women from accessing healthcare that is their right under our law. Many people would call them protests, but mere protest is not the purpose of the activity and the groups who organise them do not call them protests. It is not about politics or campaigning; it is about stopping individual women from accessing their legal rights. New clause 11 would simply introduce a statutory buffer zone around any location where abortion services or advice are provided, making it illegal to carry out such activities as those eloquently described by the hon. Member for Walthamstow.

We are told that the scale of the problem is small and does not require a national response. That is false. Every year, around 100,000 women are treated by a clinic targeted by these groups. In the last three weeks alone, at least 15 clinics across the country have had people outside, including clinics based in hospitals, GP surgeries and in residential areas. That has impacted hundreds of women’s care and psychological wellbeing.

We are also told that the police and councils already have powers to restrict harmful protests. If that is true, why are they still happening? The fact is that abortion providers have proactively tried to use all the laws suggested by the Home Office to stem the problem, but even where individual protesters and groups have been dealt with by the courts and local authorities, the presence outside clinics has not stopped.

Let us be absolutely clear: we are not debating the principle of whether these so-called protests should be banned; they already are banned in certain places, and the principle of that has been supported by the House. We are just asking whether the existing statutory arrangements—the public spaces protection orders—used by councils to introduce buffer zones around individual clinics are effective. Only five out of 50 targeted clinics are protected.

There are three issues relating to PSPOs: they create a random patchwork of protections, which is inadequate; they are expensive to introduce and very difficult to uphold in the courts; and crucially, they can be introduced only with evidence that harassment is taking place. I made this point to my hon. Friend the Minister last night, and it is a painful thing for him to have to accept, but it is the Government's policy that women should be harassed outside abortion clinics before a PSPO can be issued. Can the House think of any other policy that requires women to be harassed before the Government or the local authority do something that is perfectly justified? That is an immoral basis for PSPOs.

**Jeremy Quin:** My hon. Friend makes a powerful point, as indeed he did yesterday evening. I was concerned and looked into the matter. The antisocial behaviour statutory guidance states that a PSPO can be made by a council if it is satisfied on reasonable grounds that the activity or behaviour carried out, or likely to be carried out, in a public space has had, or is likely to have, a detrimental impact. I hope that gives him some reassurance that if activity is anticipated and people are concerned that it may take place, there is a means whereby a PSPO may be taken out. He might not consider that a perfect scenario, but where an activity is foreseeable, action can be taken in advance.

**Sir Bernard Jenkin:** I say rather wryly to my hon. Friend, "Good try." But it is not really adequate, is it? All our local authorities are under huge spending pressure and do not want to spend money on drafting orders and so on, so what local authority will be preoccupied with this problem unless there is a problem? The strength of the case for implementing a PSPO is supported by evidence of likelihood, which will only be evident if the activity has already happened. I am afraid that my hon. Friend the Minister has not really addressed the point, although I commend him for making a good attempt.

We are also told that these groups are only quietly praying and that there is no harassment involved. Well, the hon. Member for Walthamstow told us about what happens, and sometimes people attend in very large numbers.

My final comment on this may answer points that my hon. Friend the Minister will make later. I have been involved for years in discussions with the Home Office, and here I also thank my hon. Friend the Member for Louth and Horncastle (Victoria Atkins) for the assiduous attention she gave us as she wrestled with this problem, which I know has vexed her. Although she never persuaded the Government to accept a previous amendment, the sincerity of her engagement with us was wonderful, and I am grateful. So finally, we are also told that our amendment contravenes protesters' human rights. Well, I note that the Chair of the Joint Committee on Human Rights, the hon. and learned Member for Edinburgh

South West (Joanna Cherry), does not think that is the case—albeit that the Committee has not actually considered this amendment.

We have to recognise that rights have to be balanced, and the exercise of one person's rights are very often to another person's detriment. We have to strike a balance, and my argument is that new clause 11 strikes the right balance. The amendment would not stop people sharing their opinions about the vexed issue of abortion. It balances the rights of people who oppose abortion with the rights of women to access healthcare confidentially and free from harassment and intimidation. It does not ban protest; it simply moves it down the road to preserve the space immediately outside the clinic for women seeking care, and for nurses and doctors providing that care. In Committee, when asked about this directly by the Minister, rights groups did not oppose new clause 11. Canada, Australia, Spain, Ireland, Northern Ireland and Scotland all have comparable laws in place or are in the process of introducing them.

I need not detain the House any longer. If the House does not support this amendment tonight, the argument will carry on until an acceptable means of protecting women exercising their legal rights is found. I am grateful to the Government for allowing a free vote on the matter, which is right and proper in the circumstances.

**John McDonnell** (Hayes and Harlington) (Lab): It is a privilege to follow the hon. Member for Harwich and North Essex (Sir Bernard Jenkin). I rise to support a range of amendments—amendments 1, 2, 11 and 12, new clauses 9, 11 and 13 to 16, and most of those that stand in the names of the hon. and learned Member for Edinburgh South West (Joanna Cherry) and the hon. Member for Glasgow North East (Anne McLaughlin). I commend my hon. Friend the Member for Walthamstow (Stella Creasy) for her continuing campaign on this issue, and the right hon. Member for Romsey and Southampton North (Caroline Nokes) for the eloquence with which she spoke on it.

I believe that we should consider carefully the implications of any piece of legislation for our constituents. We must ask ourselves who will be affected, and how? I will discuss specifically how the Bill will have a dramatic effect on my constituents. In my constituency there has been a 40-year campaign against Heathrow expansion, particularly against the third runway. According to the airport itself, 4,000 homes will be either demolished or rendered unliveable as a result of air and noise pollution. Ten thousand people will lose their homes. There is a history of peaceful protest against this by my constituents. Their protests have involved demonstrating noisily, linking arms, marching, sitting down to block the roads into Heathrow and blocking the tunnel into Heathrow. They have involved camping in the local field with Climate Camp, and yes, they have involved training in locking on, to ensure that if someone's home is threatened with demolition, they can lock themselves to the home.

Yes, the existing law has been used against my constituents, and people have taken it on the chin. The existing law has proved to be effective in many ways in ensuring that people understand the law and know when they cross the limit of the law. I remind the House that there are also specific laws relating to airports.

This campaign demonstrated to me how the democratic process, both inside and outside Parliament, works effectively, because it was successful. It persuaded the

[John McDonnell]

Conservative party to change its policy, and the party's then leader, Mr Cameron, to say:

"No ifs, no buts, no third runway."

We were disappointed when he later caveated that, saying that the commitment would last for only one Parliament. Nevertheless, it demonstrated that peaceful demonstration in support of the campaign actually did change Government policy, and I believe that it reinforced people's appreciation of our democratic system.

The threat of a third runway has not gone away. The new discussions taking place on various Benches mean that people are now planning a new wave of protests to protect their homes. In fact, it has gone beyond a nimby campaign, because it is now also about tackling the climate change emergency that is happening now.

**David Simmonds** (Ruislip, Northwood and Pinner) (Con): I entirely share the right hon. Gentleman's commitment and his opposition to a third runway at Heathrow, but does he acknowledge that the reason the campaign has succeeded is the intelligent and appropriate use of the legal process, through a series of injunctions and challenges brought by the London Borough of Hillingdon, rather than the protests around Heathrow airport itself?

**John McDonnell:** I agree with the hon. Gentleman to a certain extent. I congratulate Hillingdon Council, which has worked on a cross-party basis, and commend it for the work it has done with other local authorities of all political parties. I do not think, however, that the legal process was sufficient. What changed the minds of politicians—of David Cameron and the Conservative party—was the mobilisation of mass demonstrations and mass public support. I had been campaigning on the issue for 30 years before we saw that shift in policy.

2.30 pm

Through those campaigns, the residents are simply trying to protect their homes, their communities and their way of life, but as a result of the specifics of this legislation, they could be criminalised. In fact, this legislation could have been specifically designed to prevent campaigning in my constituency against the third runway. Our campaign is a protest associated with national infrastructure and is specific to airports, both of which are identified in the legislation. It involves protests that are aimed at "serious disruption", because we block roads that enter the airport, and virtually all the roads around the villages in my constituency go there. We have also blocked the tunnel at Heathrow and we have been involved in locking on, arms linking and the occupation of land and property.

I see in the legislation that there is a defence of "reasonable excuse", so is protecting one's home and one's community a reasonable excuse under this legislation? Now, under this legislation, for seeking to protect their homes and to persuade Governments and political parties to change their policy, my constituents will face arrest, unlimited fines, imprisonment for up to 51 weeks, tagging, restrictions on their ability to attend other forms of protest, surveillance and stop and search without suspicion.

Elements of the legislation degenerate into farce, because anyone in my constituency wandering off to the Harmondsworth allotments with a spade could be arrested for carrying. When we legislate, there are foreseen and, sometimes, unforeseen consequences. The foreseen consequences here are dangerous. The good, responsible and concerned citizens who are exercising in my constituency their time-honoured rights of expression, assembly and protest are likely to be criminalised by the legislation if it goes through. Will it intimidate them? Yes, it will. Will it deter them? No, it will not.

That is why I am supporting these amendments. The legislation flies in the face of the democratic rights and processes that we have held dear and that have proved successful in holding Governments to account and restraining the power of the state. That is why I believe it is critical for these amendments to be made. Failing that, the Bill should be opposed.

**Fiona Bruce** (Congleton) (Con): I rise to oppose new clause 11 on the basis of its grave implications—indeed, threats—to freedom of thought, conscience, speech, belief and assembly. Let us be clear: new clause 11 flies directly in the face of those freedoms. It has far wider implications than on abortion alone; it potentially criminalises even those who simply stand peaceably near abortion clinics, and who do so mainly on the basis of their faith-based beliefs. I believe that the clause contravenes human rights. Notably, for example, article 18 of the universal declaration of human rights states:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

The broad wording of new clause 11 is open to such wide interpretation, particularly the words "seeks to influence", that it could well catch virtually any activity. The proposed criminalisation of influencing is imprecise, unclear and unpredictable in its effect and potential impact, which contravenes the basic principle of certainty of the rule of law. Certainty is vital so that citizens can tailor their behaviour and remain within the law's boundaries. Could a social worker advising a confused teenager going to an abortion clinic be seen as influencing within the meaning of this clause and therefore be at risk of criminal liability? This new clause fails the test of certainty and should be rejected for that reason alone.

**Sir Bernard Jenkin:** I am grateful to my hon. Friend for giving way and I am listening carefully to what she is saying, which I know reflects beliefs of great sincerity. Does that mean, however, that she is against the existing law that allows local authorities to ban those same activities around abortion clinics, for example, on a selective basis? It seems to me that the House has already accepted that principle. If she cannot accept that principle, we really are on a different page.

**Fiona Bruce:** I have spoken against that principle on a number of occasions in this place and I will come on to explain why.

The wording of new clause 11 could even catch those who are quietly praying, but when did it become against the law in this country to pray? Unfortunately, five councils have now defined protest as including the word



“prayer”. During court proceedings, that has even been confirmed to include silent prayer. That is a grave development that we in this House, more than anyone, must stand against. Staggeringly, it would effectively mean criminalising the affairs going on within the privacy of an individual’s mind. Yet freedom of thought is an absolute, unqualified right. As the Minister for the Americas and the Overseas Territories said earlier today in response to the urgent question, peaceful protest is a “fundamental part” of UK society.

Whatever our individual views on abortion, we must stand against new clause 11. Otherwise, we risk opening the door to discrimination even more widely. Why not have buffer zones around political conferences? A young Hongkonger told me yesterday that when she attended the recent Conservative party conference, she was “scared” of accessing the conference centre because of the aggressive behaviour of political opponents around it, yet there is no suggestion of having buffer zones there, and nor should there be. As MPs, we would be aghast if we risked a fine and imprisonment simply for handing out a campaign leaflet containing our political views on the street and seeking to influence others at election time. No: new clause 11 is specifically targeted at those with faith-based views and we should be equally aghast at it.

Of course, harassment or intimidation around abortion clinics—or anywhere—has to be addressed, although in more than a quarter of a century of people quietly gathering around abortion clinics, there have been relatively few, if any, reports of that and there are already several pieces of legislation that could tackle it if needed. The Offences against the Person Act 1861, the Public Order Act 1986, the Protection from Harassment Act 1997, the Criminal Justice Act 1988 and the Anti-social Behaviour, Crime and Policing Act 2014, and the Police, Crime, Sentencing and Courts Act 2022, which was passed only this year, all provide sufficient powers to tackle harassment and intimidation. This addresses the point of my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin): rather than creating new and unnecessary laws, the police’s and our efforts should be on ensuring that they and the prosecution use the powers that they already have.

This new clause goes further and potentially criminalises peaceable gatherings. Indeed, looking at the wording of the new clause, it is perfectly possible to see an argument being made that just one person standing alone quietly near a clinic could be guilty of the criminal offence proposed in it. Widely or poorly drafted legislation, as here, can have serious unintended consequences, as we have seen in recent years. During the pandemic, Rosa Lalor, a 76-year-old grandmother, was arrested, prosecuted and charged for nothing less than praying and walking outside an abortion centre. It took over a year before Merseyside police force dropped the charges, noting that her actions were completely within the law. For her, however, the punishment was the process, despite being completely innocent of any wrongdoing.

Too often, in recent years, the mere expression of unpopular viewpoints has been interpreted, or rather misinterpreted, as automatically being abusive or harassing under the Public Order Act 1986, due to the broad discretionary powers the police have. We must stand against this. We have seen numerous examples of street preachers and others arrested for nothing more than peacefully expressing traditional views in public. When arrested and prosecuted, it is very rare for this to lead to

conviction, but by the time they are vindicated the damage is done to the individual subjected to a prolonged criminal process, to the public’s confidence in policing and, indeed, to freedom of speech. Such miscarriages of justice have an abiding chilling effect, leading many—indeed, many thousands of people—across our country today to self-censor deeply-held views, which is a problem far more widespread than is currently recognised and that will no doubt be exacerbated by new clause 11.

**Stella Creasy:** Will the hon. Member give way?

**Fiona Bruce:** I am just about to conclude.

One of the main reasons freedom of speech and thought are treasured and rightly protected in law is so that they can be used precisely for the purposes of influence. The free and frank exchange of viewpoints is the lifeblood of a genuinely democratic society. Rather than seeking to erode this most precious principle, we should be seeking instead to strengthen the law, to put it beyond doubt that freedom of speech—and, indeed, of belief—when peaceably expressed should never be a criminal offence. We must stand against this here today. Our cherished freedoms of thought, conscience, belief, speech and assembly have been hard fought for, and our democracy depends on their robust protection.

**Sarah Jones (Croydon Central) (Lab):** It is a pleasure to follow the hon. Member for Congleton (Fiona Bruce), although I respectfully disagree with her position on this, and I will come to that shortly. I also welcome the Minister to his post.

I do not think anybody in this House was not deeply irritated by the sight of an ambulance having to turn around and go a different route because of protesters glued to the road, and I do not think there are many people in this House, when they saw protesters throwing soup at a van Gogh painting, who did not at least question whether that action had helped or hindered the cause of climate change. We all passionately believe in the right to protest, do we not? But we all understand that our fundamental freedoms are always balanced with the need to ensure business can carry on in its usual way.

That is why I thank the police for their response to the protesters who blocked the ambulance. They arrested 26 people for wilful obstruction of a highway and removed people glued to the road. Wilful obstruction is an offence that can carry a prison sentence. I also thank the police for the way in which they dealt with the incident in the National Gallery. Two people have been charged with criminal damage, which is an offence that can carry prison sentence.

Madam Deputy Speaker, you may ask yourself why, if the police were quick to respond, quick to arrest and quick to charge, we are debating a Public Order Bill to create a raft of new powers to tackle protest, after we have only just finished debating another Bill—the Police, Crime, Sentencing and Courts Act 2022—which has introduced another raft of new provisions against protest.

**Jeremy Quin:** Is the hon. Lady therefore fully satisfied that the powers that exist are fully complete and fully perfect in all respects? Is she satisfied that police officers will be taken from her constituency to police central London to guard the public from protests? Should we not be taking stronger action?

**Sarah Jones:** I thank the Minister for his intervention, and I will shortly come on to speak about the powers that already exist and what I think we need to do to make sure that we have the best system we can have.

I think the reason we are here debating this legislation is that we are not currently governed by grown-ups who understand the serious and delicate balance between policing and protest. We are governed by people who seek to win through division, by pitting one group against another and by wilfully threatening the delicate balance of policing by consent that marks out our form of policing from French, Spanish or Italian paramilitary-style police forces.

2.45 pm

On a wider point briefly, if I may, where I wonder are the Government's priorities when it comes to policing and crime more generally? Why is the Home Secretary doing nothing on the appallingly low charge rates for rape and sexual offences? Why is the Home Secretary doing nothing about the worrying levels of violent crime? What about the thousands of criminals going unpunished, or the victims withdrawing from the investigation process because they do not believe they will see justice? The people's priorities are not this Government's priorities, and that is the sad truth.

This careful balance between the right to protest, to speak or to gather and the rights of others to go about their daily business is complicated. It is paramount that we protect vital public infrastructure, our national life and community from serious disruption, but it is also vital that we ensure the right to freedom of speech and the right to protest. We believe that this Bill gets that balance wrong.

Many of the provisions in this Bill in effect replicate laws already in place that the police can and do already use. It is already an offence to obstruct a highway—an offence that can lead to a prison sentence. There is already an offence of criminal damage or conspiracy to cause criminal damage, which can also lead to a prison sentence. Public nuisance is an offence, and that can lead to a prison sentence. Aggravated trespass is an offence, which can also lead to a prison sentence. In 2021, 293 charges were brought against 117 Insulate Britain activists for public nuisance, criminal damage and wilful obstruction of the highway, and many protesters at oil terminals have been charged with aggravated trespass in the last year.

If we look further back into history, we find examples of peaceful lock-on protests and of the police making good use of the powers available to them when they needed to. At Greenham Common peace camp, for example, the police did intervene when they needed to, and they arrested and charged people. We could ask the Prime Minister, because she was there. Only last week, the Home Secretary, before tweeting that the police needed extra powers on protest, congratulated the police on making over 300 arrests. The flaw in the argument is gaping.

**Sir Edward Leigh** (Gainsborough) (Con): If new clause 11 is agreed to, will the Labour party vote against Third Reading?

**Sarah Jones:** I will come to new clause 11 shortly, and express my support and our support for that new clause. We have supported it many times in many different forms through many different debates.

The Labour party, last April, called for greater injunction powers following the disruption by Just Stop Oil, when millions of people could not access fuel. We argued that the raft of existing powers could be used more effectively. We suggested injunctions because they are more likely to prevent further disruption to, say, an oil terminal than more offences to criminalise conduct after it has taken place, with all the added costs and logistics of removal. Injunctions are more straightforward for the police, they have more safeguards as they are granted by a court, and they are future-proof when protesters change tactics.

Police officers have told us that some of the most effective measures they use in the face of potential serious disruption are injunctions. The National Police Chiefs' Council protests lead, Chris Noble, said that

"they can be very useful in terms of what we are trying to control and how we are trying to shape...behaviour."—[*Official Report, Public Order Public Bill Committee*, 9 June 2022; c. 8, Q7.]

In Kingsbury with Just Stop Oil and on the M25 with insulate Britain, people were arrested, removed and charged for breaching injunctions.

We introduced a new clause in Committee to bring what is known as the Canada Goose case into law. The Canada Goose case allowed injunctions to be taken out against persons unknown. This means that when groups of protesters form outside, the applicant does not have to know all their names or the names of people who may come in the future. Sadly, in Committee, the Government voted against our injunctions new clause. They said it would not create meaningful change.

The Government have since had a change of heart, however—another U-turn from the Government—but our suggestions for injunctions are still not being supported; they have introduced their own in new clauses 7 and 8. We believe these new clauses are flawed in several ways. First, there are some drafting problems, and lawyers we have spoken to are unclear on what the legal basis of an injunction would be. Secondly, we have concerns about placing the responsibility and power in the hands of the Home Secretary. Thirdly, we have concerns about where the burden of cost will fall; at a very difficult economic time, the Government can through this Bill shift financial responsibility from the private sector to the public sector, and that needs to be looked at.

In Committee, we heard evidence from HS2, who were in the process of applying for a route-wide injunction to protect their sites from serious disruption. This has now been granted by the High Court. The documents detailing the High Court decision show that the judge granted it partly on the basis that it satisfied the requirements of the Canada Goose case, the guidelines set by the Court of Appeal. Our new clause 4 puts on to the statute books the Canada Goose case law principles. Surely the Minister does not oppose principles set by the Court of Appeal; why does he not look again at Labour's sensible amendment to tackle serious disruption?

Our new clause 5 seeks to make a simple but important change. The Police, Crime, Sentencing and Courts Act 2022 contains a definition of serious disruption—after we called on the Government to define it as they had not

done so originally. That definition includes “noise generated by people”. We want that definition removed, so that when the police are deciding what constitutes serious disruption, they cannot do this on noise alone. We have all debated this many times in the House and I will not repeat the arguments we have made. Instead, I will quote the current Foreign Office Minister, the right hon. Member for Hereford and South Herefordshire (Jesse Norman), who said in a letter to the previous Prime Minister:

“No genuinely Conservative government should have supported the recent ban on noisy protest—least of all when basic human freedoms are facing the threat of extinction in Ukraine.”

We agree with him and tonight the Government have the chance to do so too and to right that wrong. Surely, the Prime Minister, fixated supposedly on freedom, would want to defend the right to chant and sing at a protest, just like she did as a child against the party she now leads.

Since we now have a new Home Secretary, perhaps these words from the right hon. Member for Maidenhead (Mrs May) are worth her also bearing in mind:

“It is tempting when Home Secretary to think that giving powers to the Home Secretary is very reasonable, because we all think we are reasonable, but future Home Secretaries may not be so reasonable.”—[*Official Report*, 15 March 2021; Vol. 691, c. 78.] That has never been more the case than now.

This Bill gives the police wide-ranging powers to stop and search anyone in the vicinity of a protest: for example, shoppers passing a protest against a library closure, tourists walking through Parliament Square, or civil servants walking to their desks in the Cabinet Office. But these far-reaching powers to stop and search without suspicion go too far. We know the police will not feel comfortable using them—we have spoken to several who have said the same—and in an area of policing already prone to disproportionality, they represent a disproportionate way of preventing what is in the vast majority of cases a minor public order offence at most.

In the same way, a serious disruption prevention order, also introduced in this Bill, treats a peaceful protestor, who in some instances will have committed no crime, as if they were a terrorist. Is that what the Home Secretary really thinks? Does she really want her Government to be responsible for treating peaceful, if admittedly annoying, protestors like serious criminals? The SDPO is draconian, preventing people from going to places and seeing people when they have not even committed a crime. And we must remember that to be eligible for an SDPO, serious disruption does not even need to have occurred; as the Bill states, I could be given an SDPO if I helped someone else do something which was

“likely to result in, serious disruption to two or more individuals”. The phrase “likely to result in” amounts in real world terms to absolutely nothing, and just two people being required to experience, or being likely to experience but not actually experiencing, serious disruption is too low a bar.

On new clause 11, everyone has a right to access healthcare without fear of intimidation. The same principles applied when we had debates in this place about buffer zones—public space protection orders—outside vaccine centres when there were protests against people having their vaccine. Access to healthcare is a fundamental right and we must safeguard it. Many Members have been making this argument for many years in many

different ways. The shadow Home Secretary has been calling for it since 2014. I have only been in Parliament since 2017 and we debated it in the Police, Crime, Sentencing and Courts Act 2022 and we do it again now. The Minister has the opportunity to do some good here; I think there is agreement on that on both sides of the House.

We all agree that the disruption we have seen from the small groups of hard-line protesters is unacceptable, whether blocking ambulances or stopping people getting to work for long periods of time, but our job as legislators is to come up with proposals that will actually help. It is our jobs to be grown-ups. This Government have created a piece of legislation that is disproportionate and threatens our unique model of policing by consent. In the evidence sessions, Sir Peter Fahy, a very well-respected former chief constable, spoke to us about the British style of policing. He said that we do not live in France or any other country with a paramilitary aspect to their policing and that

“in our policing system...policing is by consent... There would need to be a huge shift in the public mood and I think British policing is not really set up and does not have the mentality to use the degree of force that you see in other countries.

People do not realise that we are pretty unique...that is the British style”.—[*Official Report*, *Public Order Public Bill Committee*, 9 June 2022; c. 62, Q122.]

The Government would do well to listen to Sir Peter’s warnings. They are undermining that style of policing and upsetting that careful balance between the police and the people, and the fine line between being popular and populist. We are not the French. At a time when the economy is crashing and inflation is soaring, Ministers are choosing to spend precious parliamentary time trying to create political and cultural dividing lines, to chase headlines instead of actually finding sensible and workable solutions. The Government should rethink this flawed legislation.

**Sir Charles Walker** (Bromsbourne) (Con): Over the past few days I have been accused of being tired, emotional, erratic, and, just to put the record straight, I am all of those things and more. I want to be clear: unlike some Members in this Chamber, I have no time for those people who block roads, throw soup, and make a general nuisance of themselves. They are agents against their own interests, as they repel normal ordinary people. Having said that, serious disruption prevention orders are not the answer. They leave me absolutely cold; in fact I would go so far as to say that they are absolutely appalling because there are plenty of existing laws that can be utilised to deal with people who specialise in making other people’s lives miserable.

I know there is a convention here that we do not read lists, but I hope, Madam Deputy Speaker, that I will be allowed to read a very short list just to set out the laws that already exist and have been covered by colleagues: obstructing a police officer, Police Act 1996; obstructing a highway, Highways Act 1980; obstruction of an engine, Malicious Damage Act 1861—we all remember that one—endangering road users, Road Traffic Act 1988; aggravated trespass, Criminal Justice and Public Order Act 1994; criminal damage, Criminal Damage Act 1971; and public nuisance, the Police, Crime, Sentencing and Courts Act 2022. There are also other laws. There is the Public Order Act 1986 that allows police officers to ban or place conditions on protest.



[Sir Charles Walker]

So the Government's attraction to SDPOs demonstrates our own impotence as legislators and the impotence of the police as law enforcers to get to grips with the laws already in place and to enforce them. This is what we do now in politics: we have these machismo laws where something must be done, so we go out and do it, and that makes a good headline in *The Daily Telegraph* and *The Times*, but we do it and then very little happens, or if it does happen it is way over the top.

**Jeremy Quin:** My hon. Friend rightly compliments the police for routinely arresting and charging those who are responsible for wrongdoing. Does he agree that it is not an acceptable circumstance where 460 individuals have been arrested a total of 910 times for Just Stop Oil protests and that there is a difficult point of cumulation that we must accept?

3 pm

**Sir Charles Walker:** I thank the Minister for his intervention, because I am now warming to my task to nail a stake through the heart of this nonsense that we are debating. [Interruption.] It is absolute nonsense, Minister. For the benefit of *Hansard*, that is what the Minister said from a sedentary position. I would just say this. There is the idea that in this country we will ankle-tag someone who has not been convicted in a court of law. Those Chinese in their embassy will be watching that closely at the moment—they might actually be applying for some of this stuff once we have passed it in this place, as I suspect that we will.

Now I am getting tired and emotional. I say this to the Minister. During the covid lockdowns, when we banned protest, I warned that we would get to this point and that once the Government and politicians were emboldened by placing restrictions on a right and turning it into a freedom, they would not stop.

**Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): The hon. Gentleman is making a fantastic speech that is being admired on both sides of the House. I wonder if he might be concerned that somebody could say that warnings on Radio 4 that the Conservative party might end up smaller than the SNP after the next election would be conducive to public disorder. Does he fear in any way being prosecuted himself as a result of that?

**Sir Charles Walker:** The Conservative party is the architect of its own misfortune, and we must deal with that and respond to it, so I will not be tempted down that track by the hon. Gentleman. All I will say is that this is as unconservative as our Budget a few weeks ago. This is not what the Conservative party does. We believe in proportionate laws, like we used to believe in sound money. I will therefore be joining hon. Members from across the House in voting against this piece of legislation.

As I said a moment ago, I warned, over a pint of milk—the metaphor that I used—that our right to protest was being eroded. Now, we are crying over spilt milk.

**Bell Ribeiro-Addy** (Streatham) (Lab): I rise to speak to the new clauses tabled in my name and those of my hon. Friends the Members for Walthamstow (Stella Creasy), for Vauxhall (Florence Eshalomi) and for Battersea

(Marsha De Cordova), the hon. and learned Member for Edinburgh South West (Joanna Cherry) and the hon. Member for Glasgow North East (Anne McLaughlin) as well as all those amendments that stand against this fundamentally flawed Bill.

One of my motivations for my new clauses was the fatal police shooting in my constituency of Chris Kaba, an unarmed black man, which sent shockwaves through a traumatised community. I offer my condolences to the Kaba family, his friends and his community. I will not say more for risk of sub judice, especially since an inquest is ongoing and the Independent office for Police Conduct is conducting a homicide investigation and considering whether race was a factor in his shooting. I am sure that everybody across the whole House will agree that a just society is one in which your race does not determine whether or not you are over-policed as a citizen and under-policed as a victim. But with a Government who seem hellbent on ramping up policing powers and presiding over worsening inequalities, it is clear that there will be an uphill struggle to realise that vision.

The Bill contains a significant expansion of police powers, including measures that the Government already attempted to put into the Police, Crime, Sentencing and Courts Act 2022. Those measures were opposed in the other place, so I do not understand why they are trying to bring them back. That is one reason why new clause 15 states that there must be a public inquiry into the policing of black, Asian and minority ethnic people. New clause 16 would require an equality impact assessment of the Bill. Yet again, we are having to ask that the Government respect that equality is the law and do not propose legislation that clearly infringes on the rights of minoritised groups.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): We hear figures from Wales that eight out of every 1,000 white people are stopped and searched. When we compare that with a rate of 56 per 1,000 black people, we see that there is something appalling in the state of stop and search across the United Kingdom—this legislation relates to England and Wales—and that there is something particular in Wales for which we need a Wales-specific justice impact assessment to understand and get to the root of why the figures are so extreme.

**Bell Ribeiro-Addy:** The right hon. Member is absolutely right. That is why I support new clauses 9 and 10 in the name of my hon. Friend the Member for Battersea on the use of stop-and-search powers. In them, she attempts to consult civil society organisations and consider the impact on groups with protected characteristics, as has been mentioned. That should clearly be done by the Government each and every single time they propose legislation, but they do not do it at all.

In this Black History Month, when we talk about some of the civil rights struggles of black people in this country, it is particularly offensive that, instead of reacting to them by bringing about change, the Government are attempting to provide police with even more unaccountable powers. Those are the same police who currently have extremely low trust and confidence among black communities, not least following the recent case of Ian Taylor, who died in police custody in the borough in which my constituency sits, the kidnap, rape and murder of Sarah Everard by a serving police officer, also in my

constituency, the disproportionate levels of stop and search, and the treatment of Child Q and other children who have been strip-searched, as well as extensive evidence of institutionalised racism and misogyny in the police.

Just this week, Baroness Casey's report found that many claims of sexual misconduct, misogyny, racism and homophobia were badly mishandled. These are

"patterns of unacceptable discrimination that clearly amount to systemic bias",

and they cannot continue. Those are not my words but those of the new Metropolitan Police Commissioner, Sir Mark Rowley.

We know that our criminal justice system continues to be held back by institutional racism—well, at least Opposition Members know that. We have heard about institutional racism in the policing of black communities in every single review—from Macpherson to Lammy—except the Government's recent Commission on Race and Ethnic Disparities report, which claimed that it did not exist at all.

Not only is the Bill a missed opportunity to remedy all of that profound injustice; it will only exacerbate the racial bias and the discrimination that continues to persist. That is part of the reason why I will speak in favour of a range of civil liberties amendments that seek to ensure human rights for all our citizens. I turn to new clause 11, tabled by my hon. Friend the Member for Walthamstow. I am a person of faith, and I believe that our human rights should be universal, but when a person exercising their rights begins to infringe on somebody else's rights, that is the point at which we know that that right is wrong. We legislate on these things in this House again and again. The idea that we could use the right to free speech to infringe on someone else's right to get healthcare is absolutely wrong, so I am pleased to support that new clause.

The Bill continues to follow a pattern from a Government who voice support for protests all around the world but want to crack down on the right to speak up here at home. Protest is an important part of a democratic country because it is one of the driving factors that allows individuals to exercise their rights to free speech and speak up against an unfair and unjust Government—like this Government—and their laws. That is why I tabled new clause 17, which sets out that there must be a public inquiry into the policing of protest, which would address: the use of force; kettling; the deployment of horses; and the new policing powers contained in the Bill and the Police, Crime, Sentencing and Courts Act. I have also signed a range of amendments and new clauses that would seek to protect our civil liberties and trade union rights, including addressing those recommendations from the Joint Committee on Human Rights and those supported by Liberty, Amnesty and others.

I draw colleagues' attention to amendment 36, tabled by the hon. and learned Member for Edinburgh South West, the Chair of the Joint Committee on Human Rights, about the burden of proving "reasonable excuse" or that an act was part of a trade dispute away from the defendant and making it an element of the offence. The Government are not even attempting to sugar-coat the aim of that measure, which is trade unions. I see trade unions as our last line of defence against the relentless and accelerating attack that we see on the living standards

of the working-class. The Government know that their economic policies are unpopular and cause suffering, so they want to remove everybody's right to resist and fight back.

**Jeremy Corbyn** (Islington North) (Ind): I thank my hon. Friend for giving way. She is making a very powerful speech in support of her amendments. I was with her at the demonstration outside New Scotland Yard following the death of Chris Kaba. It was an emotional and passionate occasion. Everyone there was looking for justice and looking for knowledge and an inquiry. Does she support more pressure on the Home Office to hurry it up, so that we can get some closure on that terrible loss of life and the pain that goes with it? The beautiful way in which his cousin spoke at that demonstration will stay with me for ever.

**Bell Ribeiro-Addy**: I thank my right hon. Friend, and he is absolutely right. Far too often, families like the Kaba family have to spend months, even years, seeking answers and justice for their loved ones. I hope that in the years to come, the Independent Office for Police Conduct quickly begins to look at measures to speed up the investigations that give family members answers about why they have died. We have to remember that around the time Chris Kaba died, not to mention him too much, he was one of two men who had been killed following contact with police, and one of over 1,000 who have died in police custody or following contact with police since 1990. Since that time, only one police officer has ever been prosecuted. That absolutely needs to change.

In conclusion, the Public Order Bill is a continuation of the Government's assault on the right to protest, further criminalising people who call for the change we need and ramping up police powers to restrict demonstrations. It could also have a very negative impact on black, Asian and minority ethnic communities. It is authoritarian and disadvantages the poorest and most marginalised communities. Unless it is fundamentally amended, I believe it must be opposed.

**Sir Edward Leigh** (Gainsborough) (Con): I am surprised we are debating this again. It was only in 2018 when the Home Office concluded there was no need to introduce so-called buffer zones. I am referring here to new clause 11. Buffer zones are disproportionate in the restrictions they impose on freedom of expression, and unnecessary in that there remains a lack of evidence that they are needed. The Government have recently affirmed this position, and rightly so given that existing laws enable the police and local authorities to deal with protests that are harmful. Before we rush to create new laws, it is only right that the Government expect the police and local authorities to use their current powers appropriately and where necessary.

The 2018 review showed that

"it would not be proportionate to introduce a blanket ban"

as the evidence found that protests occurred at less than 10% of abortion clinics. That is a very small number. Of course—we emphasise this point—any kind of harassment is absolutely wrong. It should be dealt with by the law and can be dealt with by existing laws. We have heard much in the debate about how we should turn to existing laws, rather than create new ones. Any remedy must be proportionate to the problem. The review—not my

[*Sir Edward Leigh*]

review, but an objective Government review—concluded that most of the activities during these protests were passive in nature. My hon. Friend the Member for Congleton (Fiona Bruce), in a very powerful speech, described just how passive they can be. They can be standing there and praying silently, not even holding up a banner of any nature or saying anything. It could include praying or handing out leaflets. The review found that disruptive or aggressive behaviour was the exception, not the norm. Crucially, it also confirmed that the police have the necessary powers already to take action and protect the public when protests become harmful or disruptive. A blanket ban of the kind proposed in new clause 11 would be disproportionate in the face of those facts. The law must be proportionate.

To be clear, the people this amendment targets are peaceful protestors, often elderly grandmothers, frankly, who are entirely peaceful. They politely pray and hand out leaflets. The contrast could not be greater between those protestors and those of the likes of Just Stop Oil, who glue themselves to roads and create human blockades that are disruptive and obstructionist. If any so-called protestors at abortion clinics did anything like that, they would be immediately arrested. While the police have the powers to take action so that ordinary people can go about their daily lives, they will not stop Just Stop Oil protests.

Are we in this House really going to criminalise people who are peacefully trying to raise awareness about support available? This is the point.

**Stella Creasy:** Will the right hon. Gentleman give way?

**Sir Edward Leigh:** No, I have been told not to speak for long and I want to get on with it.

3.15 pm

We are talking about people who are just trying to raise awareness about the support available. This is a crucial point. They want to raise awareness about the support available to women facing difficult pregnancies with nowhere else to turn to. We are going to criminalise these grandmothers, but so many of the Just Stop Oil people walk free.

Therefore, this is not primarily a debate about abortion. We all have our views on that. This is a debate and an amendment about public order. A thorough review of this subject, including the public order aspect, found that buffer zones would be an excessive response to protests or vigils outside abortion clinics. There is no need to change the law with the new clause.

I support the Bill, but if new clause 11 is included in it, I could no longer support it. Many pro-life MPs will be in the position I am in. The Government will be putting us in a very difficult position. I would be interested to know—I did not get an answer to this—what the Labour party will do if new clause 11 is included. Presumably, it would rather more favour aspects of the Bill. What will be the attitude of the Minister? Is he in favour of new clause 11? If he wants to speak against it, is he going to not support his own Bill? We will see. I look forward to his comments.

I hope we can get on with the aims of better supporting the police to protect the rights of people to go about their daily business in the face of the likes of Just Stop Oil and Extinction Rebellion, and to focus their resources on keeping the public safe.

Lastly, I want to make it clear that this is about raising awareness. The last comment must go to Alina Dulgheriu, a vulnerable mother who fronts a campaign called “Be Here For Me”. She recently recalled:

“The day I made my way to the abortion facility was the darkest day my heart has ever known. All I needed was help until I gave birth. A lady and a leaflet. That’s all it took. Right there at the steps of abortion centre. From all that darkness, at last I felt hope, I felt for the first time that my child was wanted, not only by me, but also by complete strangers. For the first time, I felt that I was not walking alone on the day I was meant to end the life within me—my child. I cannot express the joy and how fulfilled I felt as a woman, as a mother, to be given the chance to have my child. A just and caring society doesn’t criminalise people for offering help to vulnerable mothers.”

**Olivia Blake** (Sheffield, Hallam) (Lab): It is pleasure to follow the right hon. Member for Gainsborough (Sir Edward Leigh), although I do not agree with much of what he said. We must remember in this place that we do not know the reasons why women present themselves at abortion clinics. I have been campaigning and advocating for women who have experienced miscarriage, and I want the House to know that that is a primary reason why someone may present at an abortion clinic. For someone to be presented with a picture of a foetus when they consider themselves to be a mother is beyond the line, so I support buffer zones.

**Dame Maria Miller** (Basingstoke) (Con): This may be the intervention that another Member was about to make. The protests around buffer zones affect about 10% of clinics, but it is estimated that they affect up to 50% of women, because they tend to target the larger clinics. Does the hon. Lady agree that it is important that that is put on the record?

**Olivia Blake:** I thank the right hon. Lady for that intervention, and I absolutely agree. We know that women sometimes have to travel very far to get access to this sort of healthcare, so of course this will impact more women at certain clinics.

Before getting into the subject of the Bill, I wish to highlight the economic context in which this is being played out, because it is directly related to why the Bill is being proposed in the first place. For more than a decade, the austerity agenda has led to stagnating wages and declining conditions at work, and it has weakened the fundamentals of our economy. Researchers at the University of Glasgow recently found that the Government’s scorched earth economic policy contributed to 330,000 excess deaths between 2010 and 2019. After the massive transfer of incomes, resources and wealth from the poorest to the richest in our society, we were left in no condition to weather a pandemic and the subsequent soaring cost of living.

In September’s financial statement, although it has been massively U-turned on, the Government succeeded in turning the cost of living crisis into a run on the pound. Now it is as though we have turned the clock back to 2010, with the new Chancellor telling us that he will have to make eye-watering decisions about spending.



The cycle continues: we are facing austerity all over again. The services our communities rely on will be hit hard.

The problems at the core of the stagnation and crises are underinvestment, profiteering and the chasms of inequality and divide in our society. But rather than fixing those, Government Front Benchers seem intent on making them worse, which is exactly why they need this Bill. If wages keep being cut and the services that people rely on are dismantled, they will express their opposition to that through protests, strikes and direct action.

The recent spy cops Act, the Police, Crime, Sentencing and Courts Act 2022, and now this Bill are all about reducing the rights of people to come together to give a collective voice to their dissent—and that is without mentioning the attacks on the right to organise in our workplaces and to take industrial action to defend pay and conditions. Like any paranoid authoritarian measure to curb dissent, some of the proposals in the Bill are completely ridiculous. I have a staff member who rides a bike to work and carries a bike lock. Is she “equipped to lock-on”? How will police gauge whether she intends to use it to commit an offence? Some of the wording in the Bill is so loose it could apply to everything and anything. What does “locking-on” actually mean? Could linking arms be locking-on? What does it mean to cause “serious disruption”?

I am concerned that the real reason for the loose wording is to create a chilling effect on any kind of dissent at all. That is reflected in the serious disruption prevention orders. The right to protest is a human right. The idea of banning individuals from attending a demonstration regardless of whether they have committed a crime is draconian. Just think about who that would have applied to in our history. Think of Millicent Fawcett, whose statue stands in that square outside, looking up at this building. Would I be standing here today if women such as her had not had the right to protest? The Government do not seem particularly keen on elections right now. Perhaps the Home Secretary would be dishing out these SDPOs to the Chartists or the Pankhursts, or other uppity troublemakers.

I think this Bill is rotten to the core, but I will be supporting all the amendments that seek to curb its excesses and to prevent it from cracking down on our right to voice opposition. I will be opposing the proposals to extend stop-and-search powers—powers that have already done so much damage to communities, as my hon. Friend the Member for Streatham (Bell Ribeiro-Addy) mentioned. We do not need this legislation. What we need is a Government who address the real causes of peoples’ concerns: the cost of living crisis, the climate crisis and the lack of trust in our democratic institutions. The draconian proposals we are debating today are about equipping this Government to do the exact opposite.

**David Simmonds** (Ruislip, Northwood and Pinner) (Con): I wish to start by expressing my strong support for the provisions that the Bill brings forward. In my life before Parliament, as a local councillor and as a magistrate, I had cause to engage with many of the issues the Bill seeks to address. It seems to me that on the whole it is a sensible and proportionate way of bringing forward new police powers and new laws to ensure that our constituents’ lives are not unduly and unfairly disrupted.

In particular, I wish to place on the record my thanks to constituents, such as the late Roy Parsons, who over the years have contributed a huge amount to law and order in the community. Their efforts have helped to illuminate my thinking as a Member of Parliament about how some of these challenges need to be addressed.

My constituency is very much a place of commuters, with people travelling to work by road, rail and bus. I am conscious that especially for those who are part of the lifeblood of the economy of our capital the disruption that has been caused to their lives by protests that seek to test existing laws to the very limits is considerable. There is a cost to people’s businesses and people’s jobs, and it creates a great deal of nuisance for those seeking to attend hospital appointments and, in some cases, to respond to emergencies. It is therefore absolutely right that the Government listen to the voice of the law-abiding people who are part of the lifeblood of our capital city and seek to address the changing tactics that we have seen from protesters over the years.

I was struck by the comments of my hon. Friend the Member for Broxbourne (Sir Charles Walker), who was absolutely right to refer to the plethora—the patchwork—of existing laws. The challenge I have heard about—not least from those responsible for leading policing in the capital and in my local area—is that there is often not the required specific power available as protest groups seek to change and update their tactics. I listened to the right hon. Member for Hayes and Harlington (John McDonnell), and I am sure that he recalls the moves by a particular organisation to sell single square feet of space in a field adjacent to Heathrow airport, with a view to using the due process of law to frustrate the legal processes that were being gone through at the time in the context of Heathrow expansion. Although I agree entirely with the purpose, it is absolutely right that that should have been frustrated. We have seen those tactics beginning to create disruption in what should be a legal and democratic decision-making process, so introducing proposals that update the law in the light of those changes, in my view, is absolutely spot on.

Let me address new clause 11, which I intend to support in the House today. My experience has been of issues relating to the existing legislation, particularly the ability of local authorities to obtain public space protection orders or to use other provisions that are out there. It is extremely costly and often very complex and fraught with legal difficulty to follow those processes. That is why, following occasions in the House when we debate creating provisions that we expect to be used, for example, by local authorities, they are often little used in practice. We need to ensure, if we are taking seriously the issue of an unacceptable degree of harassment, that we put in place provisions that will deal with that properly and effectively.

I am very sympathetic to many of the points that have been made on the pro-life side of the argument, but I take the view that, whatever we think about the detail of the abortion debate, it is absolutely right that we ensure that all our citizens are properly protected from the harassment that may take place. There are some issues with the drafting of what has been proposed, in that we want to ensure that appropriate, lawful interventions that are helpful to people can take place. I will support the new clause, however, and I hope that the Government will perhaps in due course consider the

[David Simmonds]

weight of opinion that appears to be being expressed in the House and ensure that that finds its ultimate expression in a way that works to provide appropriate, lawful and proportionate protection to women in that context.

**Marco Longhi** (Dudley North) (Con): Following on from my hon. Friend's argument, for which I have some sympathy, does he agree that perhaps there should be a buffer zone around this place? Many of us in this place are often—on a daily basis—harassed by people out there.

**David Simmonds:** My hon. Friend knows of what he speaks. There are many Members who have been subject to the very strong expression of political opinions, but what differentiates this point is that we are talking about people who go to undertake a legal, lawful medical procedure. They go to access a form of healthcare that the laws of this land, established by this Parliament, determine that they should be able to access. Although it is absolutely right that people should be able to engage in peaceful protest to make points to those of us who are engaged in the democratic process of the land—sometimes including noisy, disruptive protests—that should clearly never cross the line that existing laws establish, which would cover such things as assault and appropriate protection. However, it is absolutely clear, in my view, that we need to ensure that those who are accessing healthcare can do so without having that lawful access unduly interfered with.

Let me finish by referring to the amendments and points that have been raised on behalf of the Joint Committee on Human Rights. I am a member of that Committee, which spent time looking at not just this Bill, but a wide range of legislation, setting that against expectations that might be found in relation to the UK's membership of the European convention on human rights. There is always debate in the legal profession about how provisions apply, but the points that have been raised seem legitimate. I hope that in his reply the Minister will address how due process and the right to lawful protest will be appropriately balanced under the Bill.

My view as a Back-Bench Member in the governing party, having considered the Government's arguments, is that they are proportionate and balanced. However, it is clear that many people are asking questions and want them answered. It would be helpful if some of the legal thinking behind the drafting were illuminated, particularly with respect to balancing the need to prevent undue disruption to people's normal working and private lives with the rights of others to enjoy free speech and lawful protest.

3.30 pm

**Wendy Chamberlain:** I rise to speak in support of several amendments, including new clauses 1 to 5, tabled by the official Opposition, and new clauses 9 to 14. I agree that there should be a free vote on new clause 11, to which I am sympathetic and which I will support. The speeches on it so far have been very powerful. I also wish to speak to new clauses 15 to 17—the hon. Member for Streatham (Bell Ribeiro-Addy), who is no longer in her place, spoke powerfully about them—and to the amendments tabled by the hon. and learned Member

for Edinburgh South West (Joanna Cherry) on behalf of the Joint Committee on Human Rights, by the hon. Member for Glasgow North East (Anne McLaughlin) on behalf of the SNP, and by the hon. Member for Broxbourne (Sir Charles Walker).

I speak on behalf of my constituents who are concerned about what the Bill means for the right to protest. It might be argued that the Bill will not affect them directly, but like the hon. and learned Member for Edinburgh South West, I have constituents who will travel to England and Wales to protest. As I highlighted in my intervention about mutual aid policing arrangements, the Bill is likely to mean additional training requirements for Scottish officers deployed elsewhere, as at last year's G7 meeting.

We have heard from many Members of this House with a legal background and training, but I believe I am the only former police officer in this debate; I do not see the other two hon. Members who I know were police officers. I am also the wife and daughter of former police officers—indeed, my husband was a senior public order commander—and I am the stepmother of serving police officers. I have policed demonstrations. It might have been some time ago, but I speak with some knowledge and direct experience.

Laws should be necessary, but as we heard in our Bill Committee evidence, the police already have the power to respond to protests; I am grateful to the hon. Member for Broxbourne for raising that point. Ideally, laws should not break our already stretched systems—that was an area of focus for me in Committee—but this law risks our police's very ability to tackle day-to-day crime, which the Home Secretary says is a priority for the Government.

Regardless of rank, length of service or extent of training, the first officer to attend any incident—protest or otherwise—is the officer in charge until they are relieved of that duty. I say that not to denigrate, but to illustrate. That officer will have to determine whether there is a risk of serious disruption and, if so, whether an offence under the Bill or any other law is being committed. I am concerned that there is a risk of inconsistent application of the criminal law and a breach of the rule of law. I therefore support the official Opposition's new clauses 1 to 5, which would ensure that the Bill's provisions are applied appropriately.

It is not just me. The National Police Chiefs' Council's evidence to the Bill Committee suggested similar concerns, which would be at least partially addressed by some of the amendments, particularly those tabled by the hon. and learned Member for Edinburgh South West to implement the recommendations of the Joint Committee on Human Rights. I remain concerned that the police, particularly those in junior roles, may end up ill-equipped to make the judgment calls that the Bill requires.

Let us be clear: the police do not need this Bill to respond when protests cross the line. Where there is criminal damage or trespass, they already have the power to respond. However, if the Bill is passed with no amendments but the Government's, all protest will effectively be frozen for fear of being caught by the legislation. Importantly, the Bill is also likely—I refer to the comments that the shadow Minister, the hon. Member for Croydon Central (Sarah Jones), made about policing in France and elsewhere—to freeze the police's relationships with a wide range of activist groups, which involve constant

dialogue to balance the facilitation of protests with the rights of others to go about their daily business. That dialogue happens all the time in all our communities and is something to be celebrated.

**Jeremy Quin:** I deeply respect the hon. Lady's policing experience and that of her family, but she has implied that the Bill will allow the freezing of protests and an inability to protest, which is not the case. I think that, as a former police officer, she would recognise serious disruption. We are absolutely clear about this: a protest constitutes something that is really interfering with people's way of life, preventing them from getting to work and engaging in their normal business.

**Wendy Chamberlain:** What I am trying to say is that the existing legislation already deals with those circumstances, and that, given that some of the Bill's provisions mean that people need not even have done anything to be subject to them, there is a fear that it will prevent them from doing anything at all. I believe that the fact that our police service is grounded in policing by consent—unlike those in other countries whose police forces have evolved from more militaristic origins—is something to be celebrated.

If the police do not need the powers, if all that the Bill does is make it harder for legitimate protest to take place and if it restricts the right of citizens, I would argue that we do not need it at all. We should reflect on the fact that the Minister, in his opening remarks, claimed that the existing legislation was a reason for rejecting new clause 11.

Let me now raise another point, which I have touched on already. It is not about protecting the democratic rights of our citizens, but in many ways it is just as important, because it concerns the real impact on the capacity of the police service. In Committee I tabled a number of amendments, and although I have not tabled them again on Report, this is a key consideration.

When we pass poor legislation, we sometimes see the results in our constituency surgeries, but when it comes to legislation such as this, we will not be dealing with the outcomes directly. I believe that if the Government are confident that the Bill, in its current form, will do what it is intended to do, they should be comfortable with receiving reports from the College of Policing and from police forces about the capability and capacity of those forces to deliver the legislation—and that is before we even think about the huge backlogs in the criminal justice system. It will take some time for people to come before the courts in the context of this Bill.

The proposed new powers will require additional officer training. Sir Peter Fahy, the former chief constable of Greater Manchester Police, gave evidence to the Bill Committee. The simple fact is this:

"If there are not enough police officers trained to properly respond to protests and apply these new laws, that means that more people must be trained—training that costs thousands of pounds and means that officers are potentially in classrooms, not out on the street."—[*Official Report, Public Order Public Bill Committee*, 16 June 2022; c. 191]

Chris Noble, the chief constable of Staffordshire Police, estimated that, under the current legislation, it takes an officer two or three weeks per year to keep up with necessary additional public order skills. The offences specified in the Bill will require significantly more training

at the outset, at the least, and will mean even more days of actual policing lost at significant cost, with simply abstracts from core policing duties. Once the officers are trained, it is likely that deployment to protests will increase as a result of the Bill's restrictions. Simply put, people cannot be in two places at once, and resources are limited. According to evidence given to the Committee, the arrest of a protester usually involves six officers. We will run out of police officers before we run out of protesters.

I know where I would rather the police were. I would rather see an officer making sure that the streets were safe for women and girls walking home at night, going after gangs and those working across county lines, stopping the scammers who target our elderly and vulnerable, working on counter-terrorism, and preventing organised crime. I ask colleagues to reflect on what they and their constituents really want when faced with the reality of these choices, which were made even more stark by the Chancellor when he stood at the Dispatch Box yesterday.

Policing by consent is one of the greatest attributes of our country, and it is something that I am passionate about. The Bill undermines that. Although we will support amendments that curb its worst excesses, I will continue to argue that the decision in the other place to remove these clauses when they were part of the Police, Crime, Sentencing and Courts Act 2022 was correct. I cannot support the Bill in its current form.

**Victoria Atkins** (Louth and Horncastle) (Con): I rise to speak in favour of new clause 11.

In a perfect world, no woman or girl would be raped; no foetus would have life-shortening, agonising conditions or endanger the life of the mother; and every baby born would be yearned for and cherished. But we do not live in a perfect world, and that is why Parliament has settled laws for the regulation of the provision of abortion services. This is what new clause 11 concerns. It is not about the form of those laws, or their details; it is about the provision of those services in day-to-day life.

I had the responsibility for looking after abortion clinic buffer zones from 2017 until I was promoted from the Home Office last year. It was, as my hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin) says, an issue with which I grappled, because there is a real balancing skill involved in weighing up not only the concerns of those women seeking medical services and those who support them, but the sincerely held beliefs of those who do not agree with abortion. My right hon. Friend the Member for Gainsborough (Sir Edward Leigh), who is no longer in his place, has set out some of the history of this, and I was an active part of it, so I really am trying to help the Minister when I try to explain some of the shifting of that balancing operation.

In 2017 Amber Rudd was Home Secretary, and in response to concerns voiced by parliamentarians she commissioned a review into demonstrations and protests outside abortion clinics. We announced the results of that review in, I think, 2018, when my right hon. Friend the Member for Bromsgrove (Sajid Javid) was Home Secretary. At that point I stood at the Dispatch Box and I signed letters to say that we had looked at the number of clinics and weighed up the power of PSPOs. At that point, from memory, one council—maybe two—had



[Victoria Atkins]

applied for a PSPO, and we felt that the balance was in favour of PSPOs being using on a targeted basis for those clinics affected.

The review continued—I genuinely kept this under constant review—thanks to the efforts of my hon. Friend the Member for Harwich and North Essex and my right hon. Friends the Members for Romsey and Southampton North (Caroline Nokes) and for Basingstoke (Dame Maria Miller), among many others on this side, as well as the hon. Members for Ealing Central and Acton (Dr Huq) and for Walthamstow (Stella Creasy). It is a pleasure to see the hon. Member for Walthamstow in her place today. Indeed, only last summer we looked at this again in the Police, Crime, Sentencing and Courts Bill. At that point, although the number of clinics affected by demonstrations had increased since the initial review, we felt that in the interest of balancing both sets of interests, PSPOs were the right way to go.

Today, however, five councils have applied for these orders, and happily the imposition of those orders has been upheld by the Court of Appeal as being lawful. We have heard in the course of this debate the concern that the five PSPOs cover five clinics out of some 50 that have been the subject of protests and demonstrations. My right hon. Friend the Member for Basingstoke made the important point that this is not just about the number of clinics; it is about the number of women who go to the clinics for these services. I think I am right in remembering that she cited the statistic that around half of women who seek these services had attended clinics where there had been protests and demonstrations.

So I find myself in the position of agreeing with new clause 11, not because I like banning things or because I am against the legitimate and sincerely held beliefs of those who cannot support the provision of abortion services, but because I come back to the point about the provision of services to women who need them and the circumstances in which they find themselves as they walk that long and lonely path to the doors of the clinic, hospital or surgery providing those services. I know from speaking to women who have been through these protests that they have made a difficult decision. There may be many factors surrounding the decision, involving their home lives, the circumstances in which the pregnancy came about and the concerns for what might happen if their friends, families or the wider society found out that they had had these operations. These are fundamental healthcare services that we provide, rightly and lawfully, in the 21st century. We must surely enable women to access these services as and when they need them so that they get the right help and advice.

3.45 pm

I conclude by thanking the Government. I have travelled some of this journey in policy development, so I know my hon. Friend the Minister for Crime, Policing and Fire has taken these issues into very close consideration. I greatly appreciate that the business managers have decided to allow Conservative colleagues to vote in accordance with our conscience, which is important, so I thank them sincerely.

As I say, my colleagues and I do not take this decision lightly, but we have to reflect the reality that women face as they go through these services, and just how discomfiting

even the most peaceful demonstrations can be. I very much hope that Conservative colleagues will bear these concerns in mind as they freely cast their vote tonight to stand, I hope, in accordance with the law in the careful and caring provision of these services.

**Several hon. Members** rose—

**Mr Deputy Speaker (Mr Nigel Evans):** I advise the House that I will be calling Anne McLaughlin to start the wind-ups no later than 4.12 pm, but she can be called earlier. The debate on Report must finish at 4.37 pm.

**Caroline Lucas** (Brighton, Pavilion) (Green): Frankly, there is so much wrong with the Bill that it is difficult to know where to start. It basically needs a line striking through the vast majority of it, and I am therefore pleased to support the amendments tabled by the hon. Members for Glasgow North East (Anne McLaughlin) and for Broxbourne (Sir Charles Walker) seeking to do exactly that.

Peaceful protest is a fundamental right protected in international law, and this Bill is just the latest in a concerted attack on our rights by this dangerous and populist Government. It is a draconian rehash of measures resoundingly voted down just months ago. As I have said previously in this House, the Government are pursuing policies and legislation that are deeply dangerous in the threat they pose to our fundamental and universally acknowledged human rights. People who vote in favour of this Bill tonight need to be fully aware and honest about what they are endorsing and what is occurring on our watch.

Defending the right to peaceful protest matters, especially to me, because it is one of the time-honoured ways in which people from all walks of life have sought to protect our natural world, and it is particularly critical right now. The hon. Member for Sheffield, Hallam (Olivia Blake) spoke eloquently about the wider context of austerity and economic suffering that so many of our constituents are facing. I want to widen that context and talk about the attack, frankly, that Ministers are unleashing on policies to protect nature, from issuing new oil and gas licences and lifting the moratorium on fracking to scrapping 570 laws that make up the bedrock of environmental regulation in the UK, covering water quality, wildlife havens, clean air and much else.

Ministers may hide behind endless repetitions of their promise to halt the decline of nature by 2030, but their actions are taking us in precisely the opposite direction. Those who oppose this direction of travel must have the right to take action themselves, and they must have the right to protest. Rather than plunging more and more people into the criminal justice system, the Home Office could be doing all manner of much more useful things, including properly supporting and resourcing community policing.

We should not be giving the Government the ability to create new public order offences as and when they choose, yet that is precisely the combined effect of new clauses 7 and 8. As colleagues will know, injunctions may usually be applied for only by affected parties. New clause 7, however, allows the Secretary of State to apply for a so-called precautionary injunction against people who might go on a protest or who might carry out protest-related activities. This might occur if there is

reasonable belief that particular activities are likely to cause serious disruption to key national infrastructure or access to essential goods and services.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): In all honesty, it is worth wondering whether Welsh language rights would exist at all today if measures proposed by the Government had existed in 1963 when Cymdeithas yr Iaith protesters closed Trefechan bridge—Pont Trefechan—in Aberystwyth. Their act of peaceful civil disobedience led to no arrests, but was broadcast across Wales. Indeed, the King's Welsh language tutor, Tedi Millward, was among the protesters. Does the hon. Member agree that, almost 60 years later, the Secretary of State and the Welsh Government should be considering the specific impact on Wales of these justice changes and how that in turn could have had a very bad result in terms of the Welsh language had it been enacted 60 years ago?

**Caroline Lucas:** I thank the right hon. Member for her powerful contribution with which I entirely agree.

I was just explaining about the combined effect of new clauses 7 and 8. New clause 7, crucially, allows the Government to propose that the Secretary of State be allowed themselves to apply for an injunction despite not being affected or being a party in the normal sense. Added to that is the effect of new clause 8, which gives the Secretary of State another new power, namely to apply to the court to attach a power of arrest and of remand to injunctions granted under new clause 7.

Let us imagine what that could look like in practice. Let us suppose that the Government set their sights on a group of countryside ramblers planning a walk headed in the direction of a nature reserve that is home to a protected species and about to be dug up by investment zone bulldozers. The Secretary of State might decide that there is a risk that the ramblers will link hands to try to close down a major bridge that is required for vehicle access to the nature reserve. The Government might then apply for an injunction to stop the walk and for the power to arrest anyone who breaches that injunction and goes rambling in the countryside—regardless of their intentions. If successful, a new public order offence will have effectively been created on the basis of potential disruption of key national infrastructure, and the ramblers concerned will be at risk of being fined or even imprisoned. I do not think that it is an over-exaggeration to call such powers Orwellian. They are anti-freedom, anti-human rights and anti-democratic.

**Jeremy Corbyn:** My hon. Friend is making an absolutely excellent speech. The right to roam would not have happened without the mass trespass at Kinder Scout in the 1930s. We owe our liberties to those who took risks by demonstrating in the first place. Every Member of this House has benefited from those liberties that came about as a result of the risks that others took.

**Caroline Lucas:** Do I agree? Yes, I do. The right hon. Gentleman makes a very important point. As someone who took part in some recreations of that trespass on Kinder Scout earlier this year, I could not agree with him more about the importance of people taking that action.

It is also important to note that while existing and expansive civil injunctions are being used with growing and alarming frequency to clamp down on direct action tactics, with a wider, chilling effect on the right to protest, the majority of civil injunctions do not give the police powers of arrest. I have repeatedly warned that the Government's approach overall amounts to a dangerous politicising of policing, and these two new clauses are cut from exactly the same cloth. Moreover, a seemingly ideological determination to stop people standing up for what they believe in is woven through every clause of this Bill.

In my remaining time, I want to speak specifically against serious disruption prevention orders and in favour of the amendments to remove them. On Second Reading, I set out my objection to these new civil orders and said that they might more accurately be called "sinister disproportionate political orders". Nothing I have heard since then has persuaded me otherwise.

The Government want to be able to impose such orders on individuals who have participated in at least two protests within a five-year period, whether or not they have actually been convicted of any crime. That is a massive expansion of police powers. Furthermore, the range of activities that could result in someone being given an SDPO is extremely broad. It includes actions that would not themselves be criminal but for the creation of the new, widely-drawn offences in the Bill. The threshold is so low as to be laughable, were the consequences not so grave. The conditions for imposing an SDPO include activities related to a protest that might—might—cause serious disruption to two or more people. The Bill is a massive clampdown on our civil liberties and we have to oppose it.

Finally, I wish to put on record my support for the new clauses of the hon. Member for Streatham (Bell Ribeiro-Addy), and for new clause 11, which has been much discussed already this afternoon. I also want to say a few last words about new clauses 13 and 14, which I support because they are consistent with so much of the work that has been done over many years to make misogyny a hate crime and to end violence against women and girls. Sexual harassment is still at epidemic proportions. Women are disproportionately subjected to harassment, abuse and intimidation every day. Those offences are still not properly addressed by the police or the criminal justice system.

New clauses 13 and 14 would bring sentencing for harassment offences motivated by the sex of the victim in line with the approach already followed for offences motivated by race or religious identity. Crucially, they do not create any new public order offences or make anything illegal that is not already illegal; rather, they seek to ensure a serious response from the police and the courts. I hope that, in turn, harsher sentencing for those hate crimes would act as a deterrent and encourage women to report sex-based harassment, confident that they will be taken more seriously than at present.

Some 97% of women under the age of 25 have experienced sexual harassment in a public space—a huge number. There is no room for complacency. If we want to tackle hate crime against women, we must support the changes set out in new clauses 13 and 14.

**Carla Lockhart** (Upper Bann) (DUP): In introducing new clause 11, the hon. Member for Walthamstow (Stella Creasy) is merely picking up the baton from

[Carla Lockhart]

amendments originally sponsored by the hon. Member for Ealing Central and Acton (Dr Huq), who has tried to bring these plans forward three times already since 2020. It will come as no surprise that I rise to speak against the new clause or that our party will vote against it. It is not needed now for the same reasons it was not needed on those occasions.

We already have laws on the statute book to prevent harassment and maintain public order, including laws in place to ensure that women are not harassed or intimidated outside abortion clinics. Therefore, the new clause is simply unnecessary. The law gives the police the powers they need to maintain public order, to intervene if demonstrations cause serious disruption and to tackle threatening or abusive behaviour that may intimidate women.

In the vast majority of cases, there is no evidence that hospitals and abortion clinics are affected by protesters, so a blanket ban is an unnecessary and disproportionate response, especially when the police can protect women through other lawful means. The police already have the tools they need to protect women. There is no evidence of the scale of harassment that the hon. Member for Walthamstow and others in this House have referred to. Therefore, I repeat, the new clause is not necessary. It would risk unintended consequences for freedom of speech and freedom of expression, and it would be bad for women.

Many women have been helped by volunteers outside abortion clinics. The right hon. Member for Gainsborough (Sir Edward Leigh) referred to Alina Dulgheriu, who wrote last week about her experience and how a lady helped her outside an abortion clinic. I will not repeat the story, but she explained that her “beautiful daughter would not be here today”

without support from a volunteer handing out a leaflet outside the clinic.

Another mother, who is happy for her testimony to be shared with parliamentarians but does not want her name shared because of fears of retaliation from pro-choice campaigners, explained that she was “under immense pressure” to go through with her abortion, but on her way into the abortion clinic a woman handed her a leaflet and simply said that she was there if she needed her. Her conversation with that woman gave her the support and confidence she needed to keep her baby.

That mother further recounted:

“The potential introduction of buffer zones is a really bad idea because women like me, what would they do then? You know, not every woman that walks into those clinics actually wants to go through with the termination. There’s immense pressure, maybe they don’t have financial means to support themselves or their baby, or they feel like there’s no alternatives. These people offer alternatives.”

She describes her daughter as “an amazing, perfect little girl”

and the love of her life. She shared her testimony because she wants MPs advocating for buffer zones to realise that her daughter would not be alive today if they had had their way. Buffer zones would deprive many other women who do not want to abort their babies but perhaps feel they have no other choice of the same support that these two who have bravely shared their stories received.

Before I conclude, there are a number of other points I want to make. Under this new clause, as drafted, it would be a crime to offer help to those women who ideally would like to continue with the pregnancy but cannot, due to economic circumstances. That is just abhorrent. The new clause would criminalise anyone making such an offer regardless of how they went about it or their views on abortion. How is that pro-choice?

4 pm

Similarly, the new clause as drafted would criminalise someone who accompanies a woman having an abortion and who says, “Are you sure?” even if the woman seeking the abortion is happy for that to be asked. Even if hon. Members agree with the principle of the new clause, there must be a recognition that it is poorly drafted and criminalises far more than ought to be criminalised. It is not tailored to deal with disruptive pro-life protestors, as perhaps the House has been led to believe by those who have proposed it. I encourage hon. Members across the House to consider what has been said about the new clause going far further than needed; laws are already in place to protect women against any misdemeanours or inappropriate behaviour outside such clinics.

**Anne McLaughlin** (Glasgow North East) (SNP): I am so disappointed that we are debating a piece of legislation that should have been resigned to the scrap heap, along with the previous Cabinet’s regressive legislative programme. We are firefighting an economic crisis on an unprecedented scale and valuable Government time in this place is being wasted on draconian legislation that nobody, with the exception of selected Government Members, actually wants. I include in that the people who will be sent out on the streets to try to enforce this nonsense. Representatives from police forces have said time and again, throughout the consultation and Committee stages of the Bill, that this is not required.

The powers already exist to police protests in an effective and proportionate manner, and that is what I will focus on—proportionality. After all, this is a balancing act between the fundamental rights that allow us to protest, for whatever cause and whatever reason, and the rights of those who might be inconvenienced or affected by a protest.

At what stage does the scale tip? Government Members will undoubtedly cite cases where protestors glued themselves to the M25 or threw tomato soup at a priceless artwork, albeit one that was behind protective glass, but at what point does their right to stand up and say, “Wake up! The world is on fire,” become less important than someone’s right to get to work on time or to gaze upon a painting? The right hon. Member for Gainsborough (Sir Edward Leigh) said that people standing shouting at people outside abortion clinics were “just raising awareness”. Well, he cannot argue that such protestors are doing anything other than trying to raise awareness.

Throughout the stages of the Bill and repeatedly during the passage of the Police, Crime, Sentencing and Courts Act 2022, it was made clear to the Government that the whole point of a protest is to make a noise and get noticed. I am sure that when Muriel Matters and Helen Fox chained themselves to the grille in the Ladies’ Gallery of this place in 1908, shouting,

“We have been behind this insulting grille too long!”,



they intended to be heard. Thanks to protests like that, not only can I now vote, but I can stand here and represent the voices of my constituents—as long as my own voice does not pack up soon.

Let us imagine this Bill had been in place in 1908. Muriel and Helen might have been stopped and searched on the way here, and a chain or lock may have been found on them. Maybe they would be serving 51 weeks in prison, or maybe the chilling effect of knowing this might happen would have stopped them altogether, so maybe women would not have got the vote. Do you see where I am going with this, Mr Deputy Speaker? I am not even delving into the vast number of ways a person could be snared by the Bill.

We have a new Home Secretary, who has taken the wheel and veered further into the realms of “Nineteen Eighty-Four” and “The Handmaid’s Tale” in a way that brings to mind that iconic lyric from one of my favourite bands, The Who:

“Meet the new boss, same as the old boss.”

Her scant regard for human rights, the European convention on human rights, and our obligations under international law are well documented, so any lip service to the claim that the Bill is somehow compliant with the ECHR is exactly that.

Like the hon. Member for Brighton, Pavilion (Caroline Lucas), I will take some time to focus on part 2 and serious disruption prevention orders. I much prefer the colloquial name given to these orders by civil liberties groups including Liberty and Big Brother Watch: protest banning orders. That is what they are. I have talked to a lot of people about the Bill, and the conversation usually starts with locking on and tunnelling. They are headline grabbers, and rightly so, but when the discussion moves on to protest banning orders and just how far and wide the net spreads to catch people, jaws visibly drop. People just cannot believe that this could happen to them. I can hardly believe it, and I am a really cynical person.

We are talking about an order placed on a person—it could be you, Mr Deputy Speaker—that can restrict where they go, who they see, what they do and how they use the internet, and could result in them having to wear a GPS tag for an indefinite period. It can be slapped on someone who has not even attended a protest. I am hoping for an intervention from a Member trying to claim that I am oversimplifying this, but I doubt I will get one, because I am not. As others have said, all somebody has to do to be served with a protest banning order is to participate in at least two protests within a five-year period, whether or not they have been convicted of a crime. An order can be placed on a person who has carried out activities or contributed to the carrying out of activities by any other person related to a protest that resulted in, or was likely to result in, serious disruption on two or more occasions. Wow!

This provision could not be broader. It could apply to anyone. Take me for example. What if I let my partner borrow my mobile phone to tweet about a Black Lives Matter protest? Could it be claimed that I am inadvertently contributing to the carrying out of activities by another person related to a protest that is likely to result in serious disruption? What is serious disruption? Members should not bother flicking through the Bill, because the definition is not there. The closest definition we might

be able to rely on is in the Police, Crime, Sentencing and Courts Act 2022, under which—rather conveniently—the Home Secretary has discretion to redefine it any time she sees fit to do so.

We had hours of debate on this in Committee. The issue has been and always will be that “serious disruption” is wholly subjective, so it sets an incredibly low threshold for these draconian measures being placed on individuals who are simply exercising their human rights. I agree with the Labour amendment that states we must have a definition of serious disruption, but let me be clear: my position and that of my party is that we must get rid of these provisions all together.

When I get my SDPO, I have to fulfil a host of obligations, and if I do not, I cross the line into criminal behaviour for breach of a civil order, ending with a 51-week stay in prison, a fine, or both. Not that civil after all, it appears. I might not be able to attend future protests. I might be stopped from using the internet in ways that might encourage people to carry out activities that are related to a protest, or that are likely to result in serious disruption—again, there is no definition of the term. I do not even have to have been at a protest to be banned from any future protest—a point not lost on Lord Paddick when the Police, Crime, Sentencing and Courts Bill was on Report in the other place.

Why do we find ourselves in the realm of preventive justice? On Second Reading, I referred to the movie “Minority Report”, where precogs could look into the future and predict a crime before it happened. That is a movie; it is not supposed to be a template to base actual laws on. The police have roundly rejected the concept of protest banning orders and have claimed that they

“would neither be compatible with human rights legislation nor create an effective deterrent.”

so why are we doing this?

We cannot electronically tag people who have committed no crime and claim that we are respecting their human rights, although shamefully the Government have no qualms about doing that to asylum seekers. A GPS tag’s data can carry the most personal and sensitive information, such as who someone’s GP is, where they shop and who they visit. It is a massive invasion of privacy that marks a new era of state surveillance.

We very much support of amendment 1, which removes SDPOs from the Bill. I thank the hon. Member for Broxbourne (Sir Charles Walker) for his work on the amendment, for his fantastic speech today—I never thought that I would hear myself say that about someone on the Conservative Benches, but it hit the mark—and for his collaborative approach to the amendment, which was in his name and is now in my name. I hope to press it to a vote tonight.

I have spent much of the time available to me discussing SDPOs, but I reiterate the SNP’s complete opposition to the Bill in its entirety, because it is draconian. As my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) said, we need only to look at the JCHR report to find the list of powers that already exist and can be used—the hon. Member for Broxbourne listed them for us.

Our opposition to the Bill in its entirety is made clear by our amendments not to amend the Bill but to remove all but one little clause. That is a radical step, but it

[Anne McLaughlin]

attracted much public and cross-party support. I thank the hon. Members who put their name to those amendments. Unfortunately, as SNP spokesperson, I cannot realistically press more than one of my amendments to a vote—if I could, I would press them all to a vote. In particular, in addition to amendment 1, I would press amendment 12, which would remove suspicion-less stop and search. I hope that Labour will move that amendment so that we can vote on it and, clearly, support it.

We support many amendments from other hon. Members, including all those in the name of my hon. and learned Friend the Member for Edinburgh South West on behalf of the Joint Committee. We also agree with the hon. Member for Streatham (Bell Ribeiro-Addy) about the need for a public inquiry into the impact of the policing of public order on black, Asian and minority ethnic people.

I support new clause 11 on buffer zones in the name of the hon. Member for Walthamstow (Stella Creasy) but, in answer to the hon. Member for Harwich and North Essex (Sir Bernard Jenkin), it will not surprise him or the hon. Lady that we will not vote on it if it is pressed to a vote, because it applies only to England and Wales. The Scottish Government are progressing work on it for Scotland. I agree with everything she said on it and I pay tribute to the work that she and the hon. Member for Ealing Central and Acton (Dr Huq) have been doing on it for some time.

In closing, we do not need this Bill—nobody needs this Bill. Our right to protest is fundamental. It is the only tool available to many people—most people—to effect real change. The Bill comes on the back of photographic voter ID, restrictions on judicial review, and the Police, Crime, Sentencing and Courts Act 2022 that we are yet to feel the full force of. When will the Government stop? When will they put their hands up and say, “We’ve got this wrong”? They need to realise that, instead of slamming their hand down on people who are protesting because they are desperately worried, they should extend a hand of solidarity to them and fix the problems that people are protesting about in the first place.

**Mr Deputy Speaker (Mr Nigel Evans):** Order. I am expecting four Divisions when the Minister resumes his seat.

**Jeremy Quin:** I hope that we will have fewer, Mr Deputy Speaker, and that hon. Members will be withdrawing their amendments during my remarks.

I start by thanking the hon. Member for Glasgow North East (Anne McLaughlin) and all hon. Members who have contributed to this lively debate. I know that all hon. Members treat this debate and these issues with the great seriousness and concern that they deserve. With the leave of the House, I will respond to some of the points made throughout the debate and to some of the key amendments.

I will start with the amendments in the name of my hon. Friend the Member for Broxbourne (Sir Charles Walker) and the hon. Member for Glasgow North East—appropriately—which seek to remove the serious disruption prevention orders from the Bill. My hon.

Friend said that he was cold when he turned up today. I think he misheard me from a sedentary position; I merely said that he had certainly warmed up during his speech.

Our experience of some of the recent protests has shown that the police are encountering the same individuals who are determined to repeatedly inflict disruption on the public. For example, as of July this year, 460 individuals had been arrested a total of 910 times at Just Stop Oil protests, while during Insulate Britain’s campaign, 268 individuals were arrested a total of 977 times. It cannot be right that a small group of individuals can repeatedly commit criminal offences against our roads and railways, to name only a few places, and not face appropriate restrictions.

4.15 pm

I have heard arguments from Opposition Members about how serious disruption prevention orders will unfairly infringe on someone’s right to protest. I must state unequivocally that the Government do not agree. As I have said already, peaceful protest is a fundamental part of our democracy, and those who make their voices heard peacefully will not be affected by these changes. Rather, serious disruption prevention orders exist to provide a route to prevent small numbers of individuals who have a track record of deliberately causing serious disruption from using the cover of protest to commit criminal offences or inflict serious disruption on the wider public.

**Sir Charles Walker:** Will the Minister give way?

**Jeremy Quin:** I have lots of Members to cover, but I will of course give way.

**Sir Charles Walker:** The Minister is his usual charming self, but what we are talking about is putting ankle tags on people who have not been convicted of any crime. That just does seem way over the top.

**Jeremy Quin:** That would be a decision made by a court in very specific circumstances, and I do trust our courts to take appropriate action. They can only do so on the weight of evidence, and they are very used to taking these decisions. After all, there is a tried and tested process whereby injunctions can be sought and obtained to prevent a future harm. I do not think this is as radical as my hon. Friend is suggesting. However, I congratulate him on the points he made, even though I disagree with him, and also my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds) on his contribution to this point of the debate. I would love to prevail on my hon. Friend the Member for Broxbourne to withdraw his amendment, but I do not think that is going to happen, and I look forward to opposing it.

Turning to the hon. Member for Croydon Central (Sarah Jones), I spoke earlier in the debate about why we believe that injunctions are useful. We absolutely accept the point being made by the hon. Lady that they are appropriate when used properly, and that is why we have tabled our amendments. I think ours is a more competent and effective way of achieving our shared objectives.

On new clause 5, which seeks to define the meaning of “serious disruption” for the purposes of this Bill, I have to say that no two protests, nor the operational response required, are ever the same. Being too prescriptive risks the ability of the police to respond to fast-evolving protest tactics while also risking the exploitation of loopholes by those intent on causing as much disruption as possible. That is not to say that I dismiss the principle of this amendment. There is a balance to be struck between a definition that is broad and one that is prescriptive, so while I do not agree with the hon. Lady’s amendment, we will reflect further on its intent.

I turn now to perhaps the most vexed issue in today’s debate—namely, new clause 11, proposed by the hon. Member for Walthamstow (Stella Creasy). New clause 11 seeks to create 150-metre buffer zones outside abortion clinics in which all activity interfering with a person’s right to access abortion services would be prohibited. As the hon. Lady would accept, that is a blunt instrument. It is there to achieve an objective, but within those 150-metre buffer zones there could be houses and churches, and this would be a national decision covering the 150 metres around all clinics.

At the outset of the debate, I made it clear that, from the Government’s perspective, it is a free vote for members of our party. My good friend, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), said that this is a difficult issue to grapple with, and it is indeed difficult. However, I would like to make it clear that it is entirely possible to support totally a woman’s right to an abortion and to view protests outside abortion clinics as abhorrent while still believing that the current legislative framework provides an appropriate response.

**Sir Bernard Jenkin:** I think the Minister should now be persuaded, particularly as one of his predecessors, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), has now made it clear that she supports this amendment. It is time for the Government to say that we have to recognise that the present arrangements are not adequate, and we will be thinking about how to build on the arguments that have been presented in new clause 11. Just to rest on the status quo is not a sufficient response, however the Government vote today.

**Jeremy Quin:** I sympathise with the sentiment behind new clause 11. I hope we all agree that it is wholly unacceptable for women to feel harassed or intimidated when accessing abortion services. However, bearing in mind the size, scale and frequency of those protests, it is still our view that placing a nationwide blanket ban on protests outside all abortion clinics in England and Wales would be a blunt approach and disproportionate given the existing powers that can and should be used.

**Stella Creasy** *rose*—

**Jeremy Quin:** I give way to the hon. Lady as this is her new clause.

**Stella Creasy:** I know that the Minister is listening both to the testimony of previous colleagues and the sentiment across the House, but might the answer to this lie in the great institutions of this place, in that we should accept this amendment today and seek to further refine how it could work in the other place? We could today send a message to the other place that we will grapple with the issue and resolve it. The testimony

from the hon. Member for Louth and Horncastle (Victoria Atkins), a former Home Office Minister, powerfully set out that this is a road to travel. The challenge in this place is that without those opportunities for scrutiny and further refinement, the status quo will remain, and what the Minister is hearing from across the House is that the status quo is not acceptable. Might that not be a way forward?

**Jeremy Quin:** My hon. Friend the Member for Louth and Horncastle mentioned the reviews that have been done: the review conducted in 2018 went into this in great depth and there has been further work since, and the hon. Lady referred to further work being done in relation to the Police, Crime, Sentencing and Courts Act 2022. That maintained the Government position that the current arrangements are still proportionate. There is legislation; the Public Order Act 1986 and the PSPOs provide those routes, and we continue to believe that is proportionate, but this is ongoing work and we need to continue to ensure that it is still proportionate. I will be reviewing and making certain that I understand fully the pattern of protests and the effectiveness and indeed the cost of PSPOs, and I will certainly make sure that that work is constantly refreshed if the House agrees we should maintain the current legislative environment.

There are existing laws to protect people from harassment and intimidation outside abortion clinics. The police have robust powers to deal with protests that obstruct access to clinics, and cause alarm, harassment or distress, and where protests cause harm, we expect the police and local authorities to work together at the local level to respond in a way that takes into consideration the local facts, issues and circumstances. In addition, local authorities already have powers to implement PSPOs; these can be introduced when a local authority is satisfied that protests are having, or are likely to have, a detrimental effect. We have seen increased use of these in recent weeks, with five local authorities imposing an order outside abortion clinics.

**Fiona Bruce:** Because some of our colleagues will not have been able to follow the whole debate, will the Minister confirm what I believe he is saying, which is that he personally will vote against new clause 11 this afternoon?

**Jeremy Quin:** It is a free vote and I will be voting against the amendment. I believe the powers and legislative environment we have are appropriate at the current juncture, and that is the position the Government have taken in the past. It is also the case that we continue to do work on this; I will continue to ensure that we are reviewing the scale of protests, the adequacy of the current legislative framework, and the effectiveness and cost of PSPOs. We need to maintain that work although I will be voting against the amendment this afternoon.

My hon. Friend the Member for Harwich and North Essex (Sir Bernard Jenkin) said that, if the new clause falls, he will not give up. I would have been surprised had he said anything else, and I would be surprised if the hon. Member for Walthamstow gave up if she lost the vote. As I said, we will continue to review and assess this area, but it is important to get it right. There are powerful arguments on both sides of the debate, as enunciated by my hon. Friend the Member for Congleton



[Jeremy Quin]

(Fiona Bruce), the hon. Member for Upper Bann (Carla Lockhart) and my right hon. Friend the Member for Gainsborough (Sir Edward Leigh), and, on the other side, the hon. Member for Walthamstow, my hon. Friend the Member for Louth and Horncastle and my right hon. Friends the Members for Romsey and Southampton North (Caroline Nokes) and for Harwich and North Essex. I have set out how, through the current legislation and PSPOs, a lot can be done. The House will determine whether it believes that to be insufficient.

I turn to new clauses 13 and 14 tabled, again, by the hon. Member for Walthamstow, who is a passionate campaigner on these issues. In last year's "Tackling violence against women and girls strategy", we confirmed that we are looking carefully at where there may be gaps in existing law and how a specific offence of public sexual harassment could address them. In the light of that work, just before summer recess, we launched a targeted consultation on whether there should be a specific offence of public sexual harassment and, if so, what it should look like. The hon. Lady knows that. The consultation closed in September, and we are grateful to her for sending us her comments. We are working at pace to analyse the responses and to determine the best way forward. I reassure her that, for example, her comments on foreseeability of intent are absolutely part of that consultation. What I cannot do—I am sorry to disappoint her—is give a commitment today on our next steps. That would not be appropriate until we fully analyse the consultation. I look forward to sharing our views with the House as soon as possible.

I turn to the several amendments tabled on the recommendations of the Joint Committee on Human Rights. Again, I thank the hon. and learned Member for Edinburgh South West (Joanna Cherry) and the Committee for the vital work that they do in supporting parliamentary scrutiny, as was referred to by the hon. Member for North East Fife (Wendy Chamberlain) and my hon. Friend the Member for Ruislip, Northwood and Pinner. Amendments 28, 30, 35 and 37 aim to move the burden of proof for a reasonable excuse from the defendant to the prosecution for the relevant offences. As we made clear in our formal response to the Committee's report, whether or not someone has a reasonable excuse for their actions is specific to each incident, and we see it as entirely appropriate that the defendant who committed the offence in the first place and has personal knowledge of those facts is required to prove them. Beyond that, our courts are experts in assessing whether an individual has a reasonable excuse for a multitude of criminal offences. I do not see the value in placing that burden on the prosecution.

Amendments 32, 36 and 38 seek to require the courts to have particular regard to articles 10 and 11 of the European convention on human rights when assessing whether someone has a reasonable excuse for offences. Courts and other public bodies are already obliged to act compatibly with ECHR, and we do not believe that it is necessary to repeat that obligation.

Finally, several amendments seek to narrow the Bill's scope. I will not address each individual amendment. The Government believe that the scope of the offences is not only appropriate but proportionate to the serious disruption inflicted.

I turn to a couple of other amendments.

**Alicia Kearns** (Rutland and Melton) (Con) *rose—*

**Jeremy Quin:** I was about to turn to my hon. Friend. She tabled amendments 51 and 52, which would add farms and food production infrastructure to the list of key national infrastructure. That would significantly increase the scope of the Bill. As she is aware, there are some 216,000 farm holdings and 13,560 food and drink manufacturers—it goes on. However, I understand and am sympathetic to the point she made about the importance of food and food manufacture. I will take up with my colleagues in the Department for Environment, Food and Rural Affairs whether we need to look further at that area in the Bill, and I will share with her the results of that at pace.

**Alicia Kearns:** I thank my hon. Friend for recognising that the actions of vegan militias over the summer in disrupting milk supply chains were unacceptable. They hurt our farmers and our food security. When he tasks his officials and those of DEFRA to look at that, will he commit to meeting me in December and consider secondary legislation to protect our food producers and our food security?

**Jeremy Quin:** I am delighted to confirm that I will meet my hon. Friend in December and talk through our view with her, having discussed it. I am sympathetic to how food is an important aspect of our national resilience.

On stop and search, I am grateful to the hon. Member for Battersea (Marsha De Cordova) for tabling new clauses 9 and 10, and to the hon. Member for Streatham (Bell Ribeiro-Addy) for speaking to them so capably. The Home Office continues to publish extensive data on the use of stop and search to drive transparency. That will continue with the introduction of these new powers. As my predecessor did in Committee, I can assure the hon. Lady that data on the use of these powers will be collected and published. It will be broken down by age, gender and ethnicity and include the outcome of the search, as for existing stop-and-search powers. On the creation of an independent reviewer of the powers, I point the hon. Lady to the existing independent bodies, to which she referred, the IOPC and His Majesty's inspectorate of constabulary and fire and rescue services, which will ensure that proper oversight of the powers is embedded in its inspections.

4.30 pm

Before I conclude, I would like to thank all hon. Members for their contributions today. I call on the House to back the Government amendments and to reject any amendments that would make it more difficult to tackle the selfish minority of individuals who are intent on wreaking havoc on the lives of ordinary people.

**Mr Deputy Speaker (Mr Nigel Evans):** As I said earlier, I am anticipating four Divisions. The first one will, I believe, be on new clause 4. If somebody from the SNP could inform the Chair who their Tellers might be, should they decide to have a vote on their amendment, I would be extremely grateful.

*Question put and agreed to.*

*New clause 7 accordingly read a Second time, and added to the Bill.*

### New Clause 8

#### INJUNCTIONS IN SECRETARY OF STATE PROCEEDINGS: POWER OF ARREST AND REMAND

(1) This section applies to proceedings brought by the Secretary of State under section (Power of Secretary of State to bring proceedings) (power of Secretary of State to bring proceedings).

(2) If the court grants an injunction which prohibits conduct which—

- (a) is capable of causing nuisance or annoyance to a person, or
- (b) is capable of having a serious adverse effect on public safety,

it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.

(3) This subsection applies if the Secretary of State applies to the court to attach the power of arrest and the court thinks that—

- (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or
- (b) there is a significant risk of harm to—
  - (i) in the case of conduct mentioned in subsection (2)(a), the person mentioned in that provision, and
  - (ii) in the case of conduct mentioned in subsection (2)(b), the public or a section of the public.

(4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom the constable has reasonable cause for suspecting to be in breach of that provision.

(5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the Secretary of State.

(6) Where a person is arrested under subsection (4)—

- (a) the person must appear before the court within the period of 24 hours beginning at the time of arrest, and
- (b) if the matter is not then disposed of forthwith, the court may remand the person.

(7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account is to be taken of Christmas Day, Good Friday or any Sunday.

(8) Schedule (Injunctions in Secretary of State proceedings: powers to remand) applies in relation to the power to remand under subsection (6).

(9) If the court has reason to consider that a medical report will be required, the power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.

(10) If such a power is so exercised the adjournment is not to be in force—

- (a) for more than three weeks at a time in a case where the court remands the accused person in custody, or
- (b) for more than four weeks at a time in any other case.

(11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from mental disorder within the meaning of the Mental Health Act 1983 the court is to have the same power to make an order under section 35 of that Act (remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section.

(12) In this section—

“harm” includes serious ill-treatment or abuse (whether physical or not);

“the court” means the High Court or the county court and includes—

- (a) in relation to the High Court, a judge of that court, and
- (b) in relation to the county court, a judge of that court.”—(*Jeremy Quin.*)

*This new clause contains provision for the court to attach powers of arrest to an injunction granted in proceedings brought in the name of the Secretary of State in accordance with NC7. This new clause also contains related provisions in connection with the remand of arrested persons.*

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 4

#### INJUNCTION TO PREVENT SERIOUS DISRUPTION TO EFFECTIVE MOVEMENT OF ESSENTIAL GOODS OR SERVICES

“(1) Upon an application by a person under subsection (4), an injunction may be ordered by a Judge of the High Court against ‘persons unknown’ in order to prevent a serious disruption to the effective movement of any essential goods or any essential services occasioned by a public procession or public assembly.

(2) The “persons unknown” may be—

- (a) anonymous persons taking part in a public process or public assembly who are identifiable at the time of the proceedings; and/or
- (b) persons not presently taking part in a public procession or public assembly protest but who will in future join such a public procession or public assembly.

(3) The conditions under which such an injunction may be granted are as follows—

- (a) there must be a real and imminent risk of a tort being committed which would result in a serious disruption to the effective movement of any essential goods or any essential services;
- (b) a method of service must be set out in the order which may reasonably be expected to bring the proceedings to the attention of the “persons unknown”;
- (c) the “persons unknown” must be defined in the order by reference to their conduct which is alleged to be unlawful;
- (d) the acts prohibited by the order must correspond with the threatened tort;
- (e) the order may only prohibit lawful conduct if there is no other proportionate means of protecting the effective movement of essential goods or essential services;
- (f) the terms of the order must set out what act(s) the persons potentially affected by the order must not do;
- (g) the terms of the order must set out a defined geographical area to which the order relates; and
- (h) the terms of the order must set out a temporal period to which the order relates, following which the order will lapse unless a further order is made upon a further application by the applicant.

(4) An applicant for an injunction to prevent serious disruption to effective movement of essential goods or services may be—

- (a) a local authority with responsibility for all or part of the geographical area to which the proposed order relates;
- (b) a chief constable with responsibility for all or part of the geographical area to which the proposed order relates; or
- (c) a person resident in, or carrying on a business within, the geographical area to which the proposed order relates.

(5) A “serious disruption to effective movement of essential goods or services” includes a prolonged disruption to—

- (a) the effective movement of the supply of money, food, water, energy or fuel;
- (b) a system of communication;
- (c) access to a place of worship;
- (d) access to a transport facility;
- (e) access to an educational institution; and
- (f) access to a service relating to health.”—(*Sarah Jones.*)

*Brought up, and read the First time.*

*Question put, That the clause be read a Second time.*

*The House divided: Ayes 188, Noes 313.*

## Division No. 60]

[4.31 pm

### AYES

Abbott, rh Ms Diane  
 Ali, Rushanara  
 Ali, Tahir  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Anderson, Fleur  
 Ashworth, rh Jonathan  
 Barker, Paula  
 Beckett, rh Margaret  
 Begum, Apsana  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Blake, Olivia  
 Blomfield, Paul  
 Bradshaw, rh Mr Ben  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Campbell, rh Sir Alan  
 Carden, Dan  
 Chamberlain, Wendy  
 Champion, Sarah  
 Charalambous, Bambos  
 Clark, Feryal  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Coyle, Neil  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Dodds, Anneliese  
 Doughty, Stephen  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Farry, Stephen  
 Foord, Richard  
 Foxcroft, Vicky  
 Furniss, Gill  
 Gardiner, Barry  
 Gill, Preet Kaur  
 Glindon, Mary  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Gwynne, Andrew  
 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  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Kim  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Khan, Afzal  
 Kinnock, Stephen  
 Kniveton, Kate  
 Kyle, Peter  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Long Bailey, Rebecca  
 Lynch, Holly  
 Madders, Justin  
 Mahmood, Shabana  
 Malhotra, Seema

Maskell, Rachael  
 Matheson, Christian  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGovern, Alison  
 McKinnell, Catherine  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Mishra, Navendu  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Osamor, Kate  
 Osborne, Kate  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Pollard, Luke  
 Powell, Lucy  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reed, Steve  
 Reeves, Ellie  
 Reeves, Rachel  
 Ribeiro-Addy, Bell

Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Spellar, rh John  
 Starmer, rh Keir  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tarry, Sam  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Colleen Fletcher and**  
**Gerald Jones**

### NOES

Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, rh Edward  
 Atherton, Sarah  
 Atkins, Victoria  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, rh Kemi  
 Bailey, Shaun  
 Baillie, Siobhan (*Proxy vote cast by Craig Whittaker*)  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, rh Steve  
 Baron, Mr John  
 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  
 Bradley, rh Karen  
 Brady, Sir Graham  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartledge, James  
 Cash, Sir William  
 Cates, Miriam  
 Chalk, Alex



Chishti, Rehman  
 Chope, Sir Christopher  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke, Theo (*Proxy vote cast by Craig Whittaker*)  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Philip  
 Davis, rh Mr David  
 Davison, Dehenna  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Double, Steve  
 Dowden, rh Oliver  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, Sir James  
 Duguid, David  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Mrs Natalie  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Griffith, Andrew

Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 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, rh James  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Hoare, Simon  
 Holden, Mr Richard  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hughes, Eddie  
 Hunt, Jane  
 Hunt, Tom  
 Javid, rh Sajid  
 Jayawardena, rh Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kniveton, Kate  
 Kruger, Danny  
 Lamont, John  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Levy, Ian  
 Lewer, Andrew  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Loder, Chris  
 Longhi, Marco  
 Lopez, Julia  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie

May, rh Mrs Theresa  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McVey, rh Esther  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mitchell, rh Mr Andrew  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Penrose, John  
 Percy, Andrew  
 Philp, rh 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  
 Smith, rh Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, rh Julian  
 Smith, Royston  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh 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  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Tugendhat, rh Tom  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William  
 Wright, rh Sir Jeremy

**Tellers for the Noes:**  
 Amanda Solloway and  
 Jacob Young

*Question accordingly negated.*

4.47 pm

*More than three hours having elapsed since the commencement of proceedings on the programme motion, the proceedings were interrupted (Programme Order, this day).*

*The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

### New Clause 5

#### DEFINITION OF “SERIOUS DISRUPTION”

“(1) For the purposes of this Act, ‘serious disruption’ means—

- (a) significant delay to the delivery of a time-sensitive product to consumers of that product, or
- (b) prolonged disruption of access to any essential goods or any essential service, including, in particular, access to—
  - (i) the supply of money, food, water, energy or fuel,
  - (ii) a system of communication,
  - (iii) a place of worship,
  - (iv) a place of worship,
  - (v) an educational institution, or
  - (vi) a service relating to health.

(2) In subsection (1)(a) a ‘time-sensitive product’ means a product whose value or use to its consumers may be significantly reduced by a delay in the supply of the product to them.”—  
(*Sarah Jones.*)

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The House divided: Ayes 186, Noes 311.*

**Division No. 61]**

**[4.47 pm**

#### AYES

Abbott, rh Ms Diane  
 Ali, Rushanara  
 Ali, Tahir  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Anderson, Fleur  
 Ashworth, rh Jonathan  
 Barker, Paula  
 Beckett, rh Margaret  
 Begum, Apsana  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Blake, Olivia  
 Blomfield, Paul  
 Bradshaw, rh Mr Ben  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Campbell, rh Sir Alan  
 Carden, Dan  
 Chamberlain, Wendy  
 Champion, Sarah  
 Charalambous, Bambos  
 Clark, Feryal  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Coyle, Neil  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Dodds, Anneliese

Doughty, Stephen  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Farry, Stephen  
 Foord, Richard  
 Foxcroft, Vicky  
 Furniss, Gill  
 Gardiner, Barry  
 Gill, Preet Kaur  
 Glindon, Mary  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Gwynne, Andrew  
 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  
 Hillier, Dame Meg  
 Hobhouse, Wera  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Howarth, rh Sir George  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Kim

Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Long Bailey, Rebecca  
 Lynch, Holly  
 Madders, Justin  
 Mahmood, Shabana  
 Malhotra, Seema  
 Maskell, Rachael  
 Matheson, Christian  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGovern, Alison  
 McKinnell, Catherine  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Mishra, Navendu  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Osamor, Kate  
 Osborne, Kate  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Pennycook, Matthew

Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Pollard, Luke  
 Powell, Lucy  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reed, Steve  
 Reeves, Ellie  
 Reeves, Rachel  
 Ribeiro-Addy, Bell  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Starmer, rh Keir  
 Stevens, Jo  
 Stone, Jamie  
 Stringer, Graham  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Timms, rh Sir Stephen  
 Trickett, Jon  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Yasin, Mohammad  
 Zeichner, Daniel

#### Tellers for the Ayes:

**Gerald Jones and  
 Colleen Fletcher**

#### NOES

Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Ansell, Caroline  
 Argar, rh Edward  
 Atherton, Sarah  
 Atkins, Victoria  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, rh Kemi  
 Bailey, Shaun  
 Baillie, Siobhan (*Proxy vote  
 cast by Craig Whittaker*)

Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, rh Steve  
 Baron, Mr John  
 Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Berry, rh Sir Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Bradley, rh Karen  
 Brady, Sir Graham

Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Sir Christopher  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke, Theo (*Proxy vote cast by Craig Whittaker*)  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davies, Philip  
 Davis, rh Mr David  
 Davison, Dehenna  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Double, Steve  
 Dowden, rh Oliver  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, Sir James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Mrs Natalie  
 Evans, Dr Luke  
 Evennett, rh Sir David  
 Everitt, Ben  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark

Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Griffith, Andrew  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 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, rh James  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Hoare, Simon  
 Holden, Mr Richard  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hughes, Eddie  
 Hunt, Jane  
 Hunt, Tom  
 Javid, rh Sajid  
 Jayawardena, rh Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Jupp, Simon  
 Kawczynski, Daniel  
 Kearns, Alicia  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kniveton, Kate  
 Kruger, Danny  
 Lamont, John  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward

Levy, Ian  
 Lewer, Andrew  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Loder, Chris  
 Longhi, Marco  
 Lopez, Julia  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherylyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 May, rh Mrs Theresa  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McVey, rh Esther  
 Merriman, Huw  
 Metcalfe, Stephen  
 Millar, Robin  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mitchell, rh Mr Andrew  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, rh 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  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Smith, rh Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, rh Julian  
 Smith, Royston  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh Graham  
 Sturdy, Julian  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Tugendhat, rh Tom  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wragg, Mr William

**Tellers for the Noes:**  
**Amanda Solloway and**  
**Jacob Young**

*Question accordingly negated.*



**New Clause 11****OFFENCE OF INTERFERENCE WITH ACCESS TO OR  
PROVISION OF ABORTION SERVICES**

“(1) A person who is within a buffer zone and who interferes with any person’s decision to access, provide, or facilitate the provision of abortion services in that buffer zone is guilty of an offence.

(2) A “buffer zone” means an area which is within a boundary which is 150 metres from any part of an abortion clinic or any access point to any building or site that contains an abortion clinic and is—

- (a) on or adjacent to a public highway or public right of way,
- (b) in an open space to which the public has access,
- (c) within the curtilage of an abortion clinic, or
- (d) in any location that is visible from a public highway, public right of way, open space to which the public have access, or the curtilage of an abortion clinic.

(3) For the purposes of subsection (1), “interferes with” means—

- (a) seeks to influence,
- (b) persistently, continuously or repeatedly occupies,
- (c) impedes or threatens,
- (d) intimidates or harasses,
- (e) advises or persuades, attempts to advise or persuade, or otherwise expresses opinion,
- (f) informs or attempts to inform about abortion services by any means, including, without limitation, graphic, physical, verbal or written means, or
- (g) sketches, photographs, records, stores, broadcasts, or transmits images, audio, likenesses or personal data of any person without express consent.

(4) A person guilty of an offence under subsection (1) is liable—

- (a) in the first instance—
  - (i) on summary conviction, to imprisonment for a term not exceeding 6 months,
  - (ii) to a fine not exceeding level 5 on the standard scale, or
  - (iii) to both; and
- (b) on further instances—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or
  - (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.

(5) Nothing in this section applies to—

- (a) anything done in the course of providing, or facilitating the provision of, abortion services in an abortion clinic,
- (b) anything done in the course of providing medical care within a GP practice, hospital or other healthcare facility,
- (c) the operation of a camera if its coverage of persons accessing or attempting to access an abortion clinic is incidental and the camera or footage is not used for any of the purposes listed in subsection (3), and
- (d) a police officer acting properly in the course of their duties.”—(*Stella Creasy.*)

*This new clause would introduce areas around abortion clinics and hospitals (buffer zones) where interference with, and intimidation or harassment of, women accessing or people providing abortion services would be an offence.*

*Brought up, and read the First time.*

*Question put, That the clause be read a Second time.*

*The House divided: Ayes 297, Noes 110.*

**Division No. 62]****[5.1 pm****AYES**

Abbott, rh Ms Diane  
Afolami, Bim  
Aiken, Nickie  
Ali, Rushanara  
Ali, Tahir  
Allin-Khan, Dr Rosena  
Amesbury, Mike  
Anderson, Fleur  
Anderson, Lee  
Andrew, rh Stuart  
Argar, rh Edward  
Ashworth, rh Jonathan  
Atherton, Sarah  
Atkins, Victoria  
Bailey, Shaun  
Baillie, Siobhan (*Proxy vote cast by Craig Whittaker*)  
Baker, Duncan  
Baker, Mr Steve  
Barker, Paula  
Baron, Mr John  
Baynes, Simon  
Beckett, rh Margaret  
Begum, Apsana  
Bell, Aaron  
Benn, rh Hilary  
Beresford, Sir Paul  
Betts, Mr Clive  
Blake, Olivia  
Blomfield, Paul  
Blunt, Crispin  
Bowie, Andrew  
Bradshaw, rh Mr Ben  
Brine, Steve  
Britcliffe, Sara  
Brown, Ms Lyn  
Brown, rh Mr Nicholas  
Browne, Anthony  
Bryant, Chris  
Buchan, Felicity  
Burgon, Richard  
Byrne, Ian  
Byrne, rh Liam  
Cadbury, Ruth  
Campbell, rh Sir Alan  
Carden, Dan  
Carter, Andy  
Chamberlain, Wendy  
Champion, Sarah  
Charalambous, Bambos  
Clark, Feryal  
Clark, rh Greg  
Clarke, Theo (*Proxy vote cast by Craig Whittaker*)  
Clarkson, Chris  
Clifton-Brown, Sir Geoffrey  
Colburn, Elliot  
Collins, Damian  
Cooper, Daisy  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Coyle, Neil  
Creasy, Stella  
Crouch, Tracey  
Cruddas, Jon  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Daby, Janet  
Daly, James  
David, Wayne  
Davies, David T. C.  
Davies, Geraint  
Davies, Dr James  
Davies-Jones, Alex  
Davison, Dehenna  
De Cordova, Marsha  
Debbonaire, Thangam  
Dhesi, Mr Tanmanjeet Singh  
Djanogly, Mr Jonathan  
Docherty, Leo  
Dodds, Anneliese  
Doughty, Stephen  
Dowd, Peter  
Duffield, Rosie  
Eagle, Maria  
Eastwood, Colum  
Eastwood, Mark  
Edwards, Jonathan  
Edwards, Ruth  
Efford, Clive  
Elliott, Julie  
Elmore, Chris  
Eshalomi, Florence  
Esterson, Bill  
Everitt, Ben  
Farris, Laura  
Farry, Stephen  
Fell, Simon  
Fletcher, Mark  
Foord, Richard  
Foxcroft, Vicky  
Freeman, George  
Freer, Mike  
Furniss, Gill  
Gardiner, Barry  
Gibson, Peter  
Gill, Preet Kaur  
Glindon, Mary  
Green, Kate  
Green, Sarah  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Dame Nia  
Gwynne, Andrew  
Haigh, Louise  
Halfon, rh Robert  
Hall, Luke  
Hamilton, Fabian  
Hamilton, Mrs Paulette  
Hammond, Stephen  
Hanna, Claire  
Hardy, Emma  
Harris, Carolyn  
Harrison, Trudy  
Hart, rh Simon  
Hayes, Helen  
Heald, rh Sir Oliver  
Healey, rh John  
Hendrick, Sir Mark  
Henry, Darren  
Higginbotham, Antony  
Hoare, Simon  
Hobhouse, Wera

Hodgson, Mrs Sharon  
 Holden, Mr Richard  
 Hollern, Kate  
 Holloway, Adam  
 Hopkins, Rachel  
 Howarth, rh Sir George  
 Howell, John  
 Howell, Paul  
 Hudson, Dr Neil  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Jenkin, Sir Bernard  
 Jenrick, rh Robert  
 Johnson, Kim  
 Johnston, David  
 Jones, Andrew  
 Jones, Fay  
 Jones, Ruth  
 Jones, Sarah  
 Jupp, Simon  
 Kearns, Alicia  
 Keeley, Barbara  
 Khan, Afzal  
 Kinnock, Stephen  
 Kniveton, Kate  
 Kyle, Peter  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Long Bailey, Rebecca  
 Loughton, Tim  
 Lucas, Caroline  
 Lynch, Holly  
 Mackinlay, Craig  
 Madders, Justin  
 Mahmood, Shabana  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 Matheson, Christian  
 May, rh Mrs Theresa  
 Mayhew, Jerome  
 McCabe, Steve  
 McCarthy, Kerry  
 McCartney, Jason  
 McDonagh, Siobhain  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGovern, Alison  
 McKinnell, Catherine  
 McMorris, Anna  
 Mearns, Ian  
 Merriman, Huw  
 Miliband, rh Edward  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mishra, Navendu  
 Mitchell, rh Mr Andrew  
 Moore, Robbie  
 Moran, Layla  
 Mordaunt, rh Penny  
 Morden, Jessica  
 Morgan, Helen

Morgan, Stephen  
 Mortimer, Jill  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 Nokes, rh Caroline  
 Norris, Alex  
 Offord, Dr Matthew  
 Olney, Sarah  
 Onwurah, Chi  
 Osamor, Kate  
 Osborne, Kate  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie  
 Penning, rh Sir Mike  
 Pennycook, Matthew  
 Percy, Andrew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Philp, rh Chris  
 Pollard, Luke  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Powell, Lucy  
 Pursglove, Tom  
 Quince, Will  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reed, Steve  
 Reeves, Ellie  
 Reeves, Rachel  
 Ribeiro-Addy, Bell  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Saxby, Selaine  
 Shapps, rh Grant  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Shelbrooke, rh Alec  
 Siddiq, Tulip  
 Simmonds, David  
 Slaughter, Andy  
 Smith, Cat  
 Smith, Jeff  
 Smith, rh Julian  
 Smith, Nick  
 Spellar, rh John  
 Spencer, rh Mark  
 Starmer, rh Keir  
 Stephenson, rh Andrew  
 Stevens, Jo  
 Stewart, Iain  
 Stone, Jamie  
 Stringer, Graham  
 Sturdy, Julian  
 Sultana, Sarah  
 Sunderland, James  
 Tami, rh Mark  
 Tarry, Sam  
 Thomas, Gareth  
 Thomas-Symonds, rh Nick  
 Throup, Maggie  
 Tolhurst, Kelly

Tomlinson, Justin  
 Trickett, Jon  
 Trott, Laura  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Wallis, Dr Jamie  
 Warman, Matt  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan

Aldous, Peter  
 Anderson, Stuart  
 Ansell, Caroline  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, rh Kemi  
 Barclay, rh Steve  
 Benton, Scott  
 Blackman, Bob  
 Bone, Mr Peter  
 Braverman, rh Suella  
 Bridgen, Andrew  
 Bruce, Fiona  
 Burghart, Alex  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Cash, Sir William  
 Cates, Miriam  
 Caulfield, Maria  
 Chishti, Rehman  
 Choqe, Sir Christopher  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Courts, Robert  
 Coutinho, Claire  
 Davies, Gareth  
 Davies, Philip  
 Dines, Miss Sarah  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Double, Steve  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duncan Smith, rh Sir Iain  
 Elphicke, Mrs Natalie  
 Evennett, rh Sir David  
 Fox, rh Dr Liam  
 Fuller, Richard  
 Girvan, Paul  
 Goodwill, rh Sir Robert  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Griffith, Andrew  
 Grundy, James  
 Harper, rh Mr Mark  
 Hart, Sally-Ann  
 Hayes, rh Sir John  
 Henderson, Gordon  
 Hollobone, Mr Philip  
 Hughes, Eddie  
 Hunt, Jane  
 Hunt, Tom  
 Jayawardena, rh Mr Ranil  
 Jenkinson, Mark  
 Johnson, Dr Caroline  
 Jones, rh Mr David

Whitley, Mick  
 Whittome, Nadia  
 Wild, James  
 Williams, Craig  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
 Gerald Jones and  
 Colleen Fletcher

## NOES

Kawczynski, Daniel  
 Knight, rh Sir Greg  
 Kruger, Danny  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Lewer, Andrew  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Loder, Chris  
 Longhi, Marco  
 Lopez, Julia  
 Maclean, Rachel  
 Maynard, Paul  
 McCartney, Karl  
 McVey, rh Esther  
 Metcalfe, Stephen  
 Millar, Robin  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Morrissey, Joy  
 O'Brien, Neil  
 Paisley, Ian  
 Pritchard, rh Mark  
 Quin, Jeremy  
 Rees-Mogg, rh Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Rutley, David  
 Sambrook, Gary  
 Shannon, Jim  
 Smith, Greg  
 Smith, Henry  
 Smith, Royston  
 Spencer, Dr Ben  
 Stafford, Alexander  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh Graham  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Tomlinson, Michael  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Watling, Giles  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wright, rh Sir Jeremy

**Tellers for the Noes:**  
 Gavin Robinson and  
 Sammy Wilson

*Question accordingly agreed to.*

*New clause 11 read a Second time, and added to the Bill.*

### Clause 16

SERIOUS DISRUPTION PREVENTION ORDER MADE ON  
CONVICTION

*Amendment proposed:* 1, page 18, line 7, leave out clause 16—(Anne McLaughlin.)

*Question put,* That the amendment be made.

*The House divided:* Ayes 235, Noes 302.

**Division No. 63]**

**[5.14 pm**

### AYES

Abbott, rh Ms Diane  
Ali, Rushanara  
Ali, Tahir  
Allin-Khan, Dr Rosena  
Amesbury, Mike  
Anderson, Fleur  
Ashworth, rh Jonathan  
Bardell, Hannah  
Barker, Paula  
Beckett, rh Margaret  
Begum, Apsana  
Benn, rh Hilary  
Betts, Mr Clive  
Black, Mhairi  
Blackford, rh Ian  
Blackman, Kirsty  
Blake, Olivia  
Blomfield, Paul  
Bonnar, Steven  
Bradshaw, rh Mr Ben  
Brady, Sir Graham  
Brock, Deidre  
Brown, Alan  
Brown, Ms Lyn  
Brown, rh Mr Nicholas  
Bryant, Chris  
Burgon, Richard  
Byrne, Ian  
Byrne, rh Liam  
Cadbury, Ruth  
Cameron, Dr Lisa  
Campbell, rh Sir Alan  
Carden, Dan  
Chamberlain, Wendy  
Champion, Sarah  
Chapman, Douglas  
Charalambous, Bambos  
Cherry, Joanna  
Clark, Feryal  
Cooper, Daisy  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Cowan, Ronnie  
Coyle, Neil  
Crawley, Angela  
Creasy, Stella  
Cruddas, Jon  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Daby, Janet  
David, Wayne  
Davies, Geraint  
Davies-Jones, Alex  
Davis, rh Mr David  
Day, Martyn  
De Cordova, Marsha

Debbonaire, Thangam  
Dhesi, Mr Tanmanjeet Singh  
Docherty-Hughes, Martin  
Dodds, Anneliese  
Doogan, Dave  
Dorans, Allan  
Doughty, Stephen  
Dowd, Peter  
Duffield, Rosie  
Eagle, Maria  
Eastwood, Colum  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Elmore, Chris  
Eshalomi, Florence  
Esterson, Bill  
Farry, Stephen  
Ferrier, Margaret  
Fletcher, Colleen  
Flynn, Stephen  
Foord, Richard  
Foxcroft, Vicky  
Furniss, Gill  
Gardiner, Barry  
Gibson, Patricia  
Gill, Preet Kaur  
Glindon, Mary  
Grady, Patrick  
Grant, Peter  
Green, Kate  
Green, Sarah  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Dame Nia  
Gwynne, Andrew  
Haigh, Louise  
Hamilton, Fabian  
Hamilton, Mrs Paulette  
Hardy, Emma  
Harman, rh Ms Harriet  
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  
Jardine, Christine  
Jarvis, Dan  
Johnson, Kim

Jones, Gerald  
Jones, Ruth  
Jones, Sarah  
Kane, Mike  
Keeley, Barbara  
Khan, Afzal  
Kinnock, Stephen  
Kyle, Peter  
Lake, Ben  
Lammy, rh Mr David  
Lavery, Ian  
Law, Chris  
Leadbeater, Kim  
Lewell-Buck, Mrs Emma  
Lewis, Clive  
Lightwood, Simon  
Linden, David  
Long Bailey, Rebecca  
Lucas, Caroline  
Lynch, Holly  
MacAskill, Kenny  
MacNeil, Angus Brendan  
Madders, Justin  
Mahmood, Shabana  
Malhotra, Seema  
Maskell, Rachael  
Matheson, Christian  
Mc Nally, John  
McCabe, Steve  
McCarthy, Kerry  
McDonagh, Siobhain  
McDonald, Stewart Malcolm  
McDonald, Stuart C.  
McDonnell, rh John  
McFadden, rh Mr Pat  
McGovern, Alison  
McKinnell, Catherine  
McLaughlin, Anne  
McMorrin, Anna  
Mearns, Ian  
Miliband, rh Edward  
Mishra, Navendu  
Moran, Layla  
Morden, Jessica  
Morgan, Helen  
Morgan, Stephen  
Murray, Ian  
Murray, James  
Nandy, Lisa  
Newlands, Gavin  
Nichols, Charlotte  
Nicolson, John  
Norris, Alex  
O'Hara, Brendan  
Olney, Sarah  
Onwurah, Chi  
Osamor, Kate  
Osborne, Kate  
Oswald, Kirsten  
Owatemi, Taiwo  
Owen, Sarah  
Peacock, Stephanie

Pennycook, Matthew  
Perkins, Mr Toby  
Phillips, Jess  
Phillipson, Bridget  
Pollard, Luke  
Powell, Lucy  
Qaisar, Ms Anum  
Qureshi, Yasmin  
Rayner, rh Angela  
Reed, Steve  
Reeves, Ellie  
Reeves, Rachel  
Ribeiro-Addy, Bell  
Rodda, Matt  
Russell-Moyle, Lloyd  
Saville Roberts, rh Liz  
Sharma, Mr Virendra  
Sheerman, Mr Barry  
Sheppard, Tommy  
Siddiq, Tulip  
Slaughter, Andy  
Smith, Alyn  
Smith, Cat  
Smith, Jeff  
Smith, Nick  
Spellar, rh John  
Starmer, rh Keir  
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  
Timms, rh Sir Stephen  
Trickett, Jon  
Twigg, Derek  
Twist, Liz  
Vaz, rh Valerie  
Wakeford, Christian  
Walker, Sir Charles  
West, Catherine  
Western, Matt  
Whitehead, Dr Alan  
Whitford, Dr Philippa  
Whitley, Mick  
Whittome, Nadia  
Williams, Hywel  
Wilson, Munira  
Winter, Beth  
Wishart, Pete  
Wragg, Mr William  
Yasin, Mohammad  
Zeichner, Daniel

**Tellers for the Ayes:**  
**Marion Fellows and**  
**Richard Thomson**

### NOES

Afolami, Bim  
Afriyie, Adam  
Aiken, Nickie  
Aldous, Peter  
Allan, Lucy  
Anderson, Lee  
Anderson, Stuart

Andrew, rh Stuart  
Ansell, Caroline  
Argar, rh Edward  
Atherton, Sarah  
Atkins, Victoria  
Bacon, Gareth  
Bacon, Mr Richard



Badenoch, rh Kemi  
 Bailey, Shaun  
 Baillie, Siobhan (*Proxy vote cast by Craig Whittaker*)  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, rh Steve  
 Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Beresford, Sir Paul  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bowie, Andrew  
 Bradley, Ben  
 Bradley, rh Karen  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Bristow, Paul  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buchan, Felicity  
 Burghart, Alex  
 Butler, Rob  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Carter, Andy  
 Cartlidge, James  
 Cash, Sir William  
 Cates, Miriam  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke, Theo (*Proxy vote cast by Craig Whittaker*)  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Coutinho, Claire  
 Crabbe, rh Stephen  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Dr James  
 Davison, Dehenna  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Double, Steve  
 Dowden, rh Oliver  
 Doyle-Price, Jackie  
 Drummond, Mrs Flick  
 Duddridge, Sir James  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Eastwood, Mark

Edwards, Ruth  
 Ellis, rh Michael  
 Elphicke, Mrs Natalie  
 Ellwood, rh Mr Tobias  
 Evans, Dr Luke  
 Farris, Laura  
 Fell, Simon  
 Firth, Anna  
 Fletcher, Katherine  
 Fletcher, Mark  
 Foster, Kevin  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie  
 Fuller, Richard  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gibson, Peter  
 Gideon, Jo  
 Girvan, Paul  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grayling, rh Chris  
 Green, Chris  
 Griffith, Andrew  
 Grundy, James  
 Gullis, Jonathan  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 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, rh James  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Hoare, Simon  
 Holden, Mr Richard  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hunt, Jane  
 Hunt, Tom  
 Javid, rh Sajid  
 Jayawardena, rh Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus

Jupp, Simon  
 Kearns, Alicia  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kniveton, Kate  
 Lamont, John  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Levy, Ian  
 Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Loder, Chris  
 Longhi, Marco  
 Lopez, Julia  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Mackrory, Cherylyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Mann, Scott  
 Marson, Julie  
 May, rh Mrs Theresa  
 Mayhew, Jerome  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 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, rh Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Penning, rh Sir Mike  
 Penrose, John  
 Philp, rh Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 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  
 Smith, rh Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, rh Julian  
 Smith, Royston  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh 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  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Tugendhat, rh Tom  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wilson, rh Sammy  
 Wood, Mike  
 Wright, rh Sir Jeremy

**Tellers for the Noes:**  
 Amanda Solloway and  
 Jacob Young

*Question accordingly negatived.*

### New Schedule 1

#### INJUNCTIONS IN SECRETARY OF STATE PROCEEDINGS: POWERS TO REMAND

##### *“Introductory*

1 (1) This Schedule applies where the court has power to remand a person under subsection (6) of section (Injunctions in Secretary of State proceedings: power of arrest and remand) (injunctions in Secretary of State proceedings: power of arrest and remand).

(2) In this Schedule “the court” has the same meaning as in that section.

##### *Remand in custody or on bail*

2 (1) The court may—

- (a) remand the person in custody, that is, commit the person to custody to be brought before the court at the end of the period of remand or at such earlier time as the court may require, or
- (b) remand the person on bail, in accordance with the following provisions.

(2) The court may remand the person on bail—

- (a) by taking from the person a recognizance, with or without sureties, conditioned as provided in paragraph 3, or
- (b) by fixing the amount of the recognizances with a view to their being taken subsequently, and in the meantime committing the person to custody as mentioned in sub-paragraph (1)(a).

(3) Where a person is brought before the court after remand, the court may further remand the person.

3 (1) Where a person is remanded on bail, the court may direct that the person’s recognizance be conditioned for the person’s appearance—

- (a) before that court at the end of the period of remand, or
- (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.

(2) Where a recognizance is conditioned for a person’s appearance as mentioned in sub-paragraph (1)(b), the fixing of any time for the person next to appear is deemed to be a remand.

(3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand the person afresh.

4 (1) The court must not remand a person for a period exceeding eight clear days except that—

- (a) if the court remands the person on bail, it may remand the person for a longer period if the person and the other party consent, and
- (b) if the court adjourns a case under section (Injunctions in Secretary of State proceedings: power of arrest and remand)(9) (remand for medical examination and report) the court may remand the person for the period of adjournment.

(2) Where the court has the power to remand a person in custody it may, if the remand is for a period not exceeding three clear days, commit the person to the custody of a constable.

##### *Further remand*

5 (1) If the court is satisfied that a person who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the expiration of the period for which the person was remanded, the court may, in the person’s absence, remand the person for a further time.

(2) The power mentioned in sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person’s recognizance and those of any sureties for the person to a later time.

(3) Where a person remanded on bail is bound to appear before the court at any time and the court has no power to remand the person under sub-paragraph (1), the court may in the person’s absence enlarge the person’s recognizance and those of any sureties for the person to a later time.

(4) The enlargement of the person’s recognizance is to be deemed to be a further remand.

(5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

##### *Postponement and taking recognizance*

6 Where under paragraph 2(2)(b) the court fixes the amount in which the principal and their sureties, if any, are to be bound, the recognizance may afterwards be taken by such person as may be prescribed by rules of court, with the same consequences as if it had been entered into before the court.

##### *Requirements imposed on remand on bail*

7 The court may when remanding a person on bail under this Schedule require the person to comply, before release on bail or later, with such requirements as appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.”—  
(*Jeremy Quin.*)

*This new Schedule contains provisions relating to the remand of persons arrested for breaching a provision of an injunction granted in proceedings brought by the Secretary of State in accordance with NC7.*

##### *Brought up, and added to the Bill.*

*Amendment made:* 50, Title, line 3, after “order;” insert

“to make provision about proceedings by the Secretary of State relating to protest-related activities;”—(*Jeremy Quin.*)

*This amendment is consequential on NC7 and NC8.*

##### *Third Reading*

5.26 pm

**The Secretary of State for the Home Department (Suella Braverman):** I beg to move, That the Bill be now read the Third time.

The Public Order Bill reflects the Government’s duty to put the safety and interests of the law-abiding majority first. We are on their side, not the side of extremists who stick themselves to trains, glue themselves to roads, interfere with newspaper distribution, vandalise properties, disrupt the fuel supply, disrupt this Chamber, or block ambulances. The growing tendency of those with strong opinions to mix their expression with acts of violence cannot and will not be tolerated.

The most generous interpretation of the kind of characters who glue themselves to roads is that they are dangerously deluded, but in fact—much worse—many of them have the deranged notion that their ends justify any means whatever. In the eyes of the militant protesters, the everyday priorities of the hard-working, law-abiding, patriotic majority can always be disregarded in pursuit of their warped schemes.

These extremists stop people from earning a living, gaining an education or caring for a loved one in need. Ordinary people who are working, learning or caring are never deemed by the extremists as important enough to stand in the way of their plots and plans. No Government should fail in their duty to protect their citizens from such abuse, and this Government will always put the law-abiding majority first and foremost.

**Marco Longhi:** Does the Home Secretary agree that the police should consider the wider, cumulative impacts of protests on a local community, rather than a

narrow, notional assessment, in isolation, of whether a serious disruption threshold has been reached? In other words, can we get the police to start locking them up, please?

**Suella Braverman:** My hon. Friend makes a very important point. Fundamentally, police and key partners should view the impacts of disruption cumulatively. The clock should not be reset every day and in each location; they need to look at the tactics in the round.

We need the police to act proactively, decidedly and diligently, so there are various factors that they need to include in their assessment of serious disruption. They need to consider the overall length and the time and impact on communities. They need to look at the disruption to a general area. They need to look at the police resources that have been drained by the action. They need to look holistically and actively at how they take action.

**Gareth Bacon** (Orpington) (Con): Does my right hon. Friend agree that, given the strict limitation of police resources, the police should perhaps deploy those resources on dealing with the guerrilla tactics that are putting the people of London at risk of harm and less time policing pronouns on Twitter?

**Suella Braverman:** My hon. Friend raises an issue that is close to my heart, which is that we need our police officers—our brave men and women, the majority of whom are heroes, frankly, in this nation's law enforcement and security—to be focusing on our priorities and the priorities of the law-abiding majority. Common sense policing means focusing on targeting and fighting the bad guys, fighting the criminals and stopping crime, not policing pronouns and not pandering to politically correct campaigns.

**Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): Will the Home Secretary give way?

**Suella Braverman:** I will make progress, I am afraid.

No Government should fail in their duty to protect their citizens from such abuse, and this Government will always put the law-abiding majority first. In a democracy, we make policy through civilised debate and at the ballot box, not through mob rule and not by visiting chaos and misery on our fellow citizens.

**Caroline Lucas:** Will the Home Secretary give way?

**Suella Braverman:** I am afraid I do not have much time.

When I was the Attorney General, I went to court to establish that it is not a human right to commit criminal damage. The Court of Appeal agreed with me in the Colston statue case that serious and violent disorder crosses a line when it comes to freedom of expression. That is common sense to the law-abiding majority.

Since 1 October alone, the Metropolitan police have made over 450 arrests linked to Just Stop Oil, and I welcome this, but more must be done. That is why I welcome the fact that, today, Transport for London has succeeded in securing an injunction to protect key parts of the London roads network. That is an important step forward in the fight against extremists. However, these resources are vital and precious, and this has

drained approximately 2,000 officer days at the Met already. Those are resources that are not dealing with knife crime and are not dealing with violence against women and girls.

I am afraid to say—and I will come to a close soon—that that is why it was a central purpose of the Police, Crime, Sentencing and Courts Bill, now an Act, to properly empower the police in face of the protests, yet Opposition Members voted against it. Had Opposition Members in the other place not blocked these measures when they were in the Police, Crime, Sentencing and Courts Bill, the police would have already had many of the powers in this Bill and the British people would not have been put through this grief. Yes, I am afraid that it is the Labour party, the Lib Dems, the coalition of chaos, the *Guardian*-reading, tofu-eating wokerati and, dare I say, the anti-growth coalition that we have to thank for the disruption we are seeing on our roads today. I urge Opposition MPs and Members of the other place to take this second chance, do the right thing, respect the rights of the law-abiding majority and support this Bill.

**Madam Deputy Speaker (Dame Rosie Winterton):** There is very little time left. I call the shadow Home Secretary.

5.33 pm

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): I just think it is astonishing: the Home Secretary actually talked about a “coalition of chaos”, and we can see it in front of us as I speak. I understand that the Government do have concerns in that they face issues with a selfish majority wreaking havoc, and someone who is resisting all the attempts of the powers that be to remove them—causing serious disruption, disorder and chaos, with serious consequences for the public, businesses, politics and financial markets—but they had glued themselves under the desk. We wish Conservative Members luck with their attempts to extricate another failing Tory Prime Minister from No. 10, but I suggest that that is not a reason to change the law for everyone else.

This is the second Public Order Bill in the space of six months. The Government could have got through a victims Bill by now; they chose not to. They could have put more time into action on violence against women and girls; they chose not to. Instead, they are repeating the same debates we have had already. The Home Secretary referred to acts of violence and blocking roads. These are, rightly, already crimes. These are all, rightly, already offences. In fact, this Conservative Government have put fewer thugs and criminals behind bars because prosecutions for violent crime have plummeted on their watch. Antisocial behaviour action in many areas has totally collapsed.

We have seen certain things recently that have angered all of us. Defacing works of art is a total disgrace. Blocking roads and preventing ambulances from getting through is appalling. Both those are rightly against the law already, and we have seen people rightly arrested and charged for criminal damage and for blocking highways. We support the action of Transport for London in taking out injunctions. That is why we have argued from the start for making taking injunction action smoother for organisations, but today Members from all parts of this House have also stood up for the



[Yvette Cooper]

principles of peaceful protest in the face of the truly appalling images we have seen from outside the Chinese consulate in Manchester, including a serious assault that put one protestor in hospital.

Parliament must stand up for peaceful rights; as the Minister for the Americas and the Overseas Territories, the right hon. Member for Hereford and South Herefordshire (Jesse Norman) rightly said earlier today, peaceful protest is a fundamental part of British society, and in our country everyone has the right to express their views peacefully. That is why we have to make sure that when we legislate in these areas we do so with care, because in a democracy people need the freedom to speak out against authority and make their views heard, and we should also have protections and safeguards against serious disruption to essential services.

That is why we put forward measures; that is why we have supported buffer zones around abortion clinics, and that is why we have put forward measures in previous Bills on vaccine clinics and making sure people could not be targeted by harassment and intimidation. Hon. Friends have talked about the legislation that is already in place, but the measures in the Bill will not tackle this issue. Instead they mean a police inspector will have the power to stop and search anyone in the vicinity of a protest regardless of whether they suspect them of being involved in committing a criminal offence. It could mean people being stopped and searched in Parliament Square pretty much any day of the week when protests are taking place.

The Home Secretary says that she sees herself as a champion of freedom of speech and expression. She has said that freedom of speech must be protected, but, it turns out, not if it is too noisy. Speaking is fine, but speaking too loudly could be a criminal offence. She says that being offended goes hand in hand with free speech, but she has made it an offence to be seriously annoying. Defend offence but not annoyance—it is totally illogical.

*Four hours having elapsed since the commencement of proceedings on the programme motion, the debate was interrupted (Programme Order, this day).*

*The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the Bill be now read the Third time.*

*The House divided: Ayes 283, Noes 234.*

**Division No. 64]**

**[5.37 pm**

# **AYES**

Afolami, Bim	Baillie, Siobhan ( <i>Proxy vote cast by Craig Whittaker</i> )
Afriyie, Adam	Baker, Duncan
Aiken, Nickie	Baker, Mr Steve
Aldous, Peter	Baldwin, Harriett
Allan, Lucy	Barclay, rh Steve
Anderson, Lee	Baron, Mr John
Anderson, Stuart	Baynes, Simon
Andrew, rh Stuart	Bell, Aaron
Argar, rh Edward	Benton, Scott
Atherton, Sarah	Beresford, Sir Paul
Atkins, Victoria	Bhatti, Saqib
Bacon, Gareth	Bowie, Andrew
Bacon, Mr Richard	Bradley, rh Karen
Badenoch, rh Kemi	Brady, Sir Graham
Bailey, Shaun	

Braverman, rh Suella	Glen, John
Brereton, Jack	Goodwill, rh Sir Robert
Bridgen, Andrew	Gove, rh Michael
Brine, Steve	Graham, Richard
Bristow, Paul	Gray, James
Britcliffe, Sara	Grayling, rh Chris
Browne, Anthony	Griffith, Andrew
Buchan, Felicity	Grundy, James
Buckland, rh Sir Robert	Gullis, Jonathan
Burghart, Alex	Halfon, rh Robert
Butler, Rob	Hall, Luke
Cairns, rh Alun	Hammond, Stephen
Carter, Andy	Hands, rh Greg
Cartlidge, James	Harris, Rebecca
Chalk, Alex	Harrison, Trudy
Chishti, Rehman	Hart, rh Simon
Churchill, Jo	Hayes, rh Sir John
Clark, rh Greg	Heald, rh Sir Oliver
Clarke, rh Mr Simon	Heapey, rh James
Clarke, Theo ( <i>Proxy vote cast by Craig Whittaker</i> )	Henry, Darren
Clarke-Smith, Brendan	Higginbotham, Antony
Clarkson, Chris	Hinds, rh Damian
Clifton-Brown, Sir Geoffrey	Hoare, Simon
Coffey, rh Dr Thérèse	Holden, Mr Richard
Colburn, Elliot	Hollobone, Mr Philip
Collins, Damian	Holloway, Adam
Costa, Alberto	Howell, John
Courts, Robert	Howell, Paul
Coutinho, Claire	Huddleston, Nigel
Crabb, rh Stephen	Hudson, Dr Neil
Crosbie, Virginia	Hunt, Jane
Daly, James	Hunt, Tom
Davies, David T. C.	Javid, rh Sajid
Davies, Gareth	Jayawardena, rh Mr Ranil
Davies, Dr James	Jenkin, Sir Bernard
Davison, Dehenna	Jenkinson, Mark
Dines, Miss Sarah	Jenkyne, Andrea
Djanogly, Mr Jonathan	Jenrick, rh Robert
Docherty, Leo	Johnson, Dr Caroline
Donelan, rh Michelle	Johnson, Gareth
Dowden, rh Oliver	Johnston, David
Doyle-Price, Jackie	Jones, Andrew
Drummond, Mrs Flick	Jones, rh Mr David
Duddridge, Sir James	Jones, Fay
Duguid, David	Jones, Mr Marcus
Eastwood, Mark	Jupp, Simon
Edwards, Ruth	Kawczynski, Daniel
Ellis, rh Michael	Kearns, Alicia
Ellwood, rh Mr Tobias	Knight, rh Sir Greg
Elphicke, Mrs Natalie	Knight, Julian
Evans, Dr Luke	Kniveton, Kate
Evennett, rh Sir David	Lamont, John
Everitt, Ben	Levy, Ian
Farris, Laura	Liddell-Grainger, Mr Ian
Fell, Simon	Loder, Chris
Firth, Anna	Longhi, Marco
Fletcher, Katherine	Lopez, Julia
Fletcher, Mark	Lopresti, Jack
Foster, Kevin	Lord, Mr Jonathan
Fox, rh Dr Liam	Loughton, Tim
Frazer, rh Lucy	Mackinlay, Craig
Freeman, George	Mackrory, Cherylyn
Freer, Mike	Maclean, Rachel
French, Mr Louie	Mak, Alan
Fuller, Richard	Malthouse, rh Kit
Gale, rh Sir Roger	Mangnall, Anthony
Garnier, Mark	Mann, Scott
Ghani, Ms Nusrat	Marson, Julie
Gibb, rh Nick	May, rh Mrs Theresa
Gibson, Peter	Mayhew, Jerome
Gideon, Jo	Maynard, Paul
	McCartney, Jason

McCartney, Karl  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Dame Maria  
 Milling, rh Amanda  
 Mills, Nigel  
 Mitchell, rh Mr Andrew  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, rh Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, rh Dr Andrew  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Philp, rh Chris  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Roberts, Rob  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob

Selous, Andrew  
 Shapps, rh Grant  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Smith, rh Chloe  
 Smith, Greg  
 Smith, Henry  
 Smith, rh Julian  
 Smith, Royston  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander  
 Stephenson, rh Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, rh 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  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Tugendhat, rh Tom  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Wild, James  
 Williams, Craig  
 Williamson, rh Sir Gavin  
 Wood, Mike  
 Wright, rh Sir Jeremy

#### **Tellers for the Ayes:**

**Amanda Solloway and  
 Jacob Young**

#### **NOES**

Abbott, rh Ms Diane  
 Ali, Rushanara  
 Ali, Tahir  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Anderson, Fleur  
 Ashworth, rh Jonathan  
 Bardell, Hannah  
 Barker, Paula  
 Beckett, rh Margaret  
 Begum, Apsana  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi

Blackman, Kirsty  
 Blake, Olivia  
 Blomfield, Paul  
 Bonnar, Steven  
 Bradshaw, rh Mr Ben  
 Brock, Deidre  
 Brown, Alan  
 Brown, Ms Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Burgon, Richard  
 Byrne, Ian  
 Byrne, rh Liam  
 Cadbury, Ruth

Cameron, Dr Lisa  
 Campbell, rh Sir Alan  
 Carden, Dan  
 Chamberlain, Wendy  
 Champion, Sarah  
 Chapman, Douglas  
 Charalambous, Bambos  
 Cherry, Joanna  
 Clark, Feryal  
 Cooper, Daisy  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie  
 Coyle, Neil  
 Crawley, Angela  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 Davis, rh Mr David  
 Day, Martyn  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Doogan, Dave  
 Dorans, Allan  
 Doughty, Stephen  
 Dowd, Peter  
 Duffield, Rosie  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Farry, Stephen  
 Fellows, Marion  
 Ferrier, Margaret  
 Flynn, Stephen  
 Foord, Richard  
 Foxcroft, Vicky  
 Furniss, Gill  
 Gardiner, Barry  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glendon, Mary  
 Grady, Patrick  
 Grant, Peter  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Dame Nia  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hamilton, Mrs Paulette  
 Hanna, Claire  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 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  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Kim  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Lammy, rh Mr David  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lightwood, Simon  
 Linden, David  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacAskill, Kenny  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McGovern, Alison  
 McKinnell, Catherine  
 McLaughlin, Anne  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Mishra, Navendu  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Murray, Ian  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 Nicolson, John  
 Norris, Alex  
 O'Hara, Brendan  
 Olney, Sarah  
 Onwurah, Chi  
 Osamor, Kate  
 Osborne, Kate  
 Oswald, Kirsten  
 Owatemi, Taiwo  
 Owen, Sarah  
 Peacock, Stephanie

Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Pollard, Luke  
 Powell, Lucy  
 Qaisar, Ms Anum  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reed, Steve  
 Reeves, Ellie  
 Reeves, Rachel  
 Ribeiro-Addy, Bell  
 Rodda, Matt  
 Russell-Moyle, Lloyd  
 Saville Roberts, rh Liz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sheppard, Tommy  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Alyn  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Spellar, rh John  
 Starmer, rh Keir  
 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  
 Twigg, Derek  
 Twist, Liz  
 Vaz, rh Valerie  
 Wakeford, Christian  
 Walker, Sir Charles  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitford, Dr Philippa  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Wishart, Pete  
 Wragg, Mr William  
 Yasin, Mohammad  
 Zeichner, Daniel

#### **Tellers for the Noes:**

**Colleen Fletcher and  
 Gerald Jones**

*Question accordingly agreed to.*

*Bill read the Third time and passed.*

### **BUSINESS OF THE HOUSE (TODAY)**

*Ordered,*

That at today's sitting, the Speaker shall put the Questions necessary to dispose of proceedings on

(1) the Motions in the name of Penny Mordaunt relating to (i) Standards: Appeals and Procedural Protocol and (ii) Standing Orders Etc. (Committee on Standards, Parliamentary Commissioner for Standards, Independent Expert Panel) not later than 90 minutes after the commencement of proceedings on the motion for this Order, and

(2) the Motion in the name of Sir Charles Walker relating to Parliamentary Commissioner for Standards (Appointment) not later than 30 minutes after the commencement of proceedings on that Motion, or two hours after the commencement of the proceedings relating to (i) Standards: Appeals and Procedural Protocol and (ii) Standing Orders Etc. (Committee on Standards, Parliamentary Commissioner for Standards, Independent Expert Panel), whichever is the later; such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved; proceedings on those Motions may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—(*Penny Mordaunt.*)

### **Standards**

*[Relevant documents: First Report of the Committee on Standards, New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament, HC 227; Second Report of the Committee on Standards, Code of Conduct: Procedural Protocol, HC 378; and the Government response, HC 709.]*

**Madam Deputy Speaker (Dame Rosie Winterton):** I must inform the House that amendments (a) and (b) to motion 6 have been selected, and I will call Wendy Chamberlain to move them at the end of the debate.

5.50 pm

**The Leader of the House of Commons (Penny Mordaunt):** I beg to move,

That—

(1) this House notes the First Report from the Committee on Standards, on New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviours in Parliament (HC 227), and approves the recommendations relating to appeals and the Procedural Protocol in paragraphs 141–143, 151, 153, 155–157, 166 and 169 of that Report.

(2) this House approves the Second Report from the Committee on Standards on the Code of Conduct: Procedural Protocol (HC 378), and the Procedural Protocol in respect of the Code of Conduct annexed to that Report, with immediate effect, subject to the following amendments to the Protocol:

- (a) In paragraph 6, leave out from “under the Code” to end;
- (b) In paragraph 7, leave out “and the rules relating to upholding the Code (the numbered paragraphs in the Code of Conduct)”;
- (c) In paragraph 16, leave out “, under rule 10 of the Code”;
- (d) In paragraph 18, leave out “rule 11” and insert “paragraph 17”;
- (e) In paragraph 22, leave out “rules 1 or 16 in the Code” and insert “paragraph 18 of the Code, or the provision in paragraph 21 of the Code that ‘Failure to comply with a sanction imposed by a subpanel of the Independent Expert Panel shall be treated as a breach of the Code’”;
- (f) Leave out paragraph 32 and insert, “Paragraph 20 of the Code provides that ‘The Commissioner may investigate a specific matter relating to a Member’s adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House, and with the Committee on Standards and the Independent Expert Panel in any subsequent consideration of a case. Members must not lobby members of the Committee on Standards or the Independent Expert Panel; the Parliamentary Commissioner for Standards; or the staff of those bodies in a manner calculated or intended to influence their consideration of a breach or a sanction in an individual case.’”
- (g) Leave out paragraph 62;
- (h) In paragraph 83, leave out “rule 11” and insert “paragraph 17”;
- (i) In paragraph 118, after “legal or medical adviser”, insert “; and/or d) a Member’s own staff”.
- (j) Leave out paragraph 126 and insert, “Paragraph 20 of the Code provides that ‘The Commissioner may investigate a specific matter relating to a Member’s adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House, and with the Committee on Standards and the Independent Expert



Panel in any subsequent consideration of a case. Members must not lobby members of the Committee on Standards or the Independent Expert Panel; the Parliamentary Commissioner for Standards; or the staff of those bodies in a manner calculated or intended to influence their consideration of a breach or a sanction in an individual case.”

(3) Paragraph 20 of the Code of Conduct for Members (HC (2017-19) 1882) be amended to read as follows: “The Commissioner may investigate a specific matter relating to a Member’s adherence to the rules of conduct under the Code. Members shall cooperate, at all stages, with any such investigation by or under the authority of the House, and with the Committee on Standards and the Independent Expert Panel in any subsequent consideration of a case. Members must not lobby members of the Committee on Standards or the Independent Expert Panel; the Parliamentary Commissioner for Standards; or the staff of those bodies in a manner calculated or intended to influence their consideration of a breach or a sanction in an individual case.”

(4) the Committee on Standards shall have power to make any minor or purely administrative changes to the Procedural Protocol in respect of the Code of Conduct, including those necessary to reflect any future decisions of the House relating to the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.

(5) Chapter 4 of the Guide to the Rules relating to the Conduct of Members (HC (2017-19) 1882) shall no longer have effect

(6) previous Resolutions of this House in relation to the conduct of Members shall be read and given effect in a way which is compatible with the Procedural Protocol in respect of the Code of Conduct.

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

Motion 6 on Standing Orders etc. (Committee on Standards, Parliamentary Commissioner for Standards, Independent Expert Panel).

Amendment (a).

Amendment (b).

**Penny Mordaunt:** The House is being asked to consider the creation of an appeals process for non-Independent Complaints and Grievance Scheme cases to be heard by the Independent Expert Panel. The motion would introduce the formal appeals process that Sir Ernest Ryder recommended and proposes that the panel would hear appeals against the decisions and sanctions of the Committee on Standards. The motion also puts to the House the new procedural protocol, which would sit alongside the new appeals process.

I am grateful to the Committee on Standards for its work reviewing the code of conduct for Members and the overall operation of the standards system in the House of Commons. Since becoming Leader of the House, I have had some discussions with the Chair of the Committee, the hon. Member for Rhondda (Chris Bryant), who I look forward to hearing from today. I assure him and the House that the Government have carefully considered his Committee’s recommendations, alongside the procedural protocol and covering report.

I am sure that the whole House agrees that Members of Parliament must uphold the highest standards in public life and that the procedures we have in place must be fair, robust and command the respect and confidence both of Members and the wider public. I believe that today’s motion takes a positive step in the right direction.

There are other issues that are not covered in the motions today, and I plan to seek consensus on a wider package and to come back to the House in due course, but it is good to make progress on the issues as we can.

Before coming to the substance of today’s motion, I wish to briefly cover some areas in relation to the wider proposed package of changes from the Committee on Standards that we are not debating today. Let me be clear: I am very conscious that there is further progress to be made and the House should have the opportunity to consider the additional recommendations proposed by the Committee. I reassure the House and the Committee that we are seeking to identify solutions that can command cross-party support on those outstanding issues.

Specifically, the Committee made recommendations on measures to improve the transparency and timeliness of ministerial declarations. The Government are clear in their views that the rules regulating Members’ interests and ministerial interests are necessarily distinct, reflecting the underlying constitutional principle of the separation of powers. There are differences between the role of an MP and that of a Minister and, reflecting that, the rules differ on what interests are permitted and how potential conflicts of interest are managed. There are clear rules regarding the registration of interests and the receipt of gifts in the ministerial code and Ministers should, and do, take their responsibilities very seriously. Nevertheless, I recognise the concerns of the Committee. Since being appointed Leader of the House, I have raised those concerns and have instructed officials to bring forward proposals for an improved system.

I can confirm to the House that revised guidance on ministerial transparency data will be published in the coming weeks. We will also publish it on gov.uk for the first time. The guidance has been updated to more closely reflect modern working practices and Ministers’ obligations under the ministerial code.

It is important that the Government conduct ourselves openly. I will continue to work with the Cabinet Office and across Government to ensure that we are fulfilling our obligations. In doing so, I keep very much in mind the challenge set for me by the Chair of the Committee on Standards: that a Member who attends an event such as the BAFTAs should report in a particular way, so a Minister who attends the same event should report in a similar way and their interests should be transparent to the public. I hope that the House and the Committee will support these changes; I will happily engage with the Committee should they not have the desired effect. *[Interruption.]* For the benefit of *Hansard*, the Chair of the Committee chuckled knowingly.

The House will be aware that an appeals process is already in place within some aspects of the parliamentary standards system. Those who are subject to investigation under the Independent Complaints and Grievance Scheme have the right of appeal to the Independent Expert Panel, which is chaired by the former High Court judge Sir Stephen Irwin. The ICGS and the IEP have been an essential part of achieving positive culture change in the House and demonstrating its rigorous judicial process, its transparency of operation and the right to appeal.

The Government have therefore welcomed Sir Ernest Ryder’s report and his timely review of the Commons standards system and its compatibility with the principles of fairness and natural justice. As we set out in a letter to the Committee on Standards, the Government supported

[*Penny Mordaunt*]

the majority of the proposals, including the introduction of a formal appeals process. We note that the Committee has accepted all the recommendations, with a few minor modifications. I welcome the proposal that appeals be heard by an independent body with judicial expertise. We also welcome Sir Ernest's consideration of the grounds for appeal and the acceptance that the Independent Expert Panel is the appropriate body to hear appeals.

We propose two main amendments to the procedural protocol. First, we propose to amend paragraph 118 to allow MPs to inform their own staff in the event that they are subject to investigation by the Parliamentary Commissioner for Standards. Secondly, we propose to leave out paragraph 62 on Members recusing themselves if not present for all but a "small proportion" of evidence sessions. These amendments reflect the Government's position, as set out in our response to the Committee; I hope that the House and the Committee will support them. The other proposed amendments are purely technical changes to ensure that the protocol works with the current version of the rules and guide.

I wish to speak briefly about amendments (a) and (b) in the name of the hon. Member for North East Fife (Wendy Chamberlain) and others. The amendments stipulate that

"no Member shall be eligible to participate in any division on such a motion where it relates to their own conduct."

That stipulation would apply both to conduct motions related to breaches of the code of conduct and to motions related to the ICGS. This is, of course, a matter for the House to consider. I note that the Committee on Standards chose not to pursue the issue in detail as part of the inquiry.

I am aware that the Chair of the Procedure Committee, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), has raised the issue of Members being permitted to vote on their own suspension. My predecessor wrote in response to her that there would be benefit in the Committee's looking into whether such changes are needed. If necessary, they could be put to the House for consideration. Hon. Members will be aware that there is a convention that Members should not participate in such votes. In our parliamentary democracy, conventions guide how we work in this place, and codification of these norms should be carefully considered; I would therefore welcome it if the matter were considered by the appropriate Committee. Subject to its approval, the Government would be happy to bring the matter back to the Floor of the House for approval in due course.

If there is no objection from the Chair of the Committee on Standards or from other hon. Members present, I would certainly be content to support these amendments.

**Chris Bryant** (Rhondda) (Lab): I see no reason why we should not simply put what is already a convention into, as it were, the statutes of the House—the Standing Orders. I support the motion and, looking around the Chamber and seeing other members of the Committee who are present, I think that they will as well. I think it would save us all a bit of time if we just got on with it and agreed to the amendments.

**Penny Mordaunt:** I thank the right hon. Gentleman for that helpful intervention.

**Karen Bradley** (Staffordshire Moorlands) (Con): May I add my view, as Chair of the Procedure Committee? I feel that the amendments are absolutely fine, and we should be happy to see them passed tonight.

**Penny Mordaunt:** I thank my right hon. Friend for her support for the amendments. We are hopefully saving ourselves some time, and efficiency is always great to see. It is important to point out, however, that if Members did object and wanted the Committee to look at this, they could oppose the amendments, which are obviously subject, potentially, to a vote tonight.

We support the work being undertaken to introduce measures to empower the standards system in Parliament, and I am committed to continuing conversations both within Government and with parliamentary colleagues to continue to introduce improvements proposed by the Committee on a cross-party basis. I assure the House that my door is always open and I am always willing to discuss these matters with all Members. I hope that the House will approve the proposed changes, and I commend them to the House.

6 pm

**Thangam Debbonaire** (Bristol West) (Lab): I thank the Leader of the House for tabling the motions. I also thank my hon. Friend the Member for Rhondda (Chris Bryant) and his Committee for all the hard work that they have put into their inquiries and reports on standards over many months. I really would have liked to see all that work recognised in the motion today. After months of calling on the Leader of the House and her predecessors to implement the Standards Committee's full recommendations, I am sure that the right hon. Lady will have imagined my initial excitement when I heard the words "Members' code of conduct" during her recent business statement, but sadly that turned to some disappointment when I found that it did not include all the Committee's work to strengthen standards in Parliament. I understand what the right hon. Lady has said, but I will come back to that shortly.

Let me now turn to the substance of our debate: the appeals process. Let me first place on the record my thanks and welcome for the work that Sir Ernest Ryder has done on the House's current system for the Standards Committee. It has been helpful to have a well-respected external figure investigating whether or not our existing standards needed to be improved or strengthened. I know that the Committee made good use of Sir Ernest's extensive experience when considering the important issues of fairness, natural justice and the right of appeal, and I note that he gave thoughtful and considered support to our standards system overall. I picked out the issues of fairness, natural justice and the right of appeal because I seem to remember those words being used in a debate on 3 or 4 November 2021 which, I am afraid, did not show the House in a good light. That is partly why we are here today.

Sir Ernest proposed that there should be a right of appeal against both the findings of the Standards Committee and any sanctions that it imposed or recommended. It seems wholly sensible that such an appeal should be to an independent body with judicial

expertise, and that leads us inevitably to the Independent Expert Panel. I am assured that its chair, the right hon. Sir Stephen Irwin, has said that the panel should be able to take on this role, and that it should be able to manage the workload without expanding the current panel size of eight. I am grateful to him for that confirmation. I assure the Leader of the House that she has my support on the motions, and that they will be supported by the Opposition.

However, let me turn to the slightly wider but related issue of standards in general and, in particular, standards and ethics in parliamentary and governmental life. It was the well-respected former Cabinet Secretary Lord O'Donnell who said recently, "It's always best to look at reasons why your predecessor fell and fix that." Unfortunately, however—and I say this with disappointment and sadness, because it affects all of us in this place—everything we have heard from the current Prime Minister, not just during her leadership campaign but in the context of her lack of action since taking office, suggests so far that we are in for more of the same when it comes to trashing standards. I wanted to believe that that was not so, but the Prime Minister even refused to say that she would appoint an independent ethics adviser after the previous two had resigned—admittedly, under the previous Prime Minister—in despair.

I am glad that the Leader of the House has said that the Government are committed to appointing one, but I want to see some urgency. It would be reassuring for the House and for the country if the Prime Minister could commit to appointing that much-needed ethics advisor.

On parliamentary standards specifically, there should have been a lot more in the motion—namely, the rest of the recommendations, in my view. I thank the Leader of the House for her update, and she has been extremely co-operative with me and my office on this, but again we need some urgency to repair the damage that has been done by some—not all—on the Government side to the public's view of how we conduct ourselves in this place and the surrounding neighbourhood.

In response to my questioning on this at business questions last Thursday, the Leader of the House said:

"It is not that we are not doing them".—[*Official Report*, 13 October 2022; Vol. 720, c. 260.]

I absolutely believe her, but does this mean that the Government will bring forward a motion to cover all the Standards Committee's recommendations? I get that sense from what she has said, and I would like to know that that is the general direction of travel, but if not, why not? Can she tell us which ones the Government like and which ones they do not? I would be grateful if she could give us a much more specific timeframe for when they will be brought forward.

I welcome the assurances that the Leader of the House has given, but when it comes to parliamentary standards and the Tories, I think she probably understands why the public are feeling a lack of trust. Unfortunately, it is the party that refused to fix a loophole that let one Member off the hook for a particular misdemeanour. It is the party that was prepared to change the rules retrospectively seemingly to support cash for access but not to stop sexual harassment.

I do not kid myself that there was ever a golden age when the public saw us all as completely trustworthy and the holders of the highest standards, even though I

believe that most of us in this House absolutely are. However, the public need to—and at times have been able to—trust the system of standards enforcement and sanctions around our general principles. As my hon. Friend the Member for Rhondda once told me, there have been rules on how MPs should behave honourably since 1695. Since that time, the rules have only ever gone in one direction, which is to be strengthened—that is, until some Conservative Members unfortunately sought to drag them backwards during the Owen Patterson affair, which showed all too clearly that we have, in Conservative Members, some people who seem to be willing to change the rules retrospectively if they or their mates get caught.

Until we see a motion on the Order Paper covering all the Standards Committee's recommendations—or some form of them—we can only assume or guess that the Government have apprehensions about bringing them forward. Banning MPs from doing paid consultancy work and increasing the transparency of Members' interests are measures that Labour has long been calling for, and I believe that there is cross-party support for them. I have referred to the Owen Patterson affair with good reason, because that was the place where some of those concerns grew really strong.

We will of course support the amendments tabled by the hon. Member for North East Fife (Wendy Chamberlain). It seems a great pity that they needed to be put into writing, but evidently they did—

**Wendy Chamberlain** (North East Fife) (LD) *indicated assent.*

**Thangam Debbonaire:** I see that the hon. Member is nodding. I support the amendment and the motions, but I want to put on the record that if we were in government and I were at the other Dispatch Box, I would want to enact the Standards Committee's recommendations as soon as possible.

In that vein, can I urge the Leader of the House to bring forward a further motion to do the work that she has referred to? She will find that she has support from this side for any co-operative and collaborative work that she wishes to do, and even for any critical or difficult work. We stand ready to work with her. This is not a matter that should be party political, although I have made some party political points because unfortunately it has been shown to be so in the past year. I will support the motions and the amendments, and I commend the report and the inquiries of the Standards Committee to all right hon. and hon. Members.

6.8 pm

**Wendy Chamberlain** (North East Fife) (LD): I rise today to speak in favour of the two amendments on the Order Paper in my name. I will confine my comments to those amendment, but first I want to echo the expressions of thanks to the Standards Committee and its Chair, the hon. Member for Rhondda (Chris Bryant), for their work. I also offer my thanks to the right hon. Member for Staffordshire Moorlands (Karen Bradley), the Chair of the Procedure Committee, who met me earlier this year in relation to this issue. I am grateful to her and her Clerks for giving me their time.

As has been highlighted by both the Leader of the House and the shadow Leader of the House, my amendments make a straightforward change to what happens when



[Wendy Chamberlain]

the House votes on a motion to sanction a Member for their conduct. At the moment, a Member in that situation can vote on their own censure. Some of us might think that would never actually happen after an independent investigation has found a Member not only responsible for breaking the code of conduct but responsible for such an egregious breach that their privileges as a Member of this place should be curtailed as a result. We would like to think that there would be a sober reflection and making of amends in that situation but, sadly, we know that is not always the case.

It is less than a year since the censure of the former Member for North Shropshire. In those two votes, the former Member voted against his own suspension. As a result, I secured a Standing Order No. 24 emergency debate on standards, as an opportunity for the House to begin repairing the potential damage that affects us all in this place when such things happen.

It might be the former police officer in me—I have mentioned being a former police officer a few times today, as I spoke in the debate on the Public Order Bill—but it infuriates me that a Member can vote on their own suspension. It puzzles me, too. Surely, with the million rules and conventions in this place about what we can and cannot do, it should not have been allowed.

I had a look and spoke to the Clerks, who are much appreciated by all of us as a fount of knowledge. I found that, yes, there is a convention that, although Members can speak at the start of a debate on their conduct, the expectation is that they should subsequently withdraw, with the implication being that they should not return for the vote. There is a further convention that a Member can lodge a motion objecting to another Member's participation in a vote in which they have a financial interest in the outcome, but I think you would agree, Madam Deputy Speaker, that this is cumbersome and basically impossible with the rate of business and the number of MPs that we now have in this House.

Importantly, they are both currently conventions, not rules. Simply put, conventions last only as long as people choose to adhere to them. When people do not, it reflects on all of us. The Conservative party potentially had the most mud stuck to them as a result of what happened last year, but this is House business and it reflects on all of us to ensure that we uphold standards in this place.

My two amendments amend the Standing Orders to make these two conventions a rule. Members will not be able to vote on sanctions relating to proven breaches of the code of conduct by themselves. It is worth noting that the vast majority of cases considered by the Standards Commissioner are either not upheld or are rectified without further action, but there are always MPs under investigation, and I suspect there always will be. Although it has nothing to do with those individuals, it is important that we as a House are seen to be acting accordingly.

Where cases are more serious and there is a report to the Standards Committee, and where all the appropriate procedures, including those set down in the motion itself, have been followed and the recommendations reach the Floor of the House, we must ensure that due process is done and, most importantly, seen to be done.

Ironically, it was during Parliament Week last year that we saw the situation that the shadow Leader of the House mentioned, and it is almost Parliament Week again. When I talk to my constituents, they ask me about working here, fairness and transparency, and I genuinely think this is the best job I have ever had. It is an enormous privilege, and I think the vast majority of Members agree and want to act accordingly.

I want to be able to tell my constituents, and I feel very encouraged that I will be able to do so, that we have taken a long, good look at ourselves and that the vast majority of us who want to maintain those high standards and hold the respect of the people we serve did something to make things better.

I am keen that this is not seen to be a party political issue, and the hon. Members for Batley and Spen (Kim Leadbeater), for Brighton, Pavilion (Caroline Lucas), for Rutland and Melton (Alicia Kearns) and for Lancaster and Fleetwood (Cat Smith), and the right hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), all put their names to the amendments. For that reason, I hope very much that I will not need to press them to a vote. If there is an objection, I intend to do so this evening.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the Chair of the Committee on Standards, Chris Bryant.

6.14 pm

**Chris Bryant (Rhondda) (Lab):** I start by being slightly pernickety, which is to say that I am not a right hon. Gentleman. I do not know whether the Lord President of the Council can do anything about that, but I note that she referred to me as such, for which I am grateful.

On a serious point, historically, we will probably be considered the standards Parliament, because standards have been such a prominent part of the politics of this whole Parliament. As a colleague of 649 of my closest friends, I feel quite painfully the fact that, in this Parliament, 16 Members have already been suspended for a day or more, or have withdrawn from the House before any investigation was completed. That puts this Parliament as having suspended more people than any Parliament in many decades. That, I suspect, is partly because we have put in place the ICGS, which is dealing with work that would previously have been swept under the carpet. Even in my own time in the House, these issues would have simply been dealt with by the Whips and somebody would have been either quietly paid off or told not to complain. I am really glad that that culture is changing, that people feel able to complain when they feel bullied or sexually harassed and that behaviours that were thought to be acceptable 15 or 20 years ago are no longer considered so in the House. We may have more of this before the end of this Parliament, and we just need to bear cognisance of that. Even if we look only at the code of conduct cases, we have ended up suspending more in this Parliament than for a very long time.

I had some very wealthy relatives. When I was young, they taught me that if a person ever inherited money, it was because it had been held in trust. As Members of Parliament, we inherit our seats—not normally hereditary seats, but in some cases they are—and we inherit the reputation of the House that came from previous

generations. It is important for us to hold that in trust and pass it on to the next generation of Members of Parliament burnished rather than tarnished. We will have to do a job of work throughout the rest of this Parliament to be able to do that effectively.

The system, I believe, also has to be fair to Members of Parliament. It is phenomenally complex and sometimes, in addition, complicated. An individual Member will be subject to rules of their own party, the ICGS rules, the code of conduct, the Electoral Commission, and the law of the land, and sometimes it is difficult for them to have all those things in their mind. That is why it is so important that the system for Members of Parliament is completely fair, embodies natural justice, and makes sure that the individual complainant—if there is a complainant—and the Member themselves are given an opportunity to put their case and for it to be heard fully. The court of public opinion is not often a fair place. It often jumps to conclusions and decides things far too rapidly. My worry is that, sometimes, our processes happen far too slowly, and that is not justice for either the complainant or the Member, especially as politics has a shelf life—we have elections, for example—and sometimes cases keep going for years, which is not fair on anybody's mental health either.

Ever since I joined the Committee, I have always wanted us to have some formal process of appeal. I have argued that the system that we have had heretofore provides a sort of form of appeal: if the Commissioner finds against the Member, the Member is allowed a very full opportunity to make their case to the Committee in oral or written evidence. To be honest, it is better that we have a much clearer definition of the roles of the Commissioner and the Committee. That is what Sir Ernest Ryder has provided us with. He gave us a clean bill of health on how we have been operating in the past. He was quite clear in saying that there is not only one way of having a fair trial or hearing; there are many different ways. It might be an inquisitorial system such as we have, but it might be a confrontational system, or an adversarial system, as we have in a court of law. Of course, Committees of the House of Commons are not a court of law; they are fundamentally different. If we went down an adversarial route, the costs would increase dramatically and the length of proceedings would be very different. We have also always had a fundamental principle in the House that a Member speaks for themselves; if they cannot, then I would argue they have slightly lost the plot.

**Andy Carter (Warrington South) (Con):** I want to put on record my thanks to the lay members on the Committee. It is a unique Select Committee in Parliament and lay members—members of the public who are selected—play an important part. I am sure the hon. Gentleman will agree with me that the Committee is much stronger for having lay members sitting there alongside parliamentarians.

**Chris Bryant:** Indeed; that was the next point I was going to make. The hon. Gentleman is very good at doing that in Committee, incidentally, and persuading me of the view that I already hold, but that may just mean that we proceed very much on a consensual basis in the Committee and there is no partisan divide at all. Nor is there a divide between the lay members and the Member members.

There was a point at which people were arguing that MPs should not be involved at all in any of these processes, but I think that is wrong in relation to code of conduct cases. We often end up having a discussion about what casework really involves, or what an all-party parliamentary group does, and I think we make better decisions thereby. However, I do not think we could do that without the lay members and without their having a vote. The balance between the two, the seven lay members and the seven Members, is a good one, and it is sometimes a genuinely fascinating debate, with people offering different perspectives.

On the motions before the House, first, I hope that introducing a procedural protocol that lays out all the processes and what a Member can expect if they have to go through an investigation that ends up going all the way to the Committee will be helpful to all Members. We have laid all that out.

There has been some criticism in the past about whether the Parliamentary Commissioner for Standards, who is an adviser to the Committee, should be present when the Committee is considering a memorandum and producing a report on an individual Member. We have decided that from now on—and we are already operating this—the Commissioner will not be present. If we have questions for the Commissioner, we will send them in writing and receive answers in writing, and that will also be available to the Member under consideration.

Secondly, as the Leader of the House has already said, we are introducing an appeal through the Independent Expert Panel. That is a formalised process, and some people may find that that process is stricter than the previous system, because Members cannot appeal just to have a regurgitation of the facts or the argument; there are clear reasons why someone might be able to proceed to appeal, and the appellate body, the IEP, might decide, “I’m sorry, that doesn’t really count. You just want to rehearse the arguments all over again.” Members may find that this is a stricter process, but it closely parallels the situation in many tribunal systems and Sir Ernest Ryder, who had responsibility for the tribunals system in England and Wales, has helped us to get to that position.

There is one other thing that the Leader of the House did not mention, but which I am grateful that the Government have included in the motions. Let us say that the Commissioner recommends that a Member has breached the rules and the Committee decides that there has been a breach of the rules and wants to impose a sanction. We will publish our report, in the way we have done, with the Member concerned getting an embargoed copy an hour before it is published. They will then have a period of time in which to decide whether to appeal. If they do, that goes to the Independent Expert Panel. However, at the end of that process, if the IEP upholds the Committee’s decision and the sanction, the motion should be put to the House forthwith—that is to say, without debate and without amendment, exactly like any other recommendation from the Independent Expert Panel in relation to independent complaints and grievance scheme issues. That makes for perfect clarity and simplicity.

I am grateful, in a way, that the Government have corrected our homework in two regards. The first is in relation to Members’ being allowed to inform their own staff. I think the Government have made that perfectly

[Chris Bryant]

sensible amendment, which was a sin of omission of ours rather than a sin of commission. The Leader of the House referred to the issue of members of the Committee recusing themselves, which is mentioned in the report and has been raised by some Members. If a member of the Committee has attended only one of the sessions at which an individual case is considered, should they be able to take part in the final decisions? There is nothing in Standing Orders that allows a Committee to prevent a member from taking part; in the end, it is a matter for the member's own conscience. Broadly speaking, in most of our minds, someone who had not attended the individual Member's oral evidence would not be able to give them a fair hearing. It is not in the motion—we are relaxed about that—but I wanted to give the House an indication of where we are going on that issue.

I thank both Sir Ernest Ryder and Sir Stephen Irwin. I feel a bit surrounded by knights of the realm sometimes, but it is good to have a new knight of the realm on the Committee—the hon. Member for Broxbourne (Sir Charles Walker), who joined us today. I am grateful to the hon. Member for North East Fife (Wendy Chamberlain); her measure is perfectly sensible. The trouble with conventions and gentlemen's agreements is that if there is no longer a gentleman on the other side of the agreement, it is no longer an agreement, so it makes perfect sense to put that on the face of the Bill.

The Leader of the House referred to some other issues. Obviously, I would have preferred it if we were dealing with the whole of our report. She referred to how she wants to achieve consensus. We on the Committee think that we have done so, we are open to discussion, but there are some issues I want to raise.

First, we want to ban the provision of paid parliamentary advice, including providing or agreeing to “provide services as a Parliamentary strategist, adviser or consultant”. That is self-evident. I think everybody supports it and I would like to make that the rule—it is not yet the rule.

We also think that Members who have second jobs, especially if they are ongoing, should have a contract saying what they can and cannot do, because sometimes people will put in a contract, “You will provide contacts with Government on our behalf.” Well, Members cannot do that as that is, expressly, paid lobbying. We think they should be able to provide a contract; the Government disagree.

We want to clarify the serious wrong exemption, which Owen Paterson tried very aggressively and assertively to use as his excuse last year. It just did not wash, but it needs to be clearer for Members.

We want to clarify the paid lobbying rules, which would help out hon. Members a bit, because they are not clear in some areas. At the moment we draw a distinction between a Member “initiating” or “participating” in an approach to or a meeting with a Minister or an official. That is a completely false distinction and we need to get rid of it.

The one big difference I have with the Leader of the House is in relation to the registration of ministerial interests. I know the previous Leader of the House used the line about the constitutional principle of the separation of powers a lot. That is complete and utter baloney. It is nonsense. That phrase has carried on from the previous

Leader of the House but one, now I think about it. We do not have a separation of powers. By definition, Ministers are Members of this House. My anxiety is that ministerial offices quite often get the rules about the House wrong, and sometimes Ministers or Members leave staff to do the registration when it is the responsibility of Members. I hope we can get to a better place on that.

It is a fundamental principle that a member of public should be able to look online for a Member—whether they are Minister now, were a Minister a month or six months ago, or have not been a Minister at all this year—and see all the facts about their registrable financial interests, so as to be able to judge whether that Member was acting “without fear or favour”, or was acting with some other consideration in mind. It is, in a sense, even more important for a Minister than it is for others. If two Members, one an ordinary Member of Parliament and one a Minister, go to an air show, with the hospitality, the accommodation and so on paid for by an arms company—it might come to £3,500—it is probably more important for us to know that the Minister was given that hospitality, because it is the Minister who might be making decisions on procurement from that company. Transparency and equality between all Members is really important, and all the information needs to be searchable and findable. We need to do more work on that.

The Government need an adviser on the ministerial code, and I hope that that will come as soon as possible. I am very fond of Lord Geidt, who is a magnificent man. I think he felt crushed by the events of the last of years. If we are to hold in trust the reputation of Parliament and of the whole of politics, we must get someone in place as soon as possible.

Like the hon. Member for Warrington South (Andy Carter), I thank the lay members of the Committee. I shall mention only two fully by name, because they have just left: Jane Burgess and Arun Midha have served out their time, and we are recruiting new lay members at the moment. We are one down, and we will need another three next year. Paul, Rita, Mehmda, Vicky, Michael and Tammy do a magnificent job, and I am enormously grateful to all of them.

6.31 pm

**Allan Dorans** (Ayr, Carrick and Cumnock) (SNP): Good evening, Madam Deputy Speaker. I declare an interest in this matter as a member of both the Committee on Standards and the Committee on Privileges, appointed by this House in May 2021. I regard it as a privilege to serve on those Committees.

I start by agreeing with my friend the hon. Member for Warrington South (Andy Carter) about the lay members. The Committee on Standards consists of 14 members, seven of whom are MPs and seven of whom are lay members appointed by the House of Commons Commission following an extensive and comprehensive open recruitment process. All seven lay members have extensive knowledge and experience of public life at a senior level and bring a fresh non-political and unbiased perspective to the work of the Committee. I commend and thank them for their commitment and contribution not only to the report we are debating tonight but to the other work undertaken by the Committee on Standards. The lay members are invaluable in enabling the Committee



to reach decisions that more accurately reflect the mood, consideration, interpretation and judgment of the country as a whole, rather than the narrow conclusions that might be reached by elected Members, with conflicting pressures and interests of their own in their Westminster role and in this echo chamber in which we operate.

The Committee's recommendations followed our code of conduct review that started in 2020. The Committee took an extensive range of written and oral evidence and commissioned a survey of Members to draw up balanced and informed recommendations, and we were greatly assisted by independent advice from Sir Ernest Ryder, former Lord Justice of Appeal and Senior President of Tribunals for the United Kingdom. Sir Ernest carried out a review of fairness and natural justice in the House's standards system, and the Committee published his review in March 2022.

Sir Ernest concluded that the inquisitorial process for code of conduct cases is fair and compliant with article 6 of the European convention on human rights—the right to a fair trial. Two of Sir Ernest's principal recommendations were to create a single code of procedure, to be approved by the House, and to introduce a formal appeal system. The motions before the House today would implement those two central recommendations.

The Committee recommended that the Independent Expert Panel, which was established by the House in June 2020 to hear appeals and determine serious sanctions in bullying, harassment or sexual misconduct cases, should be the appeal body. If today's motions are agreed, there will be an additional step in the process of investigating and adjudicating on breaches. The independent Parliamentary Commissioner for Standards will continue to investigate allegations of breaches of the code. If the commissioner's opinion is that the MP has breached the code and it cannot be rectified using her own powers, she will refer the case to the Committee for a decision; this is what already happens.

Once the Committee has published its report, the MP will then have 10 working days to lodge an appeal, if they wish to do so. The grounds are in line with the appeals grounds in Independent Complaints and Grievance Scheme cases. The Independent Expert Panel would then publish the final outcome unless, in the case of a successful appeal, a case is remitted back to the Committee or Commissioner for fresh investigation or decision.

The Committee published its proposed procedural protocol in July 2022, which brings together material from the Commissioner's information note, the current chapter 4 of the guide to the rules, and parts of the Committee's own internal guidance into a single document that we hope is accessible and easy to understand. The protocol also sets out the new process for appeals.

I welcome the Government bringing forward today's motions and I hope that the new protocol and appeals process will give hon. Members and the public confidence in the integrity and fairness of our standards system. I also sincerely hope that the Government will bring forward motions before too long to allow the House to debate and decide on the proposed new code of conduct and guide to the rules, and the important changes that the Committee is suggesting.

The SNP and I support the reform of practices to ensure that hon. Members of this Parliament have a fair process when allegations have been made against them.

We also welcome the motion and proposals to ensure that standards in this House are strengthened, and we look forward to engaging on the proposed reforms. We also welcome the Government bringing forward the motions to implement the Committee's recommendations on appeals and to approve the proposed new procedural protocol.

In addition, we recommend that consideration be given to training and awareness among hon. Members to provide them with information on the proposed changes. An incredible amount of work has been undertaken by the Committee on Standards regarding the motions being brought before the House today. I also lend my support and that of the SNP to the amendments tabled by the hon. Member for North East Fife (Wendy Chamberlain).

6.36 pm

**Penny Mordaunt:** Once again, I thank the Committee on Standards and its pernickety Chair, the hon. Member for Rhondda (Chris Bryant)—we are very grateful to him for being so. As I set out when I opened the debate, we are here to endorse these grounds for appeal. It is the Government's view that the change will bring welcome consistency to our procedures. I am grateful to all hon. Members for the many thoughtful contributions to today's debate and for the amendments tabled by the hon. Member for North East Fife (Wendy Chamberlain).

I am keen to make progress on all these issues. This particular issue was something that we could do straightaway, and I thought it important to do so, but we will be looking at what more we can do. I mentioned the issue of ministerial declarations: whichever system, whether it is the one advocated by the Chair or the one that I am advocating, requires Whitehall to get its act together—bluntly. That is what I have been focused on and we have acted on that very swiftly.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): Further to the point made by the hon. Member for Rhondda (Chris Bryant), it might be helpful for all hon. Members to look at the way that the Scottish Parliament does things. Everything is out in the open. For the amusement of right hon. and hon. Members present, if they look back at my declaration of interests, they will see that it is down in black and white on paper that Mr Mohamed Al-Fayed gave me a side of smoked salmon valued at £30 and a book valued at £20—it is all still there to be seen today. I point out that no questions were asked on his behalf by me in the Scottish Parliament.

**Penny Mordaunt:** I am glad that the hon. Gentleman has clarified that there is nothing fishy about his declarations—[*Interruption.*] It is late.

**Chris Bryant:** I am not an unreasonable man when it comes to these issues. The key thing is getting transparency. I am more anxious about getting the rest of the Committee on Standards' changes to the code of conduct in place; I would love us to be able to say that we will start the new code of conduct on 1 January next year. We will need to do some training and preparation for hon. Members so that they fully understand the new rules, but I hope that the Leader of the House will help us to get to that place.

**Penny Mordaunt:** I shall certainly do so. There will be other issues that the House will wish to debate and discuss, and there will be areas on which we disagree—for example, we disagree on the issue of descriptors—but we must proceed on a consensus basis.

I would like to add that I think a lot of the issues we have grappled with in this place—whether about security and the integrity of our democracy, the wellbeing of Members of this House or Ministers, or safeguarding and behavioural issues—are not solely owned by the House, but cross over into political parties, as was mentioned, and the Government. Even the chairman of the party in government does not have access to security information in his own Department, the Cabinet Office, about a permissible donor, for example. In my tenure as Leader of the House, I am keen to find a forum in which we can bring together those constituent parts—party, Government and the House of Commons—to really tackle some of these issues, which are very difficult, even if we are doing really well, to grip in isolation. If we are striving for excellence, I think that is a requirement.

I again thank all Members for their contribution. The Government look forward to further debate on this matter to ensure that our standards system commands the confidence of both the public and Members of this House.

*Question put and agreed to.*

#### **STANDING ORDERS ETC. (COMMITTEE ON STANDARDS, PARLIAMENTARY COMMISSIONER FOR STANDARDS, INDEPENDENT EXPORT PANEL)**

*Motion made, and Question proposed (Order, this day),*  
That—

(1) Standing Order No. 149 (Committee on Standards) be amended as follows:

At end, insert new paragraphs as follows:

“( ) The committee and any sub-committee shall have power to communicate its evidence and any other information in its possession to a sub-panel of the Independent Expert Panel in respect of a Code of Conduct case that has been appealed to the Panel.

( ) The Speaker shall put the questions necessary to dispose of proceedings on a motion to implement a sanction recommended by the Committee (or a sub-panel of the Independent Expert Panel where it recommends a sanction following an appeal) in respect of a Code of Conduct case forthwith; such a motion may be proceeded with until any hour, though opposed.”

(2) Standing Order No. 150 (Parliamentary Commissioner for Standards) be amended as follows:

(a) In sub-paragraph (4)(a), delete “, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose”;

(b) In sub-paragraph (4)(b), delete “, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.” and insert “;”;

(c) At end of paragraph (4), insert “(c) in any case relating to the rules for All-Party Parliamentary Groups if it is the Commissioner’s opinion that the breach involved is minor, or the failure was inadvertent—

where the Member concerned has, by agreement, taken such action by way of rectification as the Commissioner may have required.”; and

(d) Delete paragraphs (6)–(11).

(3) Standing Order No. 150A (Independent Expert Panel) be amended to read as follows:

(1) There shall be a Panel, to be known as the Independent Expert Panel, whose members shall be appointed by the House in accordance with Standing Order No. 150C (Appointment of Independent Expert Panel Members).

(2) The Panel shall consist of eight members, of whom a quorum shall be four.

(3) The functions of the Panel shall be—

(a) to determine the appropriate sanction in Independent Complainants and Grievance Scheme (ICGS) cases referred to it by the Parliamentary Commissioner on Standards;

(b) to hear appeals against the decisions of the Parliamentary Commissioner for Standards in respect of ICGS cases involving Members of this House;

(c) to hear appeals against a sanction imposed under paragraph (a);

(d) to report from time to time, through the Clerk of the House, on the operation of the ICGS as it relates to Members of this House;

(e) To hear appeals against the decisions of the Committee on Standards under Standing Order No. 149(1)(b) in relation to individual cases under the Code of Conduct;

(f) To consider any case of non-compliance by a Member of this House with a sanction imposed under sub-paragraph (a) or any other recommendation made in a report by a sub-panel in relation to an ICGS case; and to determine the appropriate sanction.

(4) The Panel may elect its own Chair.

(5) The responsibilities of the Chair shall include—

(a) ensuring that the Panel and its sub-panels comply with the provisions of the relevant resolutions and standing orders of this House, and with the Procedural Protocol for Code of Conduct cases;

(b) the appointment of sub-panels to consider individual cases;

(c) co-ordinating the work of the Panel with that of the Parliamentary Commissioner for Standards in relation to ICGS cases and the Committee on Standards in relation to Code of Conduct cases;

(d) referring any report from a sub-panel which determines, or confirms on appeal, a sanction that can only be imposed by the House, and any other report from a sub-panel that the Chair considers should be published, to the Clerk of the House who shall lay it upon the Table of the House;

(e) informing the parties concerned of the outcome of any other ICGS case reported to the Chair by a sub-panel, and ensuring compliance as appropriate with sanctions determined or recommendations made by a sub-panel;

(f) establishing the procedure for an appeal against the findings or determination of a sub-panel in cases referred under (3)(a) above;

(g) ensuring publication of an Annual Report on the functioning of the Panel and its sub-panels by referring the report to the Clerk of the House for laying on the Table.

(6) The Panel and any sub-panel shall have power—

(a) to sit notwithstanding any adjournment of the House;

(b) to order the attendance of any Member before it and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before it;





- (f) establishing the procedure for an appeal against the findings or determination of a sub-panel in cases referred under (3)(a) above;
  - (g) ensuring publication of an Annual Report on the functioning of the Panel and its sub-panels by referring the report to the Clerk of the House for laying on the Table.
- (6) The Panel and any sub-panel shall have power—
- (a) to sit notwithstanding any adjournment of the House;
  - (b) to order the attendance of any Member before it and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before it;
  - (c) to appoint legal advisers, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the Panel's order of reference.
- (4) Standing Order No. 150B (Independent Expert Panel: Sub-panels) be amended to read as follows:
- (1) Cases referred to the Independent Expert Panel under Standing Order No. 150A (Independent Expert Panel) shall be considered by a sub-panel appointed under paragraph (5)(b) of that order.
  - (2) A sub-panel shall consist of three members of the Panel and shall have a quorum of three.
  - (3) Sub-panels shall sit in private.
  - (4) A sub-panel may request the Parliamentary Commissioner for Standards to conduct further investigations in respect of an ICGS case referred to it and may specify the matters to be covered in that investigation.
  - (5) Standing Order No. 150D (Motions consequent on the ICGS) be amended as follows:
- At end, add '(5) No Member shall be eligible to participate in any division on such a motion where it relates to their own conduct.'
- (6) In respect of a Code of Conduct case a sub-panel may request that the Committee on Standards or the Parliamentary Commissioner for Standards share specific documents or records in their possession relating to the sub-panel's inquiries.
  - (7) In respect of each case referred to it, a sub-panel shall make a report of its findings to the Chair of the Panel.
  - (8) Where an appeal is made against a finding or determination of a sanction by a sub-panel in an ICGS case, a new sub-panel shall be established to hear that appeal. No member shall be eligible to hear an appeal against the decision of a sub-panel on which they have served.
- (5) Standing Order No. 150E (IEP recommendations for sanctions and the Recall of MPs Act 2015) be amended as follows:
- In paragraph (2), after "Order" insert, "in relation to an ICGS case, or where a sub-panel has determined a sanction different to that recommended by the Committee on Standards in a Code of Conduct case,".

## Parliamentary Commissioner for Standards (Appointment)

6.43 pm

**Sir Charles Walker** (Broxbourne) (Con): I beg to move,

That Daniel Greenberg be appointed Parliamentary Commissioner for Standards on the terms of the Report of the House of Commons Commission, HC 694, dated 6 September 2022.

I will try to be brief. On 20 July, the House of Commons Commission nominated Daniel Greenberg as the new Parliamentary Commissioner for Standards, and the motion is in my name as the spokesperson for the Commission.

I will just provide a little bit of history, if that is all right. In 2003, the House decided that the office of Parliamentary Commissioner for Standards should be held for a non-renewable term of five years. The duties of the Parliamentary Commissioner for Standards are set out in Standing Orders. For the benefit of those interested, and I know many are, they include: maintaining the Register of Members' Financial Interests and other registers established by the House; advising the Committee on Standards and individual MPs on the interpretation of the rules; monitoring the operation of the code and registers, and making recommendations to the Committee on Standards; independently investigating complaints against MPs, or matters where they have evidence there may have been a breach of the code of conduct—a theatrical pause because this is a long list—and overseeing investigations into complaints against MPs under the Independent Complaints and Grievance Scheme if the case goes to a full investigation, acting as the decision-making body on them, and either determining the appropriate sanction or referring more serious cases to the Independent Expert Panel to determine sanction.

The appointment of the current commissioner ends on 31 December and the House needs to appoint a new commissioner on the basis that it is a single five-year term with no option for renewal. Kathryn Stone, the retiring commissioner, has held her post for nearly five years and was the sixth office holder. On behalf of the House of Commons and the Commission, I thank her for her service to this House. It has not been easy all the time; in fact, it is a very difficult job. She has absolutely done it diligently and to the very best of her abilities.

The Commission, which I am on, has been responsible for running the recruitment campaign, as it has in the past—this is something the Commission always does. It engaged recruitment consultants to support the search and that included a national advertising campaign. I have to say that finding willing volunteers was difficult. This is not a hugely attractive job, for obvious reasons. Talented people still put their names forward but not in the same number as have in the past.

Following the shortlisting, there was a two-stage recruitment process. The first included two external panel members and both myself and the Chair of the Standards Committee, the hon. Member for Rhondda (Chris Bryant), who is sitting opposite. A second panel afterwards was drawn from the Commission, including the Speaker, the former Leader of the House and the current shadow Leader. Full details are in the Commission's report, for anyone who would like to read that.

Daniel Greenberg is a lawyer. He currently serves as counsel for domestic legislation. He was parliamentary counsel for 20 years and counsel, Office of Speaker's Counsel, House of Commons from 2010 to 2016. The Commission is confident that he has the necessary experience and skills for the role, and that he will bring to it the authority, independence, discretion and strength of character required.

I have known Daniel at a distance since I have been a Member of Parliament; he has appeared before a couple of Select Committees that I have chaired, notably the Procedure Committee. He is a man of formidable intelligence and we are very, very lucky to have him. All that remains to be said is that the new post will commence on 1 January, a bank holiday, so I expect he will be getting down to business shortly after that date.

6.47 pm

**Allan Dorans** (Ayr, Carrick and Cumnock) (SNP): I again declare an interest in this matter as a member of the Commons Standards Committee.

The Scottish National party welcomes this appointment. Elected Members of this Parliament are rightly expected to meet the high standards in public life as defined by the Nolan principles and expected to adhere to the House of Commons code of conduct and related rules of the House. The role of the independent Parliamentary Commissioner for Standards is an absolutely crucial appointment in maintaining public trust that Members of Parliament adhere to these principles, and to ensure that all MPs have confidence that any allegations of breaches of the MPs' code of conduct are investigated fairly, impartially and free of political bias.

I understand that Mr Greenberg has been through a rigorous and open recruitment and selection process and is recommended for appointment by the House of Commons Commission. From what I know of Mr Greenberg's previous experience, I am confident that he will make an excellent independent Parliamentary Commissioner for Standards, and I support the motion.

May I pay tribute to the outgoing Parliamentary Commissioner for Standards, Kathryn Stone, who leaves this position at the end of her five-year tenure in December? The role of commissioner is a difficult and challenging position which Ms Stone has carried out with utmost fairness, professionalism and integrity. Both Parliament and the public are indebted to her for her service and wish her well in her new role as the chair of the Bar Standards Board.

6.49 pm

**Chris Bryant** (Rhondda) (Lab): Me again. It would be fair to say that the search company found it quite difficult to get lots of good candidates to apply. In fact, significantly fewer applied than five years ago. I asked it why that was and it said, "Well, you've only got to read the newspapers to see why." Kathryn Stone has faced pretty ferocious, sustained attacks in the media, including from quite a number of colleagues in the House. There have been times when I have felt such admiration for her because she has managed not to soldier on—that is not quite the kind of person she is—but to keep going with clarity and without any sense of bearing a grudge or anything like that. However, it must have been tough for her. That has made it difficult for us to find candidates.

When we went through the process, I felt that only one person was really appointable. Although the Commission had asked us to take forward two names, the second name dropped out. All that being said, we have an absolute corker to take on the job.

**Jessica Morden** (Newport East) (Lab) *indicated assent*.

**Chris Bryant:** Daniel Greenberg is quite phenomenal; my hon. Friend the Member for Newport East (Jessica Morden) knows him from his advice to the Joint Committee on Statutory Instruments. He has advised the Standards Committee several times, and done so with considerable wit, rapier intelligence and sometimes rather frighteningly.

More importantly—I do not think that I am breaking a confidence—we were advised by those who did the initial interviews that he might be a little shy about providing his opinions. I do not think that is the issue at all. He was absolutely magnificent at interview; I was giving him 10 out of 10 on every single one of the key criteria on experiences and abilities needed to fulfil the role. I am certain that he will do a splendid job for the House.

I do, however, want the House to embrace the appointment. Part of what I said earlier about upholding the standards of the House and maintaining its reputation for future generations involves not attacking those whom we have entrusted with managing that job. Sometimes, he may need additional financial and staffing resources to be able to do the job properly.

I pay tribute to Kathryn Stone for the magnificent way in which she has done her job—I hope that we will have an opportunity to do that properly before she departs later in the year—and the phenomenal members of her team. In particular, I have worked closely with Helen Reid, who is clear, concise and fair. Kathryn has managed to create a team that I think she will hand on in very good nick to Daniel Greenberg when he starts on 1 January.

There is just one area where I hope that Daniel will be able to work clearly. I have some sneaking concerns about the operation of the ICGS. Sometimes, the quality of people who have been employed to do the early investigations has not been up to scratch. Because the Parliamentary Commissioner for Standards has a sideline to that role, it is important that Daniel can work closely with whoever will be running the ICGS in future. Having said all of that, Daniel is a magnificent appointment and I am glad that the Commission has agreed with the hon. Member for Broxbourne (Sir Charles Walker) and myself.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the shadow Deputy Leader of the House.

6.53 pm

**Jessica Morden** (Newport East) (Lab): May I agree with what everyone else has said? Like other hon. Members, I pay tribute to the outgoing commissioner, Kathryn Stone. We thank her very much for her work and extend our best wishes to her for whatever roles she continues in the future. As my hon. Friend the Member for Rhondda (Chris Bryant) said, it has been a difficult role at a difficult time—that was alluded to earlier in the debate—but she has done it really well. Standards are

[Jessica Morden]

vital to us. They exist to hold us all to account. Everybody who works in Parliament, but particularly hon. Members, should be held to the highest standards and we thank her for all she has done in that role.

I welcome the new commissioner, Daniel Greenberg. My hon. Friend the Member for Bristol West (Thangam Debbonaire), the shadow Leader of the House, was involved in the interview process. She told me that he was an absolutely exceptional candidate and that his application was of the highest standard. As a member for many years of the Joint Committee on Statutory Instruments, I know that Daniel served the Committee with distinction for over 12 years, including six years advising the Committee as counsel for domestic legislation. On behalf of our small but dedicated Committee, I thank him for all the work he has done on our Committee.

The work of the JCSI perhaps does not have the highest profile in Parliament, but it is an important Committee that does the job of considering statutory instruments. That work is of the utmost importance. Daniel's role as leading counsel advising the Committee, working with the excellent team we have, has been much appreciated, as has his vigorous attention to detail, fair-mindedness and, as the hon. Member for Broxbourne (Sir Charles Walker) said, formidable intellect, as well as his humour and lightness of touch. That thoroughness will be an asset to us in Parliament in his new role. Those of us who listened to his excellent contributions on "Thought for the Day" on Radio 4—essential listening for those of us on the JCSI—are also well aware of his thoughtfulness and empathy, qualities he will undoubtedly bring to his work as commissioner, so we welcome him.

6.56 pm

**The Leader of the House of Commons (Penny Mordaunt):** I would like to begin by endorsing the thanks and appreciation that hon. Members have given for the work undertaken by Kathryn Stone since her appointment in 2017. It has been a tough shift for her, but she has helped to develop the standards system. She played a key role in the implementation of the ICGS and helped the Independent Expert Panel in establishing its working practices and procedures following its establishment in

2020. I have not personally been involved in the recruitment process for her successor. My right hon. Friend the Member for Sherwood (Mark Spencer) sat on the final selection panel with three other members of the Commission. I would like to express my gratitude to all those who were involved in the selection panels and assessing the candidates. The whole House owes them gratitude.

It is vital that we all have confidence in the standards system and the Parliamentary Commissioner for Standards has a key role to play in that. The comments by my hon. Friend the Member for Broxbourne (Sir Charles Walker) and the information contained in the Commission report have certainly reassured me that Daniel Greenberg possesses the necessary skills and experience to carry out the role extremely effectively and build confidence in the system. It is therefore my hope that the House will approve this nomination and that we can welcome him and wish him well in his new role.

**Madam Deputy Speaker (Dame Rosie Winterton):** Thank you. I certainly recall that, when I was a Minister, there was always a huge sigh of relief when Daniel came in to give us advice. I am sure he will do a magnificent job.

*Question put and agreed to.*

## Business without Debate

### DELEGATED LEGISLATION

**Madam Deputy Speaker:** With the leave of the House, we shall take motions 8 and 9 together.

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### ARMORIAL BEARINGS, ENSIGNS AND FLAGS

That the draft Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2022, which were laid before this House on 15 June, be approved.

#### HEALTH SERVICES

That the draft Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022, which was laid before this House on 23 June, be approved.—(*Darren Henry.*)

*Question agreed to.*



## Unfinished Housing Developments: Consumer Protection

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

7 pm

**Helen Morgan** (North Shropshire) (LD): I thank the Minister for his attendance and response this evening. I secured this debate following a number of instances in my constituency in which the buyers of new homes have been left to pick up the pieces when critical infrastructure is not completed by the developer.

Let me tell the House first about The Brambles in Whitchurch. That is a development of 14 houses, built by developer Sherwood Homes Ltd in 2016 on land that had already been granted planning permission for development by Shropshire Council. It was a condition of the planning permission that the road, footpath and drainage should all be complete before the occupation of any houses occurred. However, despite those things never happening, building completion certificates were issued for all the properties and they were subsequently sold and inhabited. Unfortunately for the residents, the drainage system failed, leading on some days to raw sewage backing up in their gardens. Sherwood Homes Ltd had not taken out the section 104 agreement required in the planning permission, and not only was the arrangement dysfunctional, but the connection to the Welsh Water sewerage network was illegal, and neither were the road, lighting and footpath completed to an acceptable standard.

In October 2019, a creditor of Sherwood Homes Ltd, which appears to have shared some of the same directors, petitioned for it to be wound up and an order for insolvency was made by the court in December 2019. As a result, Shropshire Council could not take planning enforcement action against Sherwood Homes Ltd, and the residents of The Brambles, who are the successors in title to the private company established to manage the development, have been the subject of the enforcement process. They have been required to accept five-figure charges on their properties in order to rectify the issue of connecting the drainage to Welsh Water's network. Indeed, the saga has also cost the rest of Shropshire's taxpayers a considerable amount of time, as council officers have expended time and effort to attempt to rectify the situation.

Shropshire Council believes that the developer's failure to complete the necessary works before the first house was occupied should have been established by conveyancing solicitors, and the lessons to be learned from this episode are, "buyer beware." It may be right, but few residents have been able to establish that principle with their solicitors and would not have the resources to begin legal proceedings against them. I believe that some of the home buyers took up the offer of conveyancing services facilitated by the very developer who left them high and dry, raising serious concerns over a potential conflict of interest.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Lady for securing the debate. Back home in Northern Ireland—I say this to inform the Minister as well—we have a very clear system whereby each developer must put a bond on the property. Therefore, should there be

any difficulty in relation to the footpaths and roads not being finished, or if the streetlights are not done and the sewerage fails, that bond can be used for those repairs. Does the hon. Lady feel that the methodology used in Northern Ireland may settle the problems that she refers to, and that the Government and the Minister should look at that option?

**Helen Morgan:** I thank the hon. Gentleman for that sensible intervention; I will make a very similar suggestion in my speech.

The leader of the council declined my request to undertake a case review of the sequence of events that led to the situation at The Brambles to understand whether the council could have prevented the situation at any point as it evolved. As the law stands, it would appear that she is right. The Building Safety Act 2022 does not cover issues relating beyond the house itself, and the Local Government and Social Care Ombudsman declined to consider the case, arguing that:

"Caselaw has established that where a council issues a completion certificate and the work is later found to be substandard, liability for any defects rests with those who commissioned the work and those who carried it out. We cannot therefore hold the Council responsible for substandard work by the developer and we could not achieve any worthwhile outcome for"—

my constituent by investigating the complaint.

This is a very serious case—the most serious case I have seen in North Shropshire—but there are numerous instances in which roads have not been completed to a standard suitable for adoption, streetlights are not installed, shared areas are not landscaped as per planning permission and, in some cases, even the plot sizes vary from the original plan.

I can provide further examples. A development at Isherwoods Way in Wem has been without streetlights and a surfaced road for 10 years; although the situation is about to be resolved, it is not quite there yet. On the west side of my constituency, a site that I cannot name because legal proceedings are under way features an unadopted sewerage system that has not been completed to the required standard. A development in Ellesmere was left without an adopted road and open space when the developing company collapsed. The situation is only being resolved now that the development has been purchased by a major national house builder. The developer of another site in Wem has applied for insolvency despite the road being unadopted, the open spaces not having been landscaped and concerns having been expressed by residents about the water drainage system.

The cost to residents of these sites is not only financial. Untold distress and emotional strain have been caused and an enormous amount of precious time has been spent on resolving the situation. At a recent constituency surgery, one resident told me, "I'm a truck driver. I don't have time to become an expert on planning control." His neighbour, a construction worker, described the strain of worrying about everything that could go wrong with the drainage system, and about the cost involved in digging up the road to rectify the faults.

**John Spellar** (Warley) (Lab): I have a similar problem in Cranford Street in Smethwick. I find it utterly deplorable that Severn Trent, which is making hundreds of millions and whose chief executive is paid millions, will not take over any responsibility for the sewage that is backing up

[John Spellar]

into people's homes. People have bought the home of their dreams and are now finding that it has turned into a nightmare.

**Helen Morgan:** I thank the right hon. Member for his intervention. I have had some productive discussions with Severn Trent on the issue and am about to propose a solution that I hope will help to rectify the situation.

It has become apparent that residents are tied into an impossible situation. They no longer want to live in their homes, but realistically they cannot sell them until the defects are rectified. There are also wider financial ramifications because if any resident defaults on their mortgage, a bank will not be able to sell the property to recover its investment.

The other common theme emerging from all these developments is that homebuyers will be expected to contribute to the costs of maintaining shared areas via a management company to which the title for the shared areas has passed. These companies typically pass on the management cost to the residents at zero profit. However, the ones that I have investigated then subcontract the work to a profit-making company. I am sure that the House will not be surprised to learn that in many such arrangements the subcontractor is related in some way to the original developer.

The companies can charge uncapped amounts indefinitely to the homebuyer, in what is known as a fleecehold—I am aware that several hon. Members have raised the plight of fleeceholders on previous occasions. The management company can be used not only to pass on to the homebuyer the financial responsibility for completing the development, but to extort money for years to come, often for substandard management services. I am aware that the Government have indicated that they will legislate to control such management charges. I urge the Minister not only to commit to a date for such legislation, but to ensure that protections are included to cover previously unfinished developments.

To tackle the issue up front, however, I propose a different course of action. I believe that it is possible for a water company or a local council to obtain a financial bond when a section 104 or section 106 agreement is put in place, such that when critical infrastructure is not completed, funds are still available to complete the work. In addition, there are mechanisms such as section 38 agreements incorporating financial bonds that can be used to ensure that roads are of an adoptable standard. Having spoken to colleagues, I believe that some councils, such as Oxfordshire County Council, use financial bonds for that purpose and to avoid the distressing situations that I have described. I have not been able to establish why that is not standard practice for all councils.

I urge the Minister to consider using the Levelling-up and Regeneration Bill to require councils to take a step involving a financial bond before planning conditions are discharged, so that unsuspecting homebuyers are not left with unmanageable costs if their developer goes bust before the site is completed. The principle has already been established in the Government: National Highways requires a bond from local authorities if they propose works affecting the strategic road network, so that significant disruption is avoided if the works are not completed. I am concerned to learn that the changes

proposed to the Bill would reduce councils' ability to use section 106 agreements for smaller developments and would remove current powers to protect homeowners.

The rationale for planning deregulation is that it will enable house building targets to be met by removing barriers to completion, but I would argue that, certainly in the case of North Shropshire, it is not necessary. The evidence does not show that planning regulations are behind slow rates of house building. Shropshire's local plan contains a target of 30,500 new homes by 2038, but there are already 18,000 planning applications on which consideration has not yet commenced. The current build rate of just under 1,900 houses a year does not suggest that planning permission is the issue holding things up.

I appreciate that requiring a financial bond from new house builders might deter smaller companies from entering the market, but first I question whether homebuyers and council tax payers should be taking on the risk posed by a financially unviable housebuilder; and secondly, it should be possible to find an alternative, such as an investment bond, to combat that risk.

I am extremely concerned about the fact that councils lack the tools they need to ensure that the buyers of new-build homes do not fall victim to rogue developers, and the fact that the effectiveness of the tools they do have may be reduced by the Levelling-up and Regeneration Bill. I hope that the Minister will agree to consider making the use of financial bonds as part of section 106 or similar agreements a required practice for councils and water companies, to protect both homebuyers and councils' own taxpayers from high-risk housing developers.

If the Minister rejects such a solution, however, will he agree to meet me and other stakeholders, such as the Local Government Association, to formulate a practical mechanism to prevent the distress and financial hardship caused by unfinished housing developments? Homebuyers, councils and the wider community need to be confident that they will not be left to pick up the pieces when a developer fails to deliver. The owners of The Brambles are victims of a rogue developer, and we should act to ensure that their experience is not repeated elsewhere.

7.11 pm

**The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley):** I congratulate the hon. Member for North Shropshire (Helen Morgan) on securing the debate, on making her case so cogently and, in particular, on talking about the constituents on whose individual circumstances, as she outlined, this issue has had such an impact.

I thank the hon. Member for Strangford (Jim Shannon) for his contribution, as ever, to an Adjournment debate, and for highlighting the elements of the Northern Ireland approach, which is something for us all to consider. I also thank the right hon. Member for Warley (John Spellar) for the information that he provided. He has written to the Department as well; I am looking at that correspondence and will get back to him as soon as I am able to do so.

As has been clear tonight, the hon. Lady speaks for many Members on both sides of the House in arguing for better protection for people in unfinished housing developments. I cannot comment on individual cases because I do not have all the details in front of me, and

obviously there are two sides to every story and different circumstances in each case. However, I would say to people who have been adversely affected by inappropriate practices, whether in North Shropshire or elsewhere, that that is not acceptable; I am sorry they have had that experience, and I hope they can seek redress and correction in any way that is available to them.

I think everyone in the House would agree that we need more homes, but we need them in the right places and we need them when they are constructed. That is often a controversial and difficult process, but when they are constructed, we need them to be of a standard that enables people to live in them. They have to work, and they have to work within the local community that those people are seeking to join. The debate is timely in enabling us to highlight the latter point, because in a minority of instances that might not be the case.

For too many people, at least initially, the dream of home ownership does not live up to their hopes, because they are forced into resolving faults in their new build homes that are not of their making. The delays in getting those issues resolved often leave homeowners out of pocket, in financial stress or, as the hon. Lady suggested, having to engage in lengthy battles with developers to put things right—if the developer concerned is still in place. As a constituency MP, I have had some experience of that in North East Derbyshire, albeit with a developer who did in the end put things right—but it took a while for that to be done, which caused many residents in a number of villages, but one in particular, a significant amount of stress. So on a personal level, from a constituency perspective, I understand the point that the hon. Lady has made.

The Government are unequivocal in stating that all new housing developments should be finished on time and to a standard that buyers expect. If things go wrong, as they sometimes do—we all know that processes are not perfect; the developer sometimes has problems and challenges and we should be reasonable in expecting that—the buyer should be treated fairly and promptly. I would like to say a little bit about the action we are taking to make sure that this is the norm in all new housing developments, wherever they are in the country. This breaks roughly into three different elements. The first is the length of time that it can often take for houses to be developed in the first place. The second involves the infrastructure commitments that the hon. Lady has highlighted, and the third relates to the quality of work in the developments when they are concluded and people begin to live in them. There are often concerns about the quality at that point.

**Jim Shannon:** I thank the Minister for his helpful response, and again I want to use it to be constructive. Back home there are many developers who sign up to the Master Builders Association agreement. As members of that organisation, they are accountable for the finish of the houses. If at the end the houses are not finished to the standard they should be, the owner has the right to take a complaint to the Master Builders Association, which will ensure that the work is completed to standard. I ask in a constructive way: is that something that could be done here?

**Lee Rowley:** The hon. Gentleman makes an important point, and I would be interested in hearing more. He will appreciate that I am seven weeks into post and I am

still learning, but I would be genuinely interested in understanding the Northern Irish approach, given the information that he has highlighted this evening. Where there are things that are done well, we should be willing as a Government to look at those to see where we can take best practice and apply it on a broader level. I want to understand in more detail what is happening in Northern Ireland, and I will be happy to do that separately with him and his colleagues, if that would be helpful. I would be keen to understand the particular difference that he thinks comes from the Northern Irish approach, and I am always happy to find out more about particular instances and whether they would work on a broader scale, should that be helpful.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): Could I perhaps look at the issue the other way round? As in Northern Ireland, housing and planning are entirely devolved to the Scottish Parliament, yet as a Member of this place, I get stuff about housing all the time. Looking at it the other way around, as and when His Majesty's Government develop clever ways of doing things with housing, taking on board the points made by my hon. Friend the Member for North Shropshire, I would be grateful if those new methods could at least be offered to the Scottish Government in case they could glean something that might improve the housing issues north of the border.

**Lee Rowley:** The United Kingdom Government are always keen to indicate to the Scottish Parliament and the Scottish Government where we might be able to work together and where we think that elements of policy might work for Scotland as well as they work elsewhere in the Union. Occasionally, the Scottish Government are not that keen to listen to His Majesty's Government, but perhaps, given the hopeful outbreak of consensus on the desire to make progress, that will not occur on this particular subject. I am happy to consider the point that the hon. Gentleman rightly and properly makes.

**John Spellar:** I think we need to look at two separate, although related, problems. One is about the individual build quality of the houses. The other is about the infrastructure of the estate, which is certainly a problem that I and neighbouring Members of Parliament in the west midlands conurbation are finding. We have to find a way through that. In addition, if a developer goes bankrupt, the titles revert to the Crown Estate, so does not the Crown Estate have an opportunity to play a proactive role here? At the moment it seems to be playing a fairly passive role.

**Lee Rowley:** I will come to those two points, because I agree there are different elements that we need to consider and unpack. I would be happy to discuss the second point with the right hon. Gentleman in more detail, should he wish.

On completing new housing developments—I accept the hon. Member for North Shropshire made a broader point about further down the chain—the Government are clear that developments should be built out as soon as possible once planning permission is granted. The frustration of local communities where that does not occur is completely understandable. We expect developers and local authorities to work closely together to make this happen.



[Lee Rowley]

The Levelling-up and Regeneration Bill, which is in Committee today, will increase transparency on build-out, helping councils and residents to better understand what they can expect from development proposals and putting in place sanctions should the homebuilder fall short. Of course, there are examples where developers will need to vary their approach to building and constructing properties, and of course timeframes will both elongate and reduce as part of that process, but in general we are keen to see that when development is granted permission, often through difficult and sometimes controversial processes, and the clock starts ticking, the development should get moving and conclude as soon as possible.

The hon. Member for North Shropshire rightly highlighted infrastructure. Taking roads as an example—she mentioned a number of examples—when a new development is granted planning permission, councils can currently use section 106 planning obligations, as she indicated, to secure a commitment from developers to construct roads to a standard capable of being adopted by the local highway authority. It is up to developers and local planning authorities to agree on specifics such as timescales and funding, which may include the provision of a bond. This is currently a local decision and, notwithstanding the difficulty she rightly highlighted—she made a constructive suggestion on potential compulsion in this area—there are going to be different circumstances in different instances.

I encourage councils to use bonds where they think it is appropriate. Equally, I do not know whether we want to be so prescriptive as to mandate that from the centre, as there may be instances where it is neither appropriate nor necessary. Hundreds of thousands of houses are built each year in very different parts of the country, so we have to have regard to the fact there are different circumstances. None the less, I accept the premise of what the hon. Lady indicates and, where good practice exists—she indicated the good practice in Oxfordshire, and it also happens in Derbyshire—I encourage councils to use it, where appropriate and reasonable.

**Helen Morgan:** If compulsion is not appropriate, what about disseminating best practice to all councils in England to encourage them to use this mechanism, where appropriate, to avoid the situation that my hon. Friend the Member for Caithness, Sutherland and Easter Ross (Jamie Stone) and I have described? That would be a positive way forward to prevent this happening in future.

**Lee Rowley:** Within the bounds of localism, and without an individual Minister directing councils to do so, I think it is reasonable to indicate that, where possible, reasonable and proportionate, and where councils think it is appropriate, they should consider using bonds, which are a helpful lever and tool to be used where possible, while accepting that individual local authorities may have different reasons and different views on either using them or not using them. Ultimately, I will leave it to the discretion of individual local authorities to determine the appropriateness of that utility.

Returning to the point about roads, the Government believe it should be made clear to potential purchasers what the arrangements are for the maintenance of roads. Section 38 agreements facilitate the adoption of such

roads as highways maintained by the public purse. It is certainly possible for local authorities to adopt streets and roads. Ultimately, though, that is a decision that is taken in relation to how these estates are created and how local authorities want to approach ensuring that they have highways that are at a standard that they can then maintain.

Although I recognise, as has been indicated, that this does not work in a number of instances, if we can balance the appropriateness of localism—of making sure that local areas have the ability to vary how they approach this—while also ensuring that there is a general usage of the tools that are available, I hope that will be reasonable and proportionate.

The other element of the discussion is effectively around the quality of what is delivered at the end of the process when people move in—or by the time they move in. The Department for Levelling Up, Housing and Communities has also provided local planning authorities with tools to enforce requirements with strong penalties for non-compliance. Again, we encourage councils to use them where possible, and, again, through the Levelling Up and Regeneration Bill we are seeking to strengthen those measures.

I should add that when residents have a complaint about the local planning and highways authority that has not been adequately resolved, they may be able to complain to the Local Government and Social Care Ombudsman. I know that, in at least one incident, as the hon. Lady said, the residents of North Shropshire tried to do that. Obviously, the ombudsman is independent, but it is worth reiterating that it is there to redress issues, and I hope that anybody watching this debate who has a similar concern will consider its usage should that be appropriate.

On the matter of delays to completion, warranties and the actual quality of new homes themselves, I know of the problems that new home buyers face regularly and we do not underestimate the detrimental impact that this has. Most new-build home contracts typically have a “short-stop” date, which is an estimated completion date, and a “long-stop” date, which is the date by which a home must be completed in the contract. The rights and responsibilities of the homebuyer and developer should be set out in that contract, including the circumstances in which a deposit and other money is returned.

There are other routes to redress, which we are strengthening, and I will come to those in a moment, because they offer alternatives that the hon. Lady may wish to consider. The status quo currently is that most new-build homes are issued with a 10-year new-build warranty. Home buyers may also be able to complain to the Financial Ombudsman Service about their insurance cover.

Within the first two years of most warranties home buyers may be able to seek to resolve issues with their new homes through that warranty provider. If the new home is covered by one of the consumer codes, they may also be able to help resolve the issues that residents unfortunately face.

Even with those options available to home buyers, we recognise that the system is not in a perfect place. That is why the Government have committed to taking further steps to improve consumer redress. Through the Building Safety Act 2022, we have included a provision that contains

a statutory new homes ombudsman scheme, which will place greater accountability on developers and make it easier and simpler for new home buyers to seek redress when things go wrong, which perhaps will move us closer to the Northern Ireland model in terms of outcomes.

In the meantime, and as we consider the next steps for the statutory scheme, the independent New Homes Quality Board has progressed work to set up the voluntary New Homes Ombudsman Service, which will launch shortly. My second visit was to see the launch of a New Homes Quality Board and to see the first developers to be brought onto that scheme. I went to Solihull a couple of weeks ago, and I am grateful to the chief executive for meeting me. It is an important step forward. The scheme is voluntary at the moment, but, equally, that voluntarism gives the opportunity for home buyers to see the different ways in which developers are engaging with that system, and I hope that most developers will in the end engage with that system.

The hon. Lady talked about leasehold at the end of her speech and I just want to dwell on that for a few seconds. We acknowledge that there are practices that

are not where they need to be within the leasehold sector, and the Government and previous Ministers have given commitments that we will reform leasehold. We remain of the view that that is what should be done. Although I cannot give the hon. Lady the date she seeks, I am personally committed to trying to take the matter forward and I hope I will be able, with my colleagues, to give further information in fairly short order on the process for that.

In conclusion, this is an important area of policy, and I am grateful to the hon. Lady and all those who have contributed to the debate tonight for the opportunity to talk about it. It is important to note that there are processes already in place that homeowners should use if they are in the unfortunate place described by some people in North Shropshire, which I know is also the case elsewhere. They should seek to use those and seek to—

7.30 pm

*House adjourned without Question put (Standing Order No. 9(7)).*





# Westminster Hall

*Tuesday 18 October 2022*

[SIR CHRISTOPHER CHOPE *in the Chair*]

## Floating Offshore Wind Projects

9.30 am

**Stephen Crabb** (Preseli Pembrokeshire) (Con): I beg to move,

That this House has considered delivery of floating offshore wind projects.

It is a pleasure to serve under your chairmanship, Sir Christopher, and I am grateful to have secured time for a debate on the delivery of floating offshore wind power, which is one of the most interesting and exciting energy developments in play. It is good to see colleagues from across the United Kingdom and I look forward to hearing their contributions. I put on record my thanks to RenewableUK, the Crown Estate and many of the developers for reaching out ahead of the debate to provide briefing and insight.

This is a timely moment to discuss the role of floating offshore wind in the UK's energy mix and to consider what further steps the Government need to take to facilitate the emergence of that new industry. The twin challenges of net zero and energy security mean that the strategic imperative around this home-grown clean energy solution is becoming ever stronger.

Floating offshore wind—or FLOW, to use the shorthand—harnesses the power of wind by using turbines based on floating structures rather than fixed. It offers an opportunity to deploy enormous turbines in larger, deeper, more exposed offshore areas where the overall wind potential is higher and therefore more energy can be generated.

There is a high level of expectation that floating wind is going to become an increasingly important part of our energy mix. The Government have set a target of 5 GW of FLOW to be installed by 2030, and Offshore Renewable Energy Catapult estimates that we could have up to 95 GW of floating wind in UK waters by 2050. At that point, the majority of the wind turbines in UK waters would be floating, not fixed to the seabed as they are today.

The UK is already home to the largest floating wind farm in the world—Kincardine, off the coast of Aberdeen in the North sea—which is using the highest-capacity turbines ever installed on floating platforms. The success of Kincardine should give both industry and Government confidence that the technology works and is scalable, and that it can be replicated elsewhere.

Floating wind will be critical to achieving the Government's energy security targets, and if we do not choose to industrialise FLOW we will have to generate at least 15 GW of power by 2035 using other means. Indeed, it is difficult to see how the overall expansion of offshore wind envisioned by the Government's targets would be technically possible without doing floating wind in a very big way. That industrialisation of floating offshore wind will create the pathway for cost reduction, as has been proven with fixed-bottom offshore wind.

Floating wind offers a huge opportunity for the world to harness offshore wind power, not just those limited regions with shallow sandbanks close to shore. Globally, the UK Government have set the most ambitious targets for developing floating offshore wind, but other countries are catching up fast. Spain has announced a target of 1 GW to 3 GW of FLOW by 2030. Similarly, France, Norway, Japan, Ireland and parts of the United States have set clear and ambitious targets. The world will therefore develop floating wind for sure. The UK is well positioned as the leading marketplace for investors, but if those targets are not followed through, I fear that the UK is likely to be left behind as other countries move to seize on the new technology.

Along with parts of the North sea, the Celtic sea—located off the coasts of south-west Wales, Devon, Cornwall and southern Ireland—is one of those areas with the greatest potential to deploy FLOW. It is attracting enormous interest from developers and investors, and I am delighted that my hon. Friend the Member for North Devon (Selaine Saxby), chair of the all-party parliamentary group for the Celtic sea, is here today. I look forward to hearing her remarks.

Floating offshore wind in the Celtic sea represents a multibillion pound economic development and investment opportunity for Wales, the south-west of England and the whole UK. The area has excellent wind resource infrastructure and local industry for potential supply chain development. The Crown Estate's Celtic sea leasing programme aims to deliver 4 GW of new floating offshore wind by 2035. It could provide power for almost 4 million homes, and the project will kick start an innovative new industry in the area, with the Celtic sea assessed to have the economic potential to accommodate up to an additional 20 GW by 2045. Just last week, the Crown Estate announced that it is seeking to accelerate the leasing process for that first stage of development, recognising the importance of bringing floating wind onstream as soon as possible, and will be looking to launch the tender process in the middle of next year.

For us in west Wales—I represent a Welsh constituency—floating offshore wind represents a hugely exciting and valuable prospect. It is another stage in the evolution of Milford Haven port in my constituency. Shared with my right hon. Friend the Member for Carmarthen West and South Pembrokeshire (Simon Hart), Milford Haven is one of the UK's most important energy ports, beginning in the late 18th century when whale oil was imported for use in streetlamps. The late 20th century brought oil refining and trade in petroleum products, and the early 2000s brought liquefied natural gas imports. Strategically, Milford Haven plays an incredibly important role in our energy mix, and I believe that the coming decades at Milford Haven will be about floating offshore wind and hydrogen.

Early analysis by Cardiff Business School suggests that floating offshore wind, hydrogen and sustainable fuels investment could add an additional 3,000 Welsh jobs to the 5,000 already supported by the Milford Haven waterway. Floating offshore wind will facilitate the transition to a vital new green energy era, supporting the continued evolution of that major hub for another 50 years. On the Milford Haven waterway, we already have a number of very active projects: we have Blue Gem Wind, a joint venture between Simply Blue and TotalEnergies, which is looking to establish the first

[*Stephen Crabb*]

demonstrator projects in the Celtic sea. We have DP Energy, a joint venture involving EDF, and RWE—which has a major gas-fired power station on the Milford Haven waterway—is looking at floating offshore wind opportunities, in conjunction with exploring the possibilities of producing hydrogen and moving its entire operation in Pembrokeshire to a lower carbon future.

**Simon Hart** (Carmarthen West and South Pembrokeshire) (Con): Does my right hon. Friend agree that the much-rumoured and long-awaited freeport status for places such as Milford Haven—even in conjunction with Neath Port Talbot or similar—would accelerate all of the exciting initiatives he has referred to?

**Stephen Crabb:** I will mention freeport opportunities a bit later, but my right hon. Friend is exactly right. So often when people talk about freeports, it is in the context of an answer looking for a question; what we have in Milford Haven—together with Port Talbot, I might say—is a solution. It is something that will help facilitate a new industry, and if we can use the freeport process to help support that—I am looking towards the Minister—then that would be excellent indeed.

**Stephen Kinnock** (Aberavon) (Lab): The right hon. Gentleman is making an excellent speech, and I congratulate him on securing the debate. Building on his point about freeports, one of the key advantages of our freeport bid is that it is in synergy with the floating offshore wind opportunity. That will deliver a huge amount of added value through the manufacturing opportunities and long-term sustainable job opportunities that will come out of it, so the freeport offer is a strategic offer, not just transactional.

**Stephen Crabb:** As is typical, the hon. Member has gone right to the heart of the matter. Floating offshore wind is going to happen in a big way in UK waters—I absolutely believe that. The challenge that we need to get our heads around is how much real economic value and content can be captured and secured for the UK. The hon. Gentleman is exactly right that a collaborative bid between Port Talbot and the port of Milford Haven provides a potential framework to allow that industrialisation and capturing of domestic content to happen.

FLOW presents an important economic opportunity for the whole of the UK—for ports, industry and energy infrastructure, and by driving up investment and regional and national growth, as well as increasing the numbers of skilled jobs and career opportunities. The levelling-up opportunities are enormous: tens of thousands of people are already working in the offshore wind industry and supply chain in places such as Hull and Hartlepool. That is the kind of domestic content and supply chain opportunity that we want to deliver for Wales and the whole of the Celtic sea region. With large-scale projects in the Celtic sea perhaps five to 10 years away, there is an opportunity now for the development of the appropriate infrastructure and supply chain capability, which will deliver significant local opportunities in the region and, in turn, drive regional economic growth.

While we are talking about Port Talbot, I should say that I was excited to see RWE recently announce a new partnership with Tata Steel in the constituency of the hon. Member for Aberavon (Stephen Kinnock). That will explore how steel manufactured in south Wales could be used for floating wind projects, which is exactly the kind of innovative thinking that we need to achieve everything to which we aspire.

I hope to have outlined the scale of the vision and opportunity in front of us. It is ambitious and exciting, and in my view it is achievable. There is enormous private sector interest. However, along with the scale of the opportunity, there is an enormous delivery challenge. Ensuring that we have the appropriate offshore and onshore capabilities to deliver this is a big and complicated challenge. The 5 GW by 2030 target is ambitious. The industry is confident that it can respond to the challenge, but it will require a lot of work. Think about the sheer scale of what we are talking about: hundreds and hundreds of enormous new turbines being manufactured and towed out to sea. We have also to think about all of the onshore infrastructure around the turbine: the port infrastructure, new grid capacity, new grid connections, all the supply chain work that we have talked about, the financial architecture around it—contracts for difference—and, of course, the planning regimes in which the projects operate.

Projects cannot happen without the underpinning physical infrastructure—grid and ports—and the right policy architecture. Creating the right frameworks will require a lot of collaboration between the public and private sectors.

**Stephen Kinnock:** The right hon. Gentleman is absolutely right about all of the wraparound and complexity. One thing he may have mentioned—I may have missed it—is maintenance and servicing. Once the structures are in place, they require regular maintenance and servicing, which in itself is a huge employment-generating opportunity.

**Stephen Crabb:** The hon. Gentleman is exactly right about the operations and maintenance role. That is not just a job creator; they are valuable jobs. There is real economic value in those support services.

I come back to the delivery challenges around this big, complicated opportunity. The first challenge relates to leadership and co-ordination. As with the early development of fixed-bottom offshore wind, the support of the UK Government will be crucial in driving forward the political, regulatory and financial support frameworks that are needed to maximise the flow opportunities. I welcome recent positive statements by the Government, but there needs to be much more visible engagement from Ministers when it comes specifically to the Celtic sea opportunity. I have been impressed by the leadership that the Crown Estate has shown, and the work that it is doing to create robust frameworks around the tender process and environmental protections. However, there is a role for UK Government, over and above what the Crown Estate is doing, to push forward the Celtic sea programme. That role starts with setting credible, ambitious targets. We are in a relatively strong position when it comes to the UK's clear pipeline of offshore projects, which is backed up by a firm commitment from Government. That is critical in increasing investor confidence in the UK market, but Ministers should be

going further, perhaps by setting supplementary, longer-term targets to strengthen signals to investors and developers. Ministers should be clear about the UK's intentions to scale up the sector rapidly in the coming 10 years.

The next area of challenge is getting the right financial architecture in place: a market environment that encourages price competition and industrial development. The contracts for difference have been incredibly effective at reducing the costs of renewable energy projects by reducing wholesale price risk, but the weakness of the structure of the CfD auction scheme is that it considers only the price of projects, and not wider industrial and economic considerations or future cost reductions. The Government should look to reform the CfD system to create a premium or incentive that recognises projects that make substantial commitments to industrial and economic development in the UK and to innovation in the UK. The aim of these reforms should be focused on fostering a market environment in which investment, innovation and economies of scale are incentivised. Consideration should also be given to what form of support can be provided to combined FLOW and hydrogen production projects, which cannot really be assessed alongside conventional FLOW from a cost perspective. I mentioned the work that RWE is doing in Pembroke, looking at the role of floating offshore wind to support hydrogen development, and there probably needs to be a different way of looking at that in terms of price support.

At the heart of the infrastructure challenge are ports. Floating offshore wind will require a lot of port infrastructure. No port close to the Celtic sea is currently ready to handle the key activities for deploying floating offshore wind, but we have a window of opportunity now to address this and ensure that the economic value of deploying these vast structures can be captured for the UK. The FLOWMIS—floating offshore wind manufacturing investment scheme—funding that the Government are making available will help. As far as I am aware, the Government have not yet announced how that money will be used, but a good chunk, if not the lion's share, should be devoted to supporting the development of the Celtic sea industry.

Given the targets that we are looking to achieve and the scale of activity that will be required, there will be enormous opportunities for all ports across south-west England, Wales and Northern Ireland. There is a clear starting point, and we have already discussed it: the ports of Milford Haven and Port Talbot. Independent reports from the likes of ORE Catapult and FLOW developers have identified Pembroke Dock in the port of Milford Haven and Associated British Ports at Port Talbot as potential anchor ports for floating offshore wind. However, without collaboration and significant investment at both ports over the next decade, the vast majority of the potential £4 billion of benefits could simply go overseas. A combined, dual port solution, with close proximity to the Celtic arrays, has enormous potential to accelerate the deployment of floating offshore wind and increase prospects for UK Government generation goals.

**Stephen Kinnock:** The right hon. Gentleman is being very generous in giving way, and I thank him for that. He is right that port infrastructure is vital, but another key part of our infrastructure is the national grid. Does he agree that there are real concerns about the capability

of the national grid to deliver the power that we need from offshore wind, and that the UK Government need to get round the table with National Grid and Ofgem to make that happen?

**Stephen Crabb:** I swear I have not shared a copy of my speech with the hon. Gentleman, but he anticipates the next section extremely well. I will just finish this point about the freeport bid. I am not expecting the Minister to comment—it is a live bidding process—but as I said on the Floor of the House yesterday in Levelling Up, Housing and Communities questions, I hope that Ministers will look closely at what is coming forward from Milford Haven, Pembroke Dock within that port, ABP at Port Talbot and the two relevant local authorities, because it is genuinely exciting and represents something different. We should not get hung up on freeport labels; it is about doing something innovative and collaborative that can help to unleash the full economic potential of this opportunity.

Let me get on to grids, before I bring my remarks to a close. The hon. Member for Aberavon (Stephen Kinnock) is exactly right: potentially even more challenging than delivering port upgrades is achieving a serious step change in the way we increase grid capacity and make available new grid connections here in the UK. The planning and consenting processes are ridiculously slow and difficult—they are not fit for purpose. We on the Welsh Affairs Committee in recent months have been taking evidence on the grid infrastructure in Wales. Our report on that will be coming out soon, so I will not pre-empt that. I was pleased in the evidence we took to hear about steps that are being taken by Government to reduce the offshore wind consenting times, but the truth is that we need to see far more urgent action from Government to address grid capacity. The danger is that developers will increase their capabilities and be able to construct and deploy large-scale renewable energy infrastructure way ahead of the planning process, and that cannot be acceptable. We need more anticipatory investment so that new grid networks are built in time for those major new sources of generation and for demand. We could talk about other planning challenges: in the Welsh context, we have the devolved body Natural Resources Wales. Developers are concerned that Natural Resources Wales should be fully equipped to be able to handle the volume and complexity of the planning jobs that they will be asked to do, to assess the impact on seabeds and things like that.

Floating offshore wind represents a major, exciting opportunity for the UK to tackle a number of critical issues: wholesale prices, energy security, job generation, levelling up and net zero. It is an exciting package. Floating offshore wind presents a compelling answer to all those challenges. The key challenges for us to consider are the risks and potential difficulties around delivery, and achieving the scale of offshore and onshore capabilities and systems that will be required just a few years from now. I look forward to hearing from colleagues and the Minister.

9.51 am

**Stephen Kinnock** (Aberavon) (Lab): I congratulate the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) on securing this vital debate.



[Stephen Kinnock]

If the last 12 months have taught us anything, it is that if we are to better protect ourselves from rocketing energy costs, as a country we must become more resilient and less exposed to fluctuating global energy prices. The good news is that the UK is well placed to do that, but we need a UK Government who will grasp the nettle and realise our potential.

A Labour Government will turn the UK into a green growth superpower through our green prosperity plan, by creating GB Energy, a new publicly owned clean energy generation company that will harness the power of the UK's sun, wind and waves. We will establish the UK as a clean energy superpower, delivering a zero-carbon electricity system by 2030 and guaranteeing long-term energy security. It is only through a publicly owned company that we can ensure that communities and people across the country feel the benefits of the power created on our own shores through cheaper bills, good local jobs and putting money back into the public purse.

To achieve clean power by 2030, we will need to quadruple offshore wind. Floating offshore wind will be crucial in helping us achieve that goal. The Celtic sea will be a vital next step in that journey. The deployment of 24 GW of floating offshore wind in the Celtic sea presents a major opportunity to establish manufacturing and logistical support in south Wales. Port Talbot is ideally placed to be the hub for that activity, and a catalyst for the growth of FLOW in the region. Unlocking the Celtic sea's potential requires ports that are capable of constructing foundation substructures, component storage and turbine integration, and continuous maintenance of those turbines.

Port Talbot's deep sea harbour, with the land around it fully available for development, makes it the only port with capacity to combine FLOW fabrication, assembly, staging and flotation. The harbour is sheltered from high winds by a natural bay, and the space, size and water depth means that it can easily accommodate the substructure construction for the largest turbines in sufficient quantity to meet long-term Celtic sea demand.

Port Talbot also has the key infrastructure to support that groundbreaking technology. We are centrally located and have excellent transport links, with easy access to the M4 and the rail network. We also have world-class steelworks and the existing manufacturing supply chains, which bring with them the vital workforce skills and labour pool, including port workers, heavy industry workers, and maintenance and servicing workers, to support the quality manufacturing and assembly jobs essential for FLOW to become a reality.

Local businesses already in the manufacturing supply chains are keen to bring their transferable skills to the table and be part of this new, cutting-edge technology. Such is the scale of the FLOW project that there is significant potential to attract new industries in the supply chain, to create thousands of skilled jobs and to open up a world of opportunity for my Aberavon communities and those well beyond.

In short, Port Talbot has the capacity to deliver this scale of growth. It is a daunting project, but we have the basic infrastructure right there; it just needs to be mobilised. We have the critical mass and established manufacturing base needed to make a success of this

future industry, but it is not just Port Talbot that would benefit. The benefits would be felt right across south Wales and beyond. The Swansea Bay economy has the ability both to absorb the initial demand and to translate it into new economic activity, and the sheer scale of what we are talking about would require additional resources to support Port Talbot, with the ports of Swansea and, as the right hon. Member for Preseli Pembrokeshire so eloquently pointed out, Milford Haven having the capacity to carry out vital supporting activities right through the supply chain, including integration, maintenance, and assembly of mooring and cabling components. This has to be a team effort if it is going to work.

A south Wales freeport centred around Port Talbot and Milford Haven has huge potential to support FLOW manufacturing, assembly, installation and associated supply chains, and those opportunities can be distributed between the ports of Port Talbot and Milford Haven, which complement each other and offer the prospect of establishing the energy and manufacturing coast in south Wales at the necessary scale. Freeport status for Port Talbot and Milford Haven would help to create an environment to attract inward investment for the manufacturing of components for FLOW and the development of wider industrial manufacturing. The proposed new port infrastructure at Port Talbot will be an attractive site for the co-location of manufacturing for offshore wind components, improving the logistics of the supply chain. Port Talbot will also offer access to new export markets as well as the industrialised economy of south Wales.

The ability to offer the benefits of freeport status for development land in close proximity to the newly constructed port infrastructure will provide significant advantages for potential investors seeking to establish new manufacturing capacity in the UK, but also across Europe. I have had extensive discussions with Associated British Ports, which stands ready to invest over £500 million in new and upgraded infrastructure to enable the manufacturing, assembly and launch of floating foundation substructures and the import, storage and integration of wind turbine components in Port Talbot. These plans would be transformative for my Aberavon constituency and the surrounding area, but support from the UK Government will be a crucial precondition for drawing in private sector investment so that the FLOW project can get off the ground. FLOWMIS co-funding would demonstrate the UK Government's clear long-term commitment to developing the site and the sector, giving confidence to allow investors and other funding providers to back the project and unlock sizeable private sector investment potential.

There is no time to waste. As the right hon. Member for Preseli Pembrokeshire pointed out, other European countries, such as Ireland, France, Spain and Portugal, are also looking at investing in FLOW, so we must act now if we are to secure first mover advantage. We missed the boat with onshore and offshore wind in the past; other countries stole a march on us, and now they benefit from energy produced here. The largest onshore wind farm, which also happens to be in my Aberavon constituency, is paying for schools and hospitals in Stockholm. The Chinese Communist party has a stake in our nuclear industry, and millions pay their bills to an energy company that is owned in France. Such

countries, rather than the local communities where the energy is actually being generated, also benefit from the manufacturing jobs that go with these industries. It is simply scandalous, which is why I am lobbying the Crown Estate to ensure that when it grants the lease for the Celtic sea, local benefits are maximised and we grasp the opportunity to build a homegrown manufacturing base to underpin these local industries. The manufacturing supply chain must stay in south Wales.

Worryingly, the Crown Estate's announcement last week on the seabed licences lacked detail on the supply chain and the local content commitment that developers will have to give when bidding for seabed licences for FLOW development in the Celtic sea, and I urge the Minister to raise the issue with the Crown Estate as a matter of urgency. Under the current criteria, there is a real risk that the opportunity will yet again be missed to maximise prospects for local jobs and supply chains. The Crown Estate must therefore provide more detail on the local content commitment that developers will have to give as part of the bidding process.

The future of our country is in our air, sea and skies, and mother nature has truly given us a gift in Wales. We were the cradle of the first industrial revolution, and now Wales can be the cradle of the green industrial revolution, with Port Talbot at the forefront. Investing in Port Talbot as the hub for this game-changing form of renewable energy would turn south Wales into a green power superpower in the generation of renewable energy. I therefore urge the UK Government and all other key stakeholders to come together to ensure we grasp this opportunity with both hands.

**Several hon. Members** *rose—*

**Sir Christopher Chope (in the Chair):** There are four Back Benchers seeking to catch my eye, and we have about half an hour before the wind-ups.

10 am

**Selaine Saxby** (North Devon) (Con): It is a pleasure to serve under your chairmanship, Sir Christopher. I thank my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) for securing this important debate. I will reinforce and reiterate much of what he and the hon. Member for Aberavon (Stephen Kinnock) said.

I set up the all-party parliamentary group for the Celtic sea because the opportunities presented by the Celtic sea were apparent, but there was a disjointed approach, which many of my Welsh colleagues have discussed. I was concerned that we might miss out on the opportunity altogether in North Devon, and I am delighted that my hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory) is here to put in a case for the south-west of England. If we are to deliver these projects, we need a strategic approach that takes into account all the ports, skills and opportunities right the way around the Celtic sea. This is a national and international opportunity, and I am delighted to have the support of the Celtic sea APPG secretariat here today. We have been working hard to drive forward the issue, and we now have a Celtic Sea Developers Alliance. We have now established that the wind blows the opposite way in the Celtic sea, so we are delighted to have an

opportunity, alongside our Scottish counterparts, to work across the whole country to see how we can deliver these projects.

On the strategy, like others I am concerned about the UK supply chain, because pretty much everything that is planned is coming in internationally. We are not realising the economic benefits that these enormous turbines present. I have seen the work going on in Blyth, and it is clear to me that my beautiful constituency is probably not best placed to develop a big port. However, we are the closest port to the development sites, and yet I cannot see anything local that is developing the kind of maintenance system that we need to service the 250 floating offshore wind turbines that are coming at us in the next five to 10 years.

In addition, as has been said, our ports are not ready. Much as it is lovely to hear everyone bid for projects for their ports, it would make much more sense to have a strategy that delivers the floating offshore wind manufacturing investment scheme—FLOWMIS—and liaises between the ports. Competition is great and drives innovation, but we need a decision so that we do not have three or four ports building exactly the same thing, none of them terribly well. We need to say, "This one can maintain and this one will build blades," so that strategically we take the opportunity that we are presented with.

That is no better demonstrated than when it comes to cables, which are a particular bugbear of mine, given what has happened on the east coast with fixed offshore wind. Now that we understand that blue carbon is released every time we disturb the ocean floor, why on earth are we not insisting that cable corridors be put in at the start of the projects so that we can connect to the grid—I will come to the problems there—and damage the floor only once? When assessing the bids, we need to consider the full environmental impact, because we tend to look just at the benefits of delivering the wind power from the turbines without considering the international components—how far they have come, how they were made and what happened to the carbon in their production—let alone the damage to the floor.

I want to highlight some of the very small development sites, which I am sure were designed to deliver great opportunities and develop scientific insights. I have a small one in my North Devon constituency that can go into a small substation, but because there is no cable corridor connecting to the main grid, its cables go across four highly designated beaches, straight through my biosphere, and disturb all my sites of special scientific interest.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): I am grateful to the hon. Lady for allowing me to intervene because she hits on an important point: the lack of co-operation and strategy. It is not just about cable corridors, important though they are. It is also about how floating offshore wind and, perhaps later, tidal stream generation sit with other users of the seabed. Fishermen in my constituency, and I do not doubt in hers, are already concerned about spatial squeeze. It should not be a barrier; it would be an unnecessary conflict if we do not take the opportunity now to do something meaningful, and hold the ring around the different people who want to use the sea and the seabed.

**Selaine Saxby:** I thank the right hon. Gentleman for his intervention—I agree entirely. I am also grateful for the work of the Crown Estate in trying to tackle some of these matters. We need to take a far broader strategic approach when it comes to the ocean floor.

Once we have got things into a cable, hopefully in a corridor, and have connected into the grid, the grid is perhaps able to take 30 kW out of the Celtic sea, but is that the full potential? What work is being done to upgrade that grid? Why have we got small substations, such as the development site at Yelland, when potentially it could go into the main national grid? Alternatively, if Yelland is to become a proper substation, can we have a proper cable corridor, so that it has to go through our precious beaches only once?

I hope that as we move forward we can look at the full environmental impact, and properly cost some of those points into the next round of contracts for difference. It is important to recognise that it is not always about price. As touched on by my right hon. Friend the Member for Preseli Pembrokeshire, other factors could be considered when awarding the contracts.

My other big concern is skills. We do not have anyone to do any jobs in North Devon right now, to be honest. I would like to see skills incorporated in the contract for difference, and that we reward developers who are prepared to invest in science, technology, engineering and maths facilities along our ports, right around the Celtic sea, so that all of us along those patches are able to develop the next generation of engineers.

On strike price, I would highlight concern in the industry that the price was too low in the contract for difference auction round 4, because it took into account some of the infrastructure that was already present. That is not a true reflection of where the price would be moving forward. I urge the Minister, as we look to take advantage, please can we consider some of the other elements that have been discussed today, such as the supply chain, environment and skills, and not just price, as we look to develop contract auction round 5?

We have the world's largest pipeline and target for the sector, and there is long-term confidence in the UK. However, it is critical that that next auction round—AR5—demonstrates that we also have the right market conditions, or we could fail to realise the investment opportunities already displayed, and see it move to more competitive markets, which will have knock-on effects for subsequent auction rounds for contracts for difference.

Although I love the fact that my APPG has been able to drive some change. As a former maths teacher and not an engineer, I do not think I am best placed to drive this forward. I very much hope we shall see some big strategic interventions to achieve the potential of the Celtic sea.

10.8 am

**Kenny MacAskill** (East Lothian) (Alba): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) on securing the debate and on an excellent speech. I concur with him on the future possibilities. I have a minor comment, meant as an assistance rather than a chastisement: the pronunciation of the windfarm's location is actually Kincardine, although he is not from those parts and is not to know. Otherwise, I fully agree.

Scotland has 60% of the UK's onshore wind; it has 25% of Europe's offshore wind capacity. It is not simply the Celtic sea; it is all around Scotland's shores. The Berwick Bank field, between East Lothian, my constituency, and Fife is able to power something like 2.5 million households. Scotland only has 2.4 million, and that is one field alone, so the potential is significant. It follows on from oil and gas and precedes, as has been mentioned, tidal possibilities and even carbon capture and storage, so our country has been blessed with huge natural resources—a significant blessing. Scotland is energy-rich, but Scots are fuel-poor. It is no comfort to be able to see turbines turning—if they are—onshore or offshore if people cannot heat their home, power their business or obtain employment. That is why we ask: where is our country's and our communities' benefit from resource?

I appreciate that there is a disconnect that has to be resolved. Scotland has more energy than it requires, as I mentioned with the Berwick Bank field. England has a surfeit of requirement, but not the ability to access that energy and therefore cabling makes sense. But where is the consequent payment? Where are the jobs? At present, they are simply not coming.

The turbines are going to be constructed, but sadly almost none in Scotland. Every yard in Scotland should be clanging and riveting. Every estuary in Scotland should be producing them, but we are bringing them in from south of the border, from the Netherlands, from Indonesia. Where is the work for our people? It is not evident in my constituency or across the country.

Transmission stations are also—correctly—being built. I have one near Torness that will take the cabling south to Redcar. A similar one is going from Peterhead down to Drax, but where is the consequent payment and compensation for Scotland's losing the energy from our shores? Where is the money that we should be entitled to? It is simply coming in and going on. I get told there are supply chain jobs. I spoke to Scottish Power. The transmission station will employ four people in my constituency. That is an inadequate return. It is simply unacceptable. We accept cabling, but there has to be compensation and it cannot simply be a few pounds for the Crown Estate. It has to be for the communities and the country as a whole.

It is not simply, as I say, the cabling. Although the Berwick Bank field is in Scottish territorial waters and although it lies between East Lothian and Fife, 40% will be cabled directly south to Blyth. The Crown Estate will not even get any benefit. The Scottish Government, Marine Scotland, the councils, the communities, Crown Estate Scotland—nobody is getting any financial recompense. That cannot be right. It has to be addressed.

**Mr Carmichael:** The hon. Gentleman has hit on something really important: community benefit. In Orkney and Shetland for the last 40 years we have derived real community benefit from the presence of offshore oil and gas in our communities. It would be an absolute scandal if we cannot get the same benefit from the next generation of clean renewable energy. Does he agree that it is rather perplexing that when the ScotWind round of leasing was facilitated, a cap of £100,000 per sq km was put on bids in the auction? I do not understand for the life of me why that was necessary. It is a real missed opportunity. Scotland's seabed has been sold cheap.



**Kenny MacAskill:** It has. The right hon. Gentleman raises two issues, including the community benefit that there should be. I pay tribute to Mr Clark and Shetland Islands Council, who negotiated that. Anybody who goes to Shetland will see the community benefit. East Lothian would give its eye teeth for that. That community benefit should apply not simply in Scotland and the Scottish islands, but across the UK. There should be a community benefit. It would not be a disincentive to investment, and it should be available for communities.

With regard to the Scotland project, the bulk of my criticism, because energy is overwhelmingly reserved, is against the UK Government, but the Scotland auction has been lamentable. Nobody goes into an auction, whether at a fundraiser for a political party or whatever, and puts a cap on an auction. Normally we put a floor on an auction, but for some reason the Scottish Government decided to put a cap on it. They returned a benefit of £700 million and crowed about that being a great benefit to Scotland. Of course, £700 million is better than a poke in the eye with a sharp stick, but one month later New York had the New York Bight. It put up for auction one quarter of what was disposed of in Scotland and it obtained \$4.3 billion. The Scottish Government have to answer for their incompetence and the UK Government for their failures.

There are opportunities. There should be employment in Scotland. There should be energy storage, because that is now coming onshore with the battery, so we should be able to keep stuff in Scotland. We should be able to manufacture hydrogen—green hydrogen, not blue hydrogen. In my constituency, what do we require for hydrogen? In the main, we require water and energy, and we have that by the score, so there has to be more. This is a huge potential benefit that has landed in Scotland and its communities, but at present—through failures by the Scottish Government but primarily the UK Government—we are not seeing that benefit in terms of employment. We are not seeing our share, because it is ours and we should be taking it. It is absurd, as the hon. Member for Aberavon (Stephen Kinnock) mentioned, that Vattenfall and the Chinese national corporation are owners and yet our people are not. This potential must be for the benefit of our country and communities. The Government have to up their game and, indeed, so do the devolved Governments.

10.15 am

**Cherilyn Mackrory** (Truro and Falmouth) (Con): I thank my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) for securing this important debate, which places a spotlight on an exciting emerging sector for my constituency of Truro and Falmouth in Cornwall and the south-west as a whole. Cornwall is already at the heart of the green revolution. We are mining and drawing out lithium and are drilling for deep geothermal, which is why I have worked on the all-party parliamentary group for the Celtic sea to promote floating offshore wind projects off our Cornish shores.

I pay tribute to my hon. Friend the Member for North Devon (Selaine Saxby), who set up the all-party group. She works tirelessly on this issue and is brilliant at bringing all the different threads together. When we became MPs in 2019, I was lobbied by only one company. Not a year later we had a reception on the Terrace

where there were between 50 and 100 companies present, and that number continues to grow. It is a growing sector and one that should benefit all parts of the United Kingdom.

I was delighted to welcome the Defence Secretary, the COP26 President and the Business Secretary to Falmouth to see first hand how Cornwall can help deliver this vision. It is right that the Government have a target to raise the UK's floating offshore wind capacity from one gigawatt to five by 2030. Floating offshore wind in the Celtic sea will be crucial to reaching that target, with the Crown Estate recently announcing that the leasing round for the region will be launched in mid-2023. That could deliver 4 GW of installed UK floating offshore wind capacity by 2035, supporting up to 3,200 jobs, with the potential of £682 million spend in the local supply chain by 2030.

A key part of the strategy is the TwinHub project, which is the first floating offshore wind project in the Celtic sea, based off the Cornish north coast. TwinHub has developed a new design that places two turbines on one platform, which gets twice the bang for its buck. This offshore wind farm will produce more energy while taking up comparatively less space and, by 2025, will be generating enough electricity to power 45,000 homes. The wider opportunities that floating offshore wind and the Celtic sea present will create over 1,500 skilled jobs, with £900 million headed for the regional economy by 2030 based on current projections.

As my right hon. Friend the Member for Preseli Pembrokeshire alluded to, the grid support maintenance will require cohesive collaboration between the public and private sectors, but we need the big port upgrades to build these floating offshore wind farms. Falmouth is one of the deepest ports in the world and is ideally positioned to become an integration port where turbines will be put together before being towed out to sea. Falmouth is also best placed for the maintenance of components and used vessels. The south-west supply chains will then be built up and will develop a strong network of experienced project developers and a wealth of skills and experience. These are all high-quality careers for the future of Cornish children in my schools. Falmouth should therefore receive its first share of the £160 million floating offshore wind manufacturing investment scheme to unlock wider private sector investment in the Celtic sea.

North sea ports already have the necessary infrastructure to be competitive due to their historical industry. If Celtic sea ports such as Falmouth are not upgraded, we risk utilising just one sea rather than the two. I urge the Government to look at further streamlining planning regulations to speed up the upgrades. One thing that the Celtic sea APPG has done perfectly is to encourage a port strategy. If I have one plea for the Minister, it is to try to do that, so that we know which ports will be best placed to do which parts and we can turbocharge development to ensure we get it right. Incidentally, Cornwall Council has submitted its application for an investment zone, which will include Falmouth port. I pay tribute to the council and our portfolio holder for economic growth, Louis Gardner, who has turbocharged efforts since coming into post recently to ensure we get this right for Cornwall.

Cornwall has a rich and proud maritime industrial history. I believe the Government can build on that by supporting investment in the port of Falmouth and the

[Cherilyn Mackrory]

development of TwinHub, as well as ensuring high-skilled, well-paid careers for Cornish young people. If we can do that, Cornwall can continue to be at the heart of the green revolution. I urge the Government to listen to everything that is being said today.

10.20 am

**Jim Shannon** (Strangford) (DUP): I thank the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) for leading the debate, and all the right hon. and hon. Members who have made significant and helpful contributions. I look forward to hearing from the shadow Minister, the hon. Member for Southampton, Test (Dr Whitehead), as well as from the SNP spokesperson, the hon. Member for Aberdeen South (Stephen Flynn), and from the Minister, who I welcome to her place.

With the spikes in global wholesale gas prices, the rise in our national price cap and Russia invading Ukraine, we have seen an acceleration of the UK's British energy security strategy to combat those circumstances. More recently, that has been seen in the floating offshore wind projects across the United Kingdom of Great Britain and Northern Ireland. It is great to be a part of the conversation, and to ensure our commitment to a UK-wide low carbon future.

Initially, I seek an assurance from the Minister that all of the United Kingdom can feel the benefits of the offshore wind policy—I believe that is happening, but it is always good to have it on record. To give an example, I know from my discussions with the Anglo-North Irish Fish Producers Organisation that it sees opportunities for some of those in the fishing sector in that field of alternative technology. That is something from back home that I am aware of, and it is good news.

The United Kingdom has announced plans to speed up consent for offshore wind projects across the nation to improve our energy sustainability, which is welcome news. They include reducing the consent time from four years down to one and assessing environmental considerations at a more strategic level. While that is welcomed, all nations throughout the United Kingdom have a role to play on offshore wind. In March 2022, just seven months ago, Simply Blue Group launched its latest offshore wind project in Northern Ireland, called nomadic offshore wind. It will be located between Northern Ireland and Scotland. Our Gaelic cousins, both in Northern Ireland and Scotland, are intertwined on that project. The company responsible is MJM Renewables of Newry, and it is playing a pivotal role in tackling climate change and developing offshore wind in Northern Ireland, this time in conjunction with those in Scotland as well. We are pleased to be part of that project.

Government must play a leading role in incentivising the use of greener energy. This winter has been a real eye opener in proving how global circumstances can impact upon our daily lives. Green energy and offshore wind will create additional projects such as manufacturing facilities, hydrogen production, and data and research centres, thereby creating the opportunity for more local jobs. I am always greatly encouraged by what the Scottish Government do on renewables in Scotland, and I often wish that we were in a position to match that. The UK is one of the world's largest markets for offshore wind

with the projects currently installed. BP has stated that the capability is there to power over 6 million homes, with 11 gigawatt of power currently under construction. Ørsted, the world's largest renewable energy company, has invested over £14 billion in the construction of new offshore windfarms in the UK, generating 7% of the UK's electricity.

I am pleased to see the chair of the all-party parliamentary group for the Celtic sea, the hon. Member for North Devon (Selaine Saxby), in the Chamber, and I thank her for all that she does. I am pleased to be vice-chair of the all-party parliamentary group on marine energy; the hon. Lady does all the work, I just have a VC—not a Victoria Cross, but rather a vice chairman title. As an MP for the coastal constituency of Strangford, it is imperative for me that marine technology be developed to maximise the economic impact in the UK. Ørsted has said that that is crucial for creating world-class UK supply chain companies.

I have been contacted by the Royal Society for the Protection of Birds, which has raised concerns about the deterioration in UK waters, which is evident through the catastrophic declines of globally important seabirds. I want to ensure that we have protection within the green energy strategy that we are pushing forward. Between 1986 and 2019, the number of breeding seabirds fell by almost a quarter across the United Kingdom. I seek reassurances from the Minister and the UK Government that any further consideration for offshore wind will not impact our marine wildlife. That must be a commitment from not just this Minister, but the Department for Environment, Food and Rural Affairs as well.

There are ongoing concerns over the security, affordability and sustainability of our energy supplies. We have aspirations for our climate strategy, and offshore wind is proving to be one of the leading initiatives. We must do more to put the United Kingdom in the best position to benefit from the growth that the renewable energy sector has to offer. What an opportunity. What possibilities there are for the future.

All nations across the United Kingdom of Great Britain and Northern Ireland have a part to play in achieving our net zero goals by 2050. Offshore wind projects truly present a great opportunity for us all. I call on the Minister and the Department to see this as a priority in meeting our climate change and net zero targets. I commend the right hon. Member for Preseli Pembrokeshire for bringing forward the debate, and I look forward to the Minister's response.

10.26 am

**Stephen Flynn** (Aberdeen South) (SNP): I thank the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) for bringing forward this incredibly important debate. I will start in a slightly unusual fashion, by referring to something that happened 10 years ago. In April 2012, there was a Scottish parliamentary inquiry into renewable energy. An Aberdeenshire hotelier put forward a submission, both in writing and in person. He said that offshore wind was unreliable and an expensive form of power. Much like many things that Donald Trump has said, that has been proven to be completely untrue. As we know, offshore wind is six to nine times cheaper than its gas equivalent, and it is very reliable.

He was referring to the Aberdeen Renewable Energy Group, a joint venture with Vattenfall, which sits off the coast of Aberdeen. It has been providing clean, green, sustainable electricity—enough to power all the homes in Aberdeen—since it came onstream. I was fortunate to visit it recently with the team from Vattenfall.

Another wind farm that sits just off the coast of Aberdeenshire is the Kincardine development, which has been referred to by both the right hon. Member for Preseli Pembrokeshire and the hon. Member for East Lothian (Kenny MacAskill). I went to visit Kincardine just under two weeks ago with a couple of colleagues. The weather was very Scottish—put it that way. The waves were choppy, and it would be unfair of me to name my colleagues who were perhaps a bit sick, although of course we cannot name people in the Chamber or Westminster Hall, so I guess my hon. Friend the Member for Aberdeen North and my right hon. Friend the Member for Ross, Skye and Lochaber have nothing to worry about.

It was a fascinating visit to the world's largest offshore windfarm, and it showed us what can be done. Scotland's potential in this regard is absolutely enormous, as has already been mentioned. We have 25% of Europe's offshore wind capacity. What does that mean in real terms? At the moment, Scotland has about 1 gigawatt of installed offshore floating wind. There are 7 more gigawatts in the pipeline, and 28 gigawatts are due to come onstream from the first ScotWind licensing round in the years to come.

People want to know what that means for them. In the first instance, we need that to mean jobs and opportunities. That is particularly true for my constituency, given the sheer volume of individuals who work in the pre-existing oil and gas sector. We need to see a just, managed, fair transition that protects their employment and allows them to have new jobs in the future. I firmly believe that can be achieved. It is about not just jobs and opportunities, but energy security. It is about not just ensuring energy security for Scotland, because we are going to have far too much electricity to meet our own needs, but ensuring energy security for our friends and allies elsewhere on these isles and right across the European continent.

It is not just about energy security either, but about what we could achieve. Scotland could become not just an offshore wind delivery hub for these islands or Europe, but a global renewable offshore wind hub. Again, I firmly believe we can achieve that. The reason I believe we can achieve it in Scotland is that we have achieved it with the oil and gas sector. We lead the world in our expertise in that field, and we can do the same in renewables.

However, the issue is not just about all those things; there are also massive opportunities for the Scottish economy. Primarily, those will come from exports and the ability to turn renewables electricity into clean, green hydrogen, and again, to export that not only to our friends and allies across the UK, but across Europe using the hydrogen backbone. We have to aspire to that because it will bring not only employment and good jobs, but core economic value for the Scottish economy, which we will need when we break free from this place in the not too distant future.

What does that mean in real terms? It means around £25 billion of gross value added and 300,000 jobs by 2045. Do not take my word for it; take the word of

David Skilling, who has produced a report of this very nature in recent weeks. The opportunities and the scale for Scotland are huge, but we need to grasp those opportunities and make sure they are delivered.

There are challenges, however—obvious challenges, some of which have been touched on in the debate. There is the concerting challenge of ensuring that these projects, which we want to come on stream, do come on stream at pace with jobs locally. Those local jobs will not appear in the next year or two, and maybe not even in the next five years: we cannot click our fingers and create an industrial base, but we can in the years to follow, and we must make sure that we do.

There are challenges in relation to the grid, which I hope the Minister will address, and challenges in relation to TNUoS—transmission network use of system—charges, whereby renewables projects off the coast of Scotland pay to access the grid and projects in the south-east of England get paid to access the very same grid. That is an inequity that should not stand: we have the highest grid charges not just in the UK, but in Europe. If we want to fulfil our potential, we need the UK Government to act in the interim, and we need to be free from this place to make our own decisions in the longer term.

One important thing has been mentioned by absolutely nobody. We have heard a little about skills and ensuring that we upskill people on our island. I do not disagree with that but, as the Government say all too often, employment is at a record low, so where are the people coming from? We need people to come from elsewhere and we need the Government to change their immigration policies because the reality is that the volume of jobs that need to be filled cannot be filled without a change to those immigration policies. We do not just need to talk about skills; we need to talk about that reality, and it is about time the Government got real.

10.33 am

**Dr Alan Whitehead** (Southampton, Test) (Lab): We have had what I would characterise as one of the most sensible debates that I have heard in quite a long time in this place, and I congratulate the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) on bringing that debate to us. I also congratulate him on covering all the bases on offshore wind because the debate is not about pie-in-the-sky reflections on something that might be. It is about something that can make an enormous contribution in pretty quick time to the UK's energy requirements, and do so in a way that unlocks a lot of resources that we have in this country, but which have hitherto been rather set aside because we have been concentrating on other technologies in other parts of the country.

Floating wind in particular is the energy answer for the western side of the UK, just as offshore fixed wind is the answer for the east coast. As far as the east coast is concerned, we have the great benefit of having an only slightly drowned large offshore island called Doggerland to come to the aid of wind. Offshore has successfully been planted in sea depths of 50 feet or less, but of course that is not the case for the west coast of the UK. Floating offshore wind is the answer to that problem: it can be established in much greater depths, and—as we know from the Scottish floating wind farm that has already been established—its efficiency level is far higher than fixed offshore. An efficiency level of 57% has been



[*Dr Alan Whitehead*]

recorded for the Scottish floating offshore wind farm, compared with an average of about 40% for fixed offshore wind.

We in the Labour party are completely convinced that floating offshore not only can but will play an enormous role in the ambitious targets that we are now setting for wind overall to supply a very large proportion of our future energy needs. We have heard important and thoughtful contributions, not only from the mover of the resolution, the right hon. Member for Preseli Pembrokeshire, but particularly from my hon. Friend the Member for Aberavon (Stephen Kinnock). He concentrated on the things we need to do to really get offshore floating wind underway, particularly in the Celtic sea. Those include what we do about fabrication, the installation of floating offshore wind—because the techniques for installation are quite different between floating and fixed—and how we land the power we are going to get from floating offshore and integrate it into the grid system generally. We will have to address all those issues very quickly if the potential of floating offshore wind is to be realised as well as we hope it will be.

The industry has its own targets that it thinks it can install: about 18 GW of floating offshore by the early 2030s. Those are realistic appraisals, including supply chains and all sorts of other factors. To give Members an idea of the contribution that would make, that is 1.5 times the present installed capacity of all the offshore wind we have at the moment—which, as I say, is mainly fixed. An enormous contribution can be made, and I personally think that our targets—the original 1 GW target for 2030, now increased by the energy security strategy to, I think, 5 GW—can be easily exceeded over the immediate coming period.

However, as the hon. Member for North Devon (Selaine Saxby) alluded to quite substantially in her contribution, we need a great deal of anticipatory investment to make sure we can secure the potential that we know is there. That means proper investment in port infrastructure. From my hon. Friend the Member for Aberavon and the right hon. Member for Preseli Pembrokeshire, we heard that there is an opportunity for joint arrangements between Milford Haven and Port Talbot to secure fabrication, servicing, assembly and so on in areas where we have the resources to do so. That will service what is beginning to be a tremendous opportunity in the Celtic sea for floating offshore wind. It is a tremendous opportunity not only within the UK. As hon. Members have mentioned, it is an opportunity to be an international leader in floating offshore wind: sited in the UK, using UK components and perhaps exporting not just to countries around the Celtic sea, which are also beginning to think about floating offshore, but to a much wider canvas.

The UK component element of the task, which includes getting the Crown Estate around the table and giving them a good talking to about the UK content in bids, is not important just because bringing some industry to the UK is a nice thing to do. It is important because, by developing all the supply chains, skills, know-how, fabrication and so on in the UK, we can become an international leader in floating offshore in the way that, as hon. Members have mentioned, we failed to do in

previous iterations of offshore wind. I want to see us supplying floating offshore wind to Denmark, rather than Denmark supplying us with offshore turbines and various other things, as it has so successfully over many years.

Today's debate has summed up both where we are with floating offshore wind and where we need to be in the not-too-distant future. That leads us to what the Government need to do now to ensure that this revolution can succeed. It means proper anticipatory investment in ports and infrastructure. It means a great deal of anticipatory investment in the grid: both the development of the offshore grid, and the ability to land and incorporate energy properly into the onshore grid. We absolutely must not repeat the mistakes that we made in offshore grid connections: we connected each wind farm separately, just on the basis of the concerns of that particular wind farm, on a point-to-point basis with cabling. We must ensure that the infrastructure is available—in south Wales, Cornwall and Devon—to take the power, and to extend that out into the Celtic sea in particular, so that we are able to develop a collective collection of the resource.

Hopefully, there is a very rosy future for floating offshore wind; Labour is absolutely committed to that rosy future. As my hon. Friend the Member for Aberavon mentioned, one of the vehicles, I am sure, will be the GB energy company that we intend to set up in Government. That will be able to take the anticipatory investment forward, and will be a leading partner in the development of everything that is necessary to make floating offshore wind a great success. I look forward to hearing what the Government's contribution to this exciting prospect will be. I hope that it will be positive; I am sure it will be. Together, we can then move forward to the rosy future of floating offshore wind.

10.44 am

**The Minister of State, Department for Business, Energy and Industrial Strategy (Jackie Doyle-Price):** It is a pleasure to serve under your chairmanship, Sir Christopher. I thank you for making sure that I behaved in an orderly way at the beginning of the debate; I am very grateful. I also thank my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) for securing the debate, and all Members who have taken part.

As the hon. Member for Southampton, Test (Dr Whitehead) just said, this has been a very sensible debate. I would say it has been a very mature debate in which we have reflected on what needs to be done to properly take advantage of the huge opportunities that we have around this island for floating offshore wind, and I want to highlight some of the contributions that we have heard. There was an absolutely fantastic advertising pitch for Aberavon from the hon. Member for Aberavon (Stephen Kinnock), and I heard about the freeport application from both his representations and those of my right hon. Friend the Member for Preseli Pembrokeshire. Obviously, that is not a decision for me, but from the agenda that they both articulated, it seems to tick all the boxes for what we are expecting from freeports. I say that as a former chair of the maritime and ports all-party parliamentary group, which has been involved in many of the bids. I wish them all well with the application, which is a competitive one.

At the heart of it, both the hon. Member for Aberavon and my right hon. Friend the Member for Preseli Pembrokeshire articulated a clear vision for what freeport status would do for the bid—a clear vision based on a port that is based on energy. Frankly, what better objective could we have in these times, when energy security is such a challenge? It is great to see such imagination and, more to the point, such a practical application of policy to fix a significant strategic problem. We will wait and see.

I was very struck by what the hon. Member for Aberavon said about British ownership of these industries. As a Minister in the Department for Business, Energy and Industrial Strategy, this is something that I reflect on very often. Yes, we are an open, free-trading nation and open to inward investment, but we also need to recognise that maximising those opportunities for this country means that we have to be very careful about making sure that we are doing everything we can to encourage homegrown investment. We have seen too often that some of these investments are made by state-owned overseas players, which is something to reflect on.

We heard from the hon. Member for East Lothian (Kenny MacAskill) and the hon. Member for Aberdeen South (Stephen Flynn) about the net contribution that Scotland can make in this area, and long may that continue. I will take away the points about what that means in terms of compensation.

The hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for North Devon (Selaine Saxby) reflected on the environmental implications. As we realise the benefits of floating offshore wind, we absolutely have to address the environmental consequences. We in Government have to look at all this in a very joined-up way, and sometimes the silo culture does not necessarily make for the best decision making, but laying cables once is sensible and cheaper. A more strategic approach might be necessary and the way to go.

I will reflect on the reference to investment zones by my hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory). Of course, we are in a position whereby investment zones are a vehicle for securing the investment needed to achieve the kind of supporting infrastructure that we need if we are to properly exploit floating offshore wind. This is going to be a significant industry, and the sector could give a completely new lease of life to the port infrastructure at Port Talbot and Milford Haven. We must make sure that we are properly looking at everything, rather than just at what we can do to exploit new energy sources. It is about what floating offshore wind can do to contribute to economic regeneration and development more widely.

We have heard a great deal, and the Government would completely agree that renewable energy is central to the UK's decarbonisation and economic growth, with floating offshore wind remaining a part. I am glad that my right hon. Friend the Member for Preseli Pembrokeshire referred to it as FLOW. I absolutely hate acronyms, but it just so happens that this one conveys exactly what we are talking about and is a very good description of floating offshore wind, which is a bit of a mouthful. It provides secure, low-cost and domestically generated electricity, and reduces our dependence on imports from overseas—there is no better lesson than

the one we have learned over the past year—so what is not to like? It is absolutely essential that the Government get behind this source.

Offshore wind generates 11% of our electricity, and through the development of floating offshore wind, that figure will grow. As we have heard, we can be proud that the UK is already a world leader in offshore wind deployment. We have the most installed capacity in Europe, and we currently generate enough to power nearly 10 million homes. As I mentioned, it also has an important role to play in delivering the Government's growth agenda by generating jobs and attracting significant private investment. According to the WindEurope trade association, the UK attracted investment worth €56 billion over the past decade, making it the biggest offshore wind market in Europe for capital spending commitments.

The Government intend to build on that success through the ambitions set out in the British energy security strategy for developing up to 50 GW of offshore wind by 2030, of which 5 GW will be from floating offshore wind. We estimate that will bring in £25 billion to £32 billion of private investment to the UK, and we expect it to support about 90,000 jobs by 2030. Those jobs will mainly be in coastal communities, which are in most need of job creation as they have traditionally been more reliant on heavy, high-carbon industry.

On that point, I was struck by what my right hon. Friend the Member for Preseli Pembrokeshire said. We often talk about those communities as if their greatest days were in the past, but they are not; they are in the future. If we get our offering right for these new industries, those communities can be the powerhouses they were at the time of the industrial revolution. We should not be modest in our ambitions. This is a great country, and we need to make the best of our assets. We really need to put our shoulder to the wheel for this sector.

**Stephen Kinnock:** All hon. Members raised concerns about the national grid, and landing and integrating power. Can the Minister say something about what action the Government are taking to resolve that issue?

**Jackie Doyle-Price:** I am glad that the hon. Gentleman intervened, because that is the one thing I was really tackling in my head. I really worry about the grid's ability to respond to the demands we are making of it through our transition to renewables. We collectively need to give it enough support and oomph to make sure it delivers that. I am acutely aware of companies that have been doing the right thing by investing in renewables, but then have difficulties finding connections to the grid. It is a bit chicken and egg: if we are to exploit offshore wind, we must ensure that the grid connections are there and are effective, not least because otherwise we lose so much in terms of transition.

The Government are working with Ofgem and the National Grid Electricity System Operator to bring forward a series of strategic network designs to determine what the required infrastructure will be to support our net zero targets. A holistic network design was published in July, which includes the 1.5 GW Mona project off the north Wales coast, and an indicative network design for floating wind in the Celtic sea with a connection to Pembroke dock. It is being planned for, but we collectively need to ensure we execute that in order to realise the

[Jackie Doyle-Price]

benefits as soon as possible. I will invite the responsible Minister to write to the hon. Gentleman fully about that, because it is a very real concern, given our experience with renewable energy in the past.

As I said, we recognise the potential of floating wind technology playing a key role in our energy mix as we move towards net zero. The floating wind deployments we have identified in Scotland and the Celtic sea represent a major development opportunity for the sector, which will create major employment opportunities.

Our support for floating offshore wind is demonstrated by the floating wind pipeline being supported in the previous contract for difference allocation round with a ring-fenced budget. That resulted in the first ever contract for difference-supported floating wind project, the 32 MW TwinHub project in Hayle, Cornwall. My Department has also joined the Offshore Renewable Energy Catapult's floating offshore wind centre of excellence. We are providing the centre with £2 million over four years and strengthening its mission to accelerate innovation in the UK's floating wind sector. I hope that will put us in a prime position to capitalise on a growing export market as other countries look to use this technology. Our pipeline project is growing. This year's ScotWind seabed leasing round for Scottish waters resulted in 28 GW of new projects, of which 18 are floating wind projects.

We have heard much reference to the role of the Crown Estate. As we speak, Crown Estate Scotland is running a leasing round for innovation projects to decarbonise, which could result in another 6 GW. There are more than 400 MW of floating pathfinder projects already leased in the Celtic sea next year. The Crown Estate will run its Celtic sea floating leasing round, which will bring forward 4 GW of this innovative technology in the waters around south west England and south Wales. As my right hon. Friend the Member for Preseli Pembrokeshire said, there is potential for a further 20 GW of floating wind by 2045. That is transformational in terms of decarbonisation, and we must ensure we do what we can to secure it.

Our fixed-bottom pipeline is also strong, and we have 12.7 GW already operational, with a further 6.8 GW under construction and due to come on line by the mid-2020s. The world's largest wind farm, Hornsea 2, became operational off the Yorkshire coast this summer, and offshore construction has already started on Dogger Bank, which will eventually take over Hornsea 2's mantle as the world's largest wind farm.

However, it is important that we do not rest on our laurels. This summer, the Government published results of the latest allocation round of contracts for difference. This year's auction was by far the most successful yet, at a combined capacity of almost 7 GW. The successful offshore wind projects represent a significant step towards meeting our increased 2030 ambitions. Those projects are now finalising procurement and construction plans.

I am grateful to all hon. Members who contributed to the debate. This is just the start, and I look forward to continuing the dialogue to ensure that we realise the capability of floating offshore wind to contribute to our energy mix. I wish everybody well with the projects that they are supporting.

10.58 am

**Stephen Crabb:** I thank the Minister for her response to the debate. I am also grateful for the contributions from the hon. Member for Southampton, Test (Dr Whitehead) on the Opposition Front Bench. It has been a good debate, and I look forward to continuing the discussion with the Minister and her team of colleagues and officials at the Department for Business, Energy and Industrial Strategy about how we deliver this exciting new industry.

There are two takeaways for me from this debate. There is a key point around co-ordination and leadership and the need for strategy. It cannot just be left to the marketplace; it will require Government to pick winners in places, to set out a plan and execute it. The second takeaway is the point made extremely well by the hon. Member for East Lothian (Kenny MacAskill) about community benefit, ensuring that the communities closest to this large-scale infrastructure directly feel the benefit, yes, in terms of jobs and training opportunities, but also financially. It comes down to that: if we are to deliver on major new energy infrastructure in a timely way, communities need to be incentivised. The hon. Member's points were well made.

If those who have participated today or are watching online have had their appetite whetted on floating offshore wind, the Welsh Affairs Committee is hosting an evidence session next Wednesday morning with many key players from the Celtic sea, including Associated British Ports from Port Talbot, Milford Haven, RWE and a number of others, along with the Crown Estate.

Thank you, Sir Christopher, for your chairmanship this morning.

*Question put and agreed to.*

*Resolved,*

That this House has considered delivery of floating offshore wind projects.



## Northern Ireland Residents: British Passports

11 am

**Mr Gregory Campbell** (East Londonderry) (DUP): I beg to move,

That this House has considered British passport ownership by Northern Ireland residents.

I am thankful that this debate has been called and placed on the Order Paper today. I am also glad to see the Minister in his place.

The issue that I wish to raise unites people of all backgrounds, traditions and preferences in Northern Ireland in terms of their nationality, whether they describe themselves as British, Irish or Northern Irish. Here in the House of Commons, the Northern Ireland Affairs Committee has looked at the issue on several occasions and, again, there has been unity, with hon. Members from the DUP, SDLP, Alliance, the Conservative party and the Labour party all agreeing on the issue. It is uncontroversial with everyone except, it would seem, the Home Office. The issue was first raised by me back in 2005 via a private Member's Bill, which had insufficient parliamentary time and therefore did not proceed. So, what is the issue?

Our Government and, indeed, successive Governments have accepted that people in Northern Ireland can describe themselves and be accepted as British, which is what they are under the United Kingdom constitution, Irish, if they prefer to be known and regarded as Irish, or Northern Irish, if they wish to be so. Indeed, the census results released last month demonstrated that a vast majority of people describe themselves in a multitude of ways and a combination of those three ways. The position with passports is that residents in Northern Ireland, whatever their background or description, can apply for an Irish passport and there is no additional cost or form filling as a result of Irish Government action taken several years ago, which regards them as Irish if they so choose.

**Jim Shannon** (Strangford) (DUP): I thank my hon. Friend and colleague for bringing that forward. He is right. My father, who is not with us anymore, was born across the border and yet grew up as British when he moved to Northern Ireland. Does my hon. Friend not agree that those who may be born a mile or two across the border, have lived in Northern Ireland all their lives and have happily paid their British tax with their British national insurance number are entitled to pay the same amount as anyone else under the same circumstances? It really is illogical. My hon. Friend has pursued the matter at some length and we look forward to the Minister giving a decent response to a matter that has been outstanding for a number of years.

**Mr Campbell:** My hon. Friend has hit the nail on the head in a succinct way, which I hope to elaborate on over the next few moments.

The Irish Government took action because they regard citizens on the island of Ireland as Irish citizens, if they choose to be so regarded. Unfortunately, our Government have not done the same. There are those who are resident in Northern Ireland, and have been for decades, who must be able to do the same for a British passport

as those who choose to be Irish can do for an Irish passport, yet they are not permitted to do so. We have an open land border with more than 280 crossing points along its 300-mile length and we are all familiar with the issue in relation to the protocol, the EU and all those things. Over decades and for generations, communities and families have traversed this open border for business and socialising. For that reason and because of the common travel area, successive British Governments have indicated that they do not mind which nationality people prefer to have.

According to UK law, anyone born before 1949, when the Republic of Ireland left the Commonwealth, who wishes to become a British subject can do so, but anyone born after 1949 cannot. That means that if someone were born in the Republic in 1950 and the day after their birth moved to live in Northern Ireland, became a UK resident, grew up and became a UK taxpayer and UK voter—in one famous instance they sat in the British establishment of the House of Lords—they would still not be regarded as a British citizen, because they were born at the wrong time. People born a few miles across the border are disadvantaged in this way. They have to go through the same naturalisation process as people coming from the other end of the earth in order to be regarded as British citizens. This has obviously created angst and annoyance.

We now have a tale of two passports. One is a passport of the United Kingdom of Great Britain and Northern Ireland, which people like me cherish and will have for as long as we live, as will our children and grandchildren. The other is of the Irish Republic, which some people in Northern Ireland are forced to have because they cannot have the passport they associate with their sense of identity, allegiance, loyalty and belonging. They are British, but they are forced to have an Irish passport, because they of an accident of birth a mile on the wrong side of an open border.

**Gavin Robinson** (Belfast East) (DUP): I am grateful to my hon. Friend, who has campaigned on the issue for many years. Does he agree that it has been clear throughout the peace process and indeed stretching further back that the British Government have been incredibly generous to those who want to take Northern Ireland out of the Union and have made Northern Ireland an incredibly accommodating and welcoming place for them? Does he agree that they have been generous on citizenship and dual identity and such issues, but when it comes to supporting those who believe in the Union, choose Northern Ireland as their home and who have been British citizens for the majority of their life, the generosity does not stretch that far?

**Mr Campbell:** My hon. Friend's comment is very appropriate and accurate. In fact, many draw on the contrast of how our Government treat those who want to break up the United Kingdom and Northern Ireland compared to those who would prefer that we remain, because we are, in the words of what is more than a cliché, better off together.

The issue at the moment is that some people have an Irish passport because they need it to travel, but they would prefer to have a British passport. The Home Office in effect say to them, "Just naturalise. Just pay the £1,330 to get what is your right." If they go on to the

[Mr Gregory Campbell]

Home Office website—I hope the Minister can read this paper even from this distance, as I have enlarged it—the first page reads:

“Check if you can become a British citizen”.

They already are! That is what they demand. That is what they have been for decades, and then the Home Office says to check if they can become a British citizen. There is nothing more insulting or demeaning than to have that on the Home Office website. It tells them, “Well, of course you can avail yourself of British citizenship, now trot along and fill out the necessary form. Then apply for the passport and you will get one.”

Meanwhile, the neighbour in the house next door—or, in some cases, family members who were born at a different time—may want to have an Irish passport and may never even have visited the Irish Republic. They simply go along to the post office and ask for an Irish passport application, fill it out and attach the necessary fee, and an Irish passport comes in the post. The Irish Government have declared that they are prepared to recognise those people as Irish if they choose to apply for a passport. We want our Government to do exactly the same.

People have chosen and demanded to be regarded as British because they have lived here virtually all their lives—in some cases, for 60 or 70 years. They should not be forced down the route of applying for citizenship and going through the naturalisation process, which applies to people who come from thousands of miles away. That is particularly true when the same Government say repeatedly to everybody in Northern Ireland, “We accept that it is a diverse place.”

Successive Governments have repeatedly said they accept that many people regard themselves as British—I hope they will remain so—while some regard themselves as Irish. Each United Kingdom Government here in Westminster say that they accept those people’s right to be so regarded—except when it comes to the symbolic matter of owning a passport. What greater symbol is there of a person’s sense of belonging and nationhood, of who we are and what we are, than a passport? It describes who someone is and, if they are overseas and get into difficulty, to whom they should go for assistance. However, these thousands of people are regarded differently.

I understand that the Minister is Minister of State for the Northern Ireland Office, and that this is primarily a matter for the Home Office to resolve, but I hope that he will acknowledge in his response the hurt and anguish that people have felt over many years. I hope that he can relay to the Home Office the fears, views and demands of people who want this insult rectified.

Successive Home Office Ministers have come to the Northern Ireland Affairs Committee and tried to defend this, saying that they do not regard some of these people as the people of Northern Ireland, even though they have lived there all their lives. This is indefensible and it cannot be sustained. I hope that the Minister will take action with his colleagues in the Home Office, whose responsibility it is primarily to respond. I hope they will deal with the matter satisfactorily for all concerned, because there is nobody in Northern Ireland who objects to this proposition.

11.12 am

**The Minister of State, Northern Ireland Office (Mr Steve Baker):** I am grateful to have the opportunity to address this issue, Sir Christopher. I am grateful to the hon. Member for East Londonderry (Mr Campbell)—my hon. Friend, if I may say so—for making his case so articulately. His constituents will certainly know that he has made their case with great force and passion, and I have understood it clearly. There is a point to be made about the difference between identity and citizenship, but I want to ensure that I spell it out accurately with reference to my notes, so I will come back to it.

On the issue of the Union, I want to make it absolutely clear that I am defiantly and ferociously pro-Union. Equally, under the Belfast/Good Friday agreement, the Government are obliged to participate impartially, which may sometimes create tensions. I want to make it clear to everyone that I am pro-Union and this is a pro-Union Government.

On passports, I hope that the hon. Gentleman will not mind if I slightly playfully point out that although I am somewhat known for my pro-Brexit views, I have not troubled to update my passport. I still carry an EU passport, which may surprise some. I want to put that on the record. I know that many people will share with the hon. Gentleman the passionate belief that our passport is a great symbol of who we are. However, personally, I am defiantly independent of the state, Government Minister though I may be. For me, my passport is an administrative thing, not a definition of who I am. I gently make that point to illustrate that perhaps not all of us feel exactly the same way about our passport.

**Gavin Robinson:** The Minister is entitled to consider his passport whatever way he likes. My hon. Friend the Member for East Londonderry (Mr Campbell) mentioned a Member of the House of Lords. To encapsulate the absurdity of the position that my hon. Friend has outlined today, if the Member he mentioned went through the naturalisation process, he would have to demonstrate that he could speak English and he would be invited to Hillsborough castle for a citizenship ceremony governed by a lord lieutenant. The very same man was the Speaker of the Northern Ireland Assembly for eight years and has been in the House of Lords for many years. If that does not encapsulate how absurd the requirement to go through the process to obtain a British passport is, I am not sure what else could.

**Mr Baker:** The hon. Member makes his point with great clarity, of course. However, I observe that in public administration there are quite often moments, particularly around transitions and edge cases, that look absurd on the face of it.

Before I get on to my notes, I will make two points. Representing Wycombe, I have observed that geography is very different from what it used to be. The internet has shrunk the world immeasurably, and many of my constituents are closely in touch with events and people thousands of miles away, so geography has a slightly different meaning these days. I will also pick up the point on hurt and anguish; if I have learned one thing in my few weeks as Northern Ireland Minister, it is the decades—possibly centuries—of hurt and anguish that have built up on one another. I do take those issues very seriously, knowing how deeply felt they are. The hon.

Member for Belfast East (Gavin Robinson) has spoken with great passion, and I know he sincerely means everything he has said.

Turning to matters of law, the right to apply for and hold a British passport is wholly contingent on the holding of British citizenship. It is perfectly possible to remain a British citizen even if someone chooses not to hold a British passport, or if they acquire and hold another passport. The people of Northern Ireland are guaranteed specific protections under the Belfast/Good Friday Agreement, and they are considered by the agreement to be

“all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.”

The two birthright protections of the Belfast/Good Friday Agreement guarantee this group the right to identify and be accepted as British, Irish or both, and the right to hold both British and Irish citizenship. The protections recognise the unique circumstances of Northern Ireland and do not apply more widely. The UK Government are steadfastly committed to the Belfast/Good Friday Agreement, and those provisions are given full effect in law, which provides for British citizenship to be conferred at birth.

In that context, non-British nationals living in Northern Ireland would need to obtain British citizenship in order to receive a British passport, just as they would anywhere else in the United Kingdom. I think that is the heart of the matter. I have heard clearly the point made by the hon. Member for East Londonderry. It is the difference between identity and the administrative and legal status of citizenship.

**Mr Gregory Campbell:** I accept what the Minister says, and it is the repeated mantra that we have got from the Home Office. However, he alluded to the unique circumstances that pertain to Northern Ireland. That is what successive Governments of recent vintage have always done. Does the Minister not understand and accept the unique circumstances of the case that has been made, and that this is why the Home Office should act?

**Mr Baker:** I certainly do understand the unique circumstances of Northern Ireland, and the hon. Gentleman is very articulate and once again makes his case with great clarity. However, I have to tell him that unique circumstances in those matters apply in a great many places in the UK, including in my own constituency in some number. They are not the same unique circumstances, by any means, but I am gently trying to make the point that there are large numbers of people in the country who would claim special circumstances. The Government are under an obligation to deal fairly with everyone in the UK. The hon. Gentleman will remember some of the unfortunate circumstances of the Windrush affair, and there are other people who have had various difficulties. There are people in my constituency who, although they were born elsewhere, have lived there longer than I have been alive. They may or may not have British citizenship or a British passport, but I am glad to represent them.

Let me turn to some of the specific points that the hon. Member for East Londonderry made. He said that there are 40,000 people resident in Northern Ireland

who were born in Ireland after 1949, and there is a sense of unfairness that they are made to apply for naturalisation. He enlarged a piece of the website that I could not quite read, but he made his point with some force. The crux of the matter is that an Irish national can naturalise in the same way as any other long-term resident who now considers the UK their home. I appreciate that at the heart of the sensitivity is the fact that people who identify as British, who were perhaps born not far from the border, but on the other side of it, are being told that they need to naturalise. He made the point clearly that for those who are British but were born on the other side of the border, this is a matter of utmost sensitivity.

The Government are treating those people—from an administrative point of view, they are not British citizens and they need to naturalise—in line with other nationals who reside here in the UK. We are glad that they feel at home here. We are of course glad that they identify as British—that they choose to be British—and we welcome them. The hon. Gentleman mentioned the case of our noble Friend in the other place. In order to ensure that we treat everyone in the UK fairly, they need to naturalise to make their nationality align with their identity.

That is the key point, and it is a matter of administration and law—[*Interruption.*] The hon. Gentleman shakes his head. I know that that is unsatisfactory to him, but we do not want to assume that all who identify as British necessarily wish to align their nationality. He might well ask whether it could be made easier and quicker for people of Northern Ireland who were born in Ireland to apply for naturalisation, but the requirements are made in statute. Irish nationals would enjoy more favourable provisions for naturalisation should they wish to apply.

One might ask why the Irish-born people that the hon. Gentleman represents have to naturalise at all. Under the common travel area, Irish people do not need to naturalise to reside in the UK. The common travel area provides that British and Irish citizens have the right to enter and remain in the other state without requiring permission. That is provided for in law, which the hon. Gentleman knows very well. They can make the decision to become a British citizen when they are ready to do so, as with any person who wishes to become British.

I think that the hon. Gentleman wants me to make specific commitments, but I have to disappoint him. The Government are very clear on the need to treat people fairly right across the UK. If we were to make special exemptions for the people he recognises as being on the cusp of a border, we would find ourselves in some considerable difficulty administratively.

**Gavin Robinson:** In many ways, the Minister is arguing against himself. He knows that he does not have the space to concede in this debate. Whether people are a mile from the border or at the very south of Ireland, the principle remains the same. The entirety of the Republic of Ireland is legally treated differently from any other country in the world, with the common travel area, the lack of immigration controls and no restrictions on working or living in the United Kingdom.

Will the Minister reflect on the fact that in the last four years, His Majesty's Government have blurred the lines between citizenship and identity? The shoe was on



[Gavin Robinson]

the other foot, but a Northern Ireland resident, and therefore a British citizen, who wanted British citizenship for her partner was uncomfortable with the notion that she had to denounce citizenship that she did not want. She is, in identity terms, an Irish nationalist, and she objected. She lost the case in court because the Government argued robustly the distinction between citizenship and identity. However, the British Prime Minister ordered a review into the matter thereafter and wanted to show generosity of spirit, given the complaints. All we are asking is that the Minister and this Government do exactly the same thing for people who are notionally, emotionally and in every other way practically British.

**Mr Baker:** Once again, the hon. Gentleman makes his point with great passion and clarity. The Government welcome people's choice to identify as British. We welcome the choice that people born in Ireland can make to apply for a British passport, and for non-British citizens to become British citizens. We recognise that the Union of Great Britain and Northern Ireland is all the stronger for its rich diversity in all aspects, whether people travel to Great Britain from the southernmost parts of the Republic of Ireland or from far overseas. For all its diversity, the United Kingdom is improved. Britishness is perfectly compatible with Irishness and Northern Irishness, just as much as Englishness, Welshness, Scottishness or, in my case, Cornishness.

The Belfast/Good Friday agreement rightly understands the highly personal nature of decisions around identity and citizenship, and the exercise of those distinct birthrights. It affords the people of Northern Ireland the freedom to make their own choices on identity. To reduce Britishness to the passport that someone holds in our United Kingdom would overlook the freedoms that the Belfast/Good Friday agreement rights enshrine and a fundamental truth of the strength of the Union: that Irishness and Northern Irishness readily coexist and compliment Britishness. That is a fact that we all ought to celebrate.

Hon. Members have made their points with great clarity. I will certainly reflect on what they have said, but they will understand that the Government's policy is as it stands.

*Question put and agreed to.*

11.26 am

*Sitting suspended.*

## Kinship Carers

[RUSHANARA ALI *in the Chair*]

2.30 pm

**Munira Wilson** (Twickenham) (LD): I beg to move,  
That this House has considered support for kinship carers.

It is a pleasure to serve under your chairmanship, Ms Ali, and introduce this important debate. I am grateful to have this opportunity to acknowledge and champion the thousands of grandparents, aunts, uncles, siblings and family friends who step up to support a child in crisis. With the Government due to respond to the independent review of children's social care by the end of the year, this feels like a pivotal moment to recognise and unlock the role that family and friends can play in raising children who would otherwise be brought up in care.

I want to use this debate to commend to the Department for Education the proposals contained in my Kinship Care Bill, which I presented to Parliament earlier this year. Sadly, the day after I presented my Bill, the then Children's Minister, the hon. Member for Colchester (Will Quince), resigned. I hope that today's debate does not have the same impact on the new Minister, whom I welcome to her place. As the then Minister could not respond when I introduced my Bill, I look forward to hearing what the Minister present has to say today. I will touch on a range of issues that I brought up when my Bill was introduced and go a bit beyond that, too.

This is a big week for kinship care. Today, we have this debate. Tomorrow, I am hosting a reception to champion kinship carers and Kinship Week, which was earlier this month; I look forward to the Minister and the shadow Education Secretary, the hon. Member for Houghton and Sunderland South (Bridget Phillipson), joining us. On Thursday, ITV will broadcast a documentary highlighting the struggles faced by grandparents who look after children whose parents are not able to care for them.

Members might wonder why I decided to champion this particular issue. The reason is plain and simple: it is because of the stories that some of my constituents have brought to me. I want to tell the story of Kim, who lives around the corner from me in my constituency and who was one of the first constituents to approach me during the first covid lockdown to highlight just how little support the family had.

Kim is a kinship carer to her grandchild, who sadly had a difficult start in life with her parents and maternal grandparents—Kim is her paternal grandmother. At one point, Kim and her husband found themselves literally holding the baby. When the family courts were considering the case, the judge very unusually took aside Kim's husband and asked if they would be willing to apply for a special guardianship order for the child. The story of how their situation came about from the sidelines in a not particularly routine way is representative of how many kinship carers find themselves looking after children who have either lost a parent or whose parent is going through a difficult situation, meaning that they can no longer care for them.

Kim, who is self-employed, reduced her working hours to manage her childcare commitments. She was initially given an allowance, but it was means-tested.

When her allowance was withdrawn, Kim and her husband challenged it, but it is now half of what she used to get, despite the fact that her costs have increased as her granddaughter grows older and her work income reduced through the pandemic.

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): Raising children is expensive. Over the past year, 89% of kinship carers reported that they were worried about their financial circumstances. Does the hon. Lady share my concerns that this kind of widespread financial stress will inevitably lead to negative impacts on the mental wellbeing of both carers and the children they are looking after?

**Munira Wilson:** Absolutely. There was a recent survey by the charity Kinship that showed the financial stress that many kinship carers found themselves under. The cost of living pressures that everyone faces are felt particularly acutely by kinship carers, who often find themselves looking after an additional member of their family without additional financial support. That survey showed that some kinship carers are struggling to pay their mortgage and even to put food on the table.

As I was saying, Kim had to remortgage her house, and accept financial help from friends and family, to afford the legal costs of applying for a special guardianship order. That was despite the fact that, as I have already mentioned, it was the family court judge who had made the suggestion of applying for the order. Kim's granddaughter had a lot of mental health needs, and needed a lot of emotional and development support, but social services were very slow to provide that support. It was only after about a year that Kim was finally granted funding for some attachment therapy for her granddaughter through the adoption support fund. When I have talked to Kim about her situation, she described at length the damage that her granddaughter would sometimes cause to possessions in the house and to the house itself, and she would physically attack Kim and her husband, because of this attachment disorder. However, Kim had to fight to get support for therapy for that child. Kim says:

"On a personal level, we've had to give up our roles as grandparents and become her parents. We have done so gladly, but there are moments when we do grieve for those lost roles that we will never get back. Our grand-daughter is in our care until she turns 18 and we will be in our early and mid-seventies—not what we expected as we headed towards our older years."

The sad irony is that Kim is actually one of the lucky ones, because her granddaughter was classified as "previously looked after", so she was eligible for far more support, such as the adoption support fund money that funded the therapy, and pupil premium plus. That is much more than many other kinship carers receive.

Kim's grandchild is one of perhaps more than 160,000 children across England and Wales who are cared for by someone who already knows and loves them. The numbers are quite sketchy. That is partly to do with the poor definitions, which I will touch on later, and the fact that we do not count how many people are in these sorts of arrangements.

We know that those who end up being looked after by somebody they know and love, as opposed to going into foster care or being cared for by someone they do not know, have equal or better mental health, education or

employment chances than those children looked after by unrelated foster carers. Indeed, a child is over two and a half times more likely to live in three or more placement settings if they are in foster care than if they are in kinship care. The What Works Centre for Children's Social Care found that kinship care placements are 2.6 times more likely to be permanent than unrelated foster care arrangements. Additionally, most people prefer kinship care to living with unrelated foster carers.

Despite the fact that we hear all of those statistics, which show better outcomes for children looked after by people who know them, kinship care is the Cinderella service of our social care system. It is less well understood than foster care, despite there being double the number of children in kinship care than there are in foster care. Kinship carers also receive only a fraction of the support received by foster carers or adoptive parents. That is why I introduced my Kinship Care Bill in July, which calls for kinship carers to be provided with three types of support, to put them on a par with the support that foster carers and adoptive carers receive. It proposes that kinship carers are provided with a weekly allowance, at the same level as the allowance for foster carers; it would give kinship carers the right to paid leave when a child starts living with them; and it would provide extra educational support for children in kinship care, by giving them pupil premium funding, and priority for their first choice of school, as which looked-after receive.

Earlier this year, I had an encouraging but brief discussion with the Minister's predecessor, the hon. Member for Colchester, when he was Children's Minister. During that brief conversation, he suggested that while the Government were broadly supportive of providing greater support to kinship carers, Ministers had two main concerns. The first was who should be regarded as a kinship carer—the definition issue that I pointed out—and the second was how the Department for Education could possibly persuade the Treasury to make the extra money available to pay for it. Sadly, the events of the past few weeks will probably ensure that that second part is a lot harder for the Minister to achieve.

The independent review of children's social care recommends making weekly allowances and paid employment leave available to carers with either a special guardianship order or a child arrangements order where the child would otherwise be in care. That would begin to provide a definition of who should get some additional support; it would be a huge step forward, and I understand the logic of that approach. Kinship care arrangements with a legal order are less likely to deteriorate, with just one in 20 special guardianship orders dissolving before the child turns 18.

However, that narrow definition ignores the realities of most kinship care arrangements, where a close relative is phoned at short notice by the council warning that if they do not take the child now, they will go into local authority care. Those people do not have a legal order—at least initially—despite the council proposing the arrangement, yet they are then expected to cough up thousands of pounds of their own money to secure a special guardianship arrangement, as we heard in Kim's story. The independent review of children's social care noted that four in 10 families receive no help with the legal costs associated with becoming a kinship carer, spending on average more than £5,000. Moreover, denying support to close relatives using informal arrangements

[Munira Wilson]

punishes families who have sorted out their situation themselves without getting the local authority involved at all.

The Government already have systems in place for identifying informal carers, which could be adapted. The Children Act 1989 provides a definition of privately fostered children: a person other than a close family member caring for a child for at least 28 days. Informal kinship carers are also exempt from the two-child limit on benefits if their social worker signs form IC1, so I encourage the Minister to reconsider the eligibility criteria for schemes such as pupil premium plus or the adoption support fund where support is only available to kinship children who were previously looked after by the local authority. Why is it that if a grandparent steps up when asked by the council to look after a child to prevent them going into care, they are then punished by the state for making that decision, whereas that child would have been entitled to extra support had they gone into care? It is a totally perverse incentive to allow the child to go into care in order to receive additional support.

Turning to the issue of financing support for kinship carers, my message to the Minister is this: the question is not whether her Department can afford to support kinship carers, but whether it can afford not to. The numbers speak for themselves. The independent review of children's social care warns that on the current trajectory, more than 100,000 children will be in local authority care by 2032—a record high—and it will cost local authorities £5 billion more than it does now. On average, it costs £72,500 a year for a local authority to look after a child; by contrast, in 2021, it would have cost on average just shy of £37,000 to provide a child in kinship care with a social worker and a weekly allowance for their carers. Well-supported kinship care could therefore save the taxpayer over £35,000 per child a year. The Minister's Department will be speaking to the Chancellor of the Exchequer about the efficiency savings—otherwise known as cuts—that it will have to make, and I suggest that preventing children who could otherwise be looked after by a kinship carer from going into care is a very good efficiency saving.

Tomorrow, Kinship is launching its national campaign, “The value of our love”, to highlight how it makes sense to invest in kinship care. It delivers better outcomes and experiences for children by keeping them within their loving families, and is good value for the public purse. During the cost of living emergency, that support is needed more than ever. As has already been pointed out, Kinship's 2022 financial allowances survey found that four in 10 kinship carers could not afford household bills, and one in four were struggling to afford food for their family.

**Ian Byrne** (Liverpool, West Derby) (Lab): I thank the hon. Member for all the outstanding work that she has done on this issue with her Bill. It is important that the issue of support for kinship carers, including many in my constituency of Liverpool, West Derby, is discussed in the House today. Many families say that they feel invisible, undervalued, unimportant and ignored by the Government. Some 75% of kinship carers entered the cost of living crisis in severe financial hardship.

Important work is happening in Liverpool, with the kinship charter, which was developed with kinship families and has been finalised with local authorities so that they can adopt it. However, families urgently need change at a national Government level, so does the hon. Member agree that the Minister must make changes in law about the statutory duty, and provide the vital funding and support that kinship families need, so that we achieve the best possible outcome for families?

**Munira Wilson:** I congratulate Liverpool on the work that it is doing on this. I agree with the point that the hon. Member made on recognising kinship carers and providing them with additional support.

Returning to the Kinship financial allowances survey, it found that while seven in 10 special guardians received allowances, those were means tested, and fewer than one in 10 carers with no legal order received support. However, in more than two thirds of cases, those allowances were means tested and subject to regular reviews, unlike the allowances that foster carers receive. Kim's story shows us that that really is precarious and depends on what the local authority is willing and able to fund. Given that local authority budgets have been cut to the bone, we need those national regulations and legislation in place to ensure that kinship carers get an equal amount of support, regardless of where they live.

Almost any kinship carer will say that it is a decision that they do not regret. One carer told the Parliamentary Taskforce on Kinship Care:

“The decision to become a kinship carer has cost me £180,000 plus in terms of pension benefits etc. I would do it again, my grandson is worth every penny.”

The independent review of children's social care is due to receive a response by the end of this year. While I do not agree with everything in that review, its recommendations around kinship care could mark a step change in the support that we provide for kinship carers, and would recognise the value of the love and support that they give to children.

I urge the Minister not to miss this important opportunity to step up for the kinship carers who step up for children, sometimes in the most dire circumstances, at zero notice. The Government talk a lot about levelling up; it is about not just geography but different groups of people in society. They also talk about the importance of the family; there is no better example of how families really step up than when the chips are down and a child desperately needs that help.

Kinship carers have been overlooked for far too long, so I hope that the Minister will take the opportunity to provide us not just with words of encouragement but with some actions to follow, by responding to those recommendations from the independent review and indeed going beyond that. Every child, no matter their background, deserves the opportunity to flourish, and we know that those who had a troubled start in life are much more likely to flourish in kinship care than those who end up looked after by a foster carer.

2.49 pm

**Andrew Gwynne** (Denton and Reddish) (Lab): It is a pleasure to serve under your chairmanship, Ms Ali. It is also a pleasure to see the new Minister in her place. I wish her well.



I start by sincerely thanking the hon. Member for Twickenham (Munira Wilson), not only for securing today's important Westminster Hall debate, but for her tireless work on this subject. I know that kinship carers across the country are very grateful for the voice she gives to this cause. I speak as the chair of the all-party parliamentary group on kinship care and as a kinship carer myself. As many hon. Members will know, my wife Allison and I care for our extraordinary three-and-a-half-year-old grandson Lyle. Soon after Lyle was born, it became clear that his birth parents would be unable to care for him, and Allison and I went through the family court before securing a special guardianship order. That is a heavily truncated version of the story, which spares listeners the seemingly endless legal wranglings, anxiety, confusion, fear and frustration that the vast majority of kinship carers will understand. At the end of the process to become a kinship carer, provided there is a positive outcome, those carers will be left caring for a child that they will love unconditionally, but the process itself is nothing short of traumatising.

I could spend hours talking about my experience, and many more hours sharing the experiences of people I have spoken to in my capacity as APPG chair. Instead, I will reiterate some key figures, which speak to the current state of the child welfare system. The independent review of children's social care in England projects that there will be nearly 100,000 children in care in England by 2032. Unless we implement the systematic change that families are crying out for, the system will be overwhelmed. Personally, I think that ship has sailed. Provision for looked-after children living with unrelated foster carers or in residential homes is already extremely stretched.

Local authorities routinely place children in accommodation far away from their families and their support networks. I am sure many hon. Members will have read the recent BBC story about the shocking decision to place one 12-year-old boy 100 miles away from his siblings and school. That is just not acceptable. We need to utilise family support networks, and to incentivise kinship care. We are not doing either of those things, and children and families are suffering as a result.

As many hon. Members know, poverty is an enormous issue for kinship carers. Research by the Family Rights Group points to the fact that 75% of kinship carers experience severe financial hardship. Almost half of them—49%—are forced to leave their jobs to provide adequate care for children, many of whom have complex needs arising from trauma, as the hon. Member for Twickenham set out in her opening speech. It is worth noting that, because of the cost of living crisis, those figures will only get worse unless more is done to support kinship carers. I would be grateful if the Minister recognised in her response the dire financial situation that many kinship carers find themselves in, and outlined what the Government plan to do to reverse that worrying trend.

Another issue is the legal system. A scarcity of legal aid, combined with a system that can generously be described as convoluted, means that many kinship carers literally do not know where to turn for help. There is also little regard for how the process can further split families that are already under enormous emotional

and financial pressure. That was highlighted in the all-party parliamentary group's recent legal aid inquiry, which I was proud to chair.

We need to see better access to information, support networks and support services for kinship carers. Make no mistake: empowering kinship care has benefits far beyond improving the lives of children and those who care for them. The charity Kinship estimates that for every reduction of 1,000 in the number of children looked after in local authority care, up to £40 million is saved. Put simply, the moral benefits of supporting kinship care are matched by the economic case for supporting kinship care.

Allison and I were lucky enough to be in a financial position to seek the requisite legal support. It was costly. Even with that support, the experience was totally overwhelming. It impacted our work and caused immense emotional strain. As an aside, it would be nice to see the Houses of Parliament—this House of Commons—take a lead. When the social services stork dropped a baby at our front door, there was no provision for me to take paternity leave, because I was not the father. I was the grandfather—the kinship carer. That is crazy, and it shows how much the system has to change. My wife, a local councillor, literally had to arrange her entire diary around the care of a new baby for whom we had not planned. It caused enormous problems with her work, and enormous strain for both of us.

But I would do it all again, of course. That is just the point made by my hon. Friend the Member for Twickenham. She is my friend: out goes the etiquette in this debate. All kinship carers do it because they love their families. They love their grandchildren, nephews or nieces. They want to support the family, and to support that young child. Should people have to go through all that we went through just to care for a child whom they love so dearly? I do not think anyone in this Chamber would say that they should. We need comprehensive change.

The Minister will no doubt be aware that the independent review of children's social care made a number of far-reaching proposals, including an extension of legal aid to more kinship carers, an entitlement to kinship employment leave and a single legal definition of kinship care to improve recognition and access to support. The Department for Education indicated that it is considering those recommendations, and will publish an implementation strategy later this year—there is not much of this year left.

In her response, will the Minister provide more information about the strategy? When will it be published? Are all the recommendations relating to kinship care being considered? Is there any way she can expedite the response, to provide clarity to kinship carers? There needs to be a sense of urgency. Every day that passes without action from Government is another day when carers try to navigate an emotional and legal labyrinth. That hurts families. It hurts the childcare system. It hurts children, who deserve to be looked after in a caring, safe and supportive environment. Minister, it is time for that change.

2.59 pm

**Jim Shannon** (Strangford) (DUP): What a pleasure it is to speak in this debate, Ms Ali. The hon. Member for Twickenham (Munira Wilson) put forward a very

[Jim Shannon]

concrete case, not that she had to do that for me—I was already on her side. I think we all are. She outlined the detail of kinship care and how important it is. It is something in which I have a particular interest. This is an opportunity to express the views that the hon. Lady and the hon. Member for Denton and Reddish (Andrew Gwynne) put forward. I thank him for sharing his story. He and his wife gave that young child a chance in life; without their love and affection, who knows where that young child would be today?

I am pleased to see the Minister in her place; we have had many engagements in the past. When she was responsible for high streets, we had her over to Newtownards and she was most responsive to our enquiries. Even now, that visit is still talked about very favourably by the people the Minister met. I look forward to her response to this debate because, looking at her past responses, I am certain that she will be every bit as positive as she was when she came to Newtownards.

I am well known as an advocate for kinship care. I believe that knowing they are part of a family means something to a child, even if circumstances sometimes mean they cannot be with their mummy and daddy. Having a familial bond with a loving care family is helpful. I am shocked by what the hon. Member for Denton and Reddish said—that one 12-year-old boy was located 100 miles away from his siblings. My goodness! The hon. Member for Liverpool, West Derby (Ian Byrne) and I were just saying that we could hardly believe that. Why would they do that? Surely the sibling bond is important to keep going, and siblings should be kept together.

Over the years, I have had some good friends who have fostered and given kinship care. One lady in Newtownards, whom I know very well, fostered all her life; I was always amazed because she gave young boys and girls an opportunity to have a loving family relationship. Sometimes those young people came from very challenging circumstances. It is not always a bed of roses being a foster or kinship carer.

I also have an extremely good friend who has been my friend for all of my life—he is younger than me, so I should say all of his life—and who fosters five children. He tells me now and again some of the things that happen. Some of those children come from very disturbed homes; they come from a background where love was never there. When they come to a new home, they find a mum and dad, and also a number of siblings from different families who love and care for each other. Kinship care provides an incredible chance to give an opportunity to young people.

I always give a Northern Ireland perspective—the Minister and others will know that—and we have a very high rate of kinship care there. On 30 March 2021, 81% of children who were being looked after—2,857 children—were living with foster carers. Of that number, 1,400 were in non-kinship foster care; 1,457 were in kinship foster care—an even break in the numbers. In Northern Ireland, we are still eagerly trying to encourage others to take up the opportunity of foster and kinship care, because there are still many children who do not have a parent to look after them, or a mummy and daddy—be that biological or not—to give them the love that they need.

Those numbers show a high level of families who want to help out in the short term, and even in the long term. The 81% represents children who are in kinship foster care and non-kinship foster care, but it leaves 19% who do not have anybody. An interesting statistic that I came across, which poses a challenge in a factual but hopefully compassionate way, is that 25% of children of compulsory school age who were looked after continuously for 12 months or more had a statement of special educational needs. That compares with only 6% of the general school population.

**Margaret Ferrier:** As the hon. Gentleman has just said, many children in those arrangements do have additional support needs. That can be difficult for carers if both the carer and the child do not have access to the right support. Health services are under a massive strain across the UK at the moment with long wait times, but formal diagnosis can often be the key to accessing the right services for ongoing support. Does he agree that this is an area that must be reviewed urgently?

**Jim Shannon:** I thank the hon. Lady for bringing forward something very pertinent to the debate, as she so often does in Westminster Hall and the Chamber. I wholeheartedly agree with everything she said. It is really important that these issues are addressed.

The figure of 25% of children in kinship and foster care having special educational needs compares to the figure among the general population of just 6%. That tells us—or should tell us, as the hon. Lady has just said—that something needs to be done. When she sums up, can the Minister give us some indication of how the extra help that is clearly needed can be given?

People can give love—mums and dads do that, foster carers and kinship carers do that—but sometimes, no matter how hard people want to love, it can be challenging. It is important that the extra help is given. It is not always an easy decision to bring a new family member into the home. It can be a disruption to one's own family and children. In life, I try never to judge anybody, so I never judge a grandparent, aunt or uncle who simply cannot make it work, because it sometimes does not work, and sometimes the reason for that is that they are on their own.

People who are able to foster should be encouraged and should know that they are not alone—in other words, there is somebody there who they can talk to. There are support networks and social workers, and there is financial help to make it work if at all possible. I am ever mindful of that. Sometimes a problem shared is a problem halved. Quite often it helps just being able to bounce off somebody and talk about what something means. The hon. Members for Twickenham and for Denton and Reddish referred to how important it is to have someone just to share things with. I think it is probably the same with all of life. It is always good to share something with someone. I think it always helps to talk issues through if at all possible.

In this cost of living crisis, I would like to think that carers will be given a bit more to help, so that additional strain is not placed on the family unit's finances. We are here to underline these issues. I would ask the Minister in a kind way, not to be negative, for a response that can encourage us. Will there be a cost of living payment to kinship families to help with the additional pressure of

groceries and petrol increases? All these things are a substantial part of fostering and kinship care. Bringing other people into the family unit adds pressure, and we need to ensure that financial stress is not part of the equation. How often in life do financial bills seem to overwhelm us all? Our constituents tell us that they place such a burden that they are unable to focus on the love, care and affection they want to give.

As of April 2022, foster carers receive £141 a week for a child aged nought to four, £156 for a child aged five to 10, £177 for a child aged 11 to 15, and £207 for those aged 16 and over. That does not seem to take into account the additional cost of living increase. Some may say that the house needs to be heated whether there are one or five people in the house, but anyone who has a teenager knows that heating the water for a daily shower can require a mortgage itself. I say that jokingly. I had three young boys, and they were always showering. They were always chasing the ladies—I suppose that was the reason. They always wanted to look well, and their hair had to be in place. They are lucky; my hair disappeared 20-odd years ago and it has never come back, but that is by the bye.

I am asking that more help be temporarily allocated to the kinship allowance in the light of the crisis we are all in. It is easy for us to always ask for something, but we are asking on behalf of the kinship and foster carers who do such fantastic work. We have all heard the statistics on the outcomes for children who are looked after, who are not always as well placed as children who are in their own family units, and I understand that, but what carers try to do is make the home and its surroundings easier for those children to settle into.

Through no fault of their own the odds are stacked against these children, and we have a duty to do all we can to place them with family members in their own communities. As the hon. Member for Denton and Reddish said, we should not send one sibling 100 miles away; that should never happen, and it annoys me to think that it did—I am sure the trauma that all the siblings went through as a result was quite substantial. Kinship fostering is absolutely vital to enable their little lives to continue, including their schooling and the friendship groups and friends that they have made and that the might suddenly lose.

I conclude with this: the debate has given us an opportunity to highlight the issue, to raise awareness of where we are and to bring together all the detail, information and evidence, while hearing about the personal involvement of the hon. Members for Denton and Reddish and for Twickenham, who set the scene so well. I look forward to hearing the SNP shadow Minister, the hon. Member for Glasgow East (David Linden), who is a dear friend of mine and who knows this subject well—we will certainly hear some important words from him shortly. I also look forward to hearing the shadow Minister, the hon. Member for Dulwich and West Norwood (Helen Hayes). Then it is over to the Minister, who will have to answer all those questions in a way that will encourage us. I am pretty sure I will not be disappointed, but it is important that we do all we can to offer more help and better outcomes to vulnerable children. It is worth any investment that it takes to provide additional support for those who take on children to make their lives just that wee bit more settled.

3.11 pm

**David Linden** (Glasgow East) (SNP): It is, as ever, a pleasure to serve under your chairmanship, Ms Ali. It is also a great pleasure to follow my friend, the hon. Member for Strangford (Jim Shannon). I have often raised eyebrows back home in my constituency when I have explained that one of my best friends in this place is a Democratic Unionist party MP from Northern Ireland—but less on that, I suspect.

I congratulate the hon. Member for Twickenham (Munira Wilson) on securing the debate. It will come as no surprise that this is not one that my party would normally have sent a speaker along to; I do not think it was planning to do so this time, because of the devolved nature of the issue, but I intimated to our Whips Office that I was keen to come along and support the debate, for reasons I will explain in a moment. The hon. Lady was right to talk about some of the support that perhaps was not offered during covid-19. Clearly, arrangements for kinship carers will vary in different parts of the UK, but it would be churlish for any of us to think we managed to support kinship carers properly during the pandemic, in particular. I have seen quite a lot of casework coming through my constituency that shows that the legacy and the impact are still there.

I also pay tribute to the hon. Member for Denton and Reddish (Andrew Gwynne). I have known about the situation with his grandson for quite a while now. I remember when I came to this place in 2017 having been a fresh-faced researcher—I am certainly not fresh-faced anymore, after five years here—and how surprised I was that he was actually a grandfather, because I did not think he was old enough. Hearing him recount some of his story was not only genuinely moving, but a reminder of that.

The hon. Gentleman was absolutely right to talk about the link to poverty. In my constituency, which lazy newspapers such as *The Guardian* characterise based on things they saw 20 years ago, there is no doubt that there are still challenges, particularly around poverty. Again, it is no coincidence that there is a relationship between poverty and a high number of kinship carers, particularly in the Easterhouse area of my constituency—there is a clear correlation there. He was also spot on to talk about some of the challenges that he and his wife Allison faced, particularly in juggling their work.

One of the immense frustrations I have had, particularly in this Session of Parliament, has been the lack of an employment Bill. We have done some really good stuff through private Members' Bills—whether on neonatal leave or the allocation of tips—but we are doing a lot of piecemeal stuff in legislation when it comes to supporting people in employment, and particularly those who have different responsibilities. We have not done enough on maternity leave and miscarriage leave, or on the point raised by the hon. Member for Denton and Reddish. I appreciate that employment rights are no longer in the Minister's domain, although they were at one point, but it would be good if she could take back to her colleagues in the Department for Business, Energy and Industrial Strategy some of the points about caring responsibilities and how they are juggled.

The main reason I wanted to come to the debate today is based on my five years as a constituency MP, and I have mentioned the high number of kinship carers



[David Linden]

in my constituency. I am not here to do a sales pitch on behalf of the Scottish Government—according to my colleagues, they get everything right and nothing wrong, which is clearly daft—but I do want to pay tribute to the local organisations in my constituency. I had the pleasure about five years ago of running the marathon to raise money for East End Community Carers, which is in the same building as my constituency office. As my staff and I go in and out doing our surgeries, I never cease to be amazed by a lot of the families that come in—grandparents, aunts and uncles. The hon. Member for Denton and Reddish is absolutely right: these people never expected to be in that position.

When we leave this place and go back to our constituencies, we often say what a hard week it has been, but kinship carers do not have that luxury or the ability to just switch off. There is a much wider conversation that we should have about the provision of respite. Far too often, local authorities think, “That person is a kinship carer. They’re sorted now.” If we reframe how we look at this, we realise that kinship carers, foster carers and many other people are saving the state a hell of a lot of money by stepping in and providing support. That must be recognised by Governments as well.

North of the border, kinship carers get the same allowance as foster carers. The kinship care allowance recognises the importance of kinship care. It is a really difficult thing to do, especially when money is tight, so we need to look at the financial support there.

I want to round off by mentioning another couple of charities. Glasgow North East Carers is led by Jean McInaw up in Easterhouse, an area where there is quite a high number of kinship carers. The final organisation that I want to commend in this place is Geeza Break. For those not well versed in the vernacular of Glaswegian, that is “Give us a break.” Geeza Break has been working for 30 years—this year is its 30th anniversary. It is led by Doreen Paterson, the chief executive, who I am privileged to count not just as a key stakeholder in my constituency but as a real friend. The work that Doreen and her team do all year round supporting kinship carers—last year they supported 428 families—is amazing.

I am sick, tired and fed up with having to write funding support letters for such organisations, when many of them should be a commissioned service. That will not please some of my colleagues back home, but those organisations are doing a tremendous job to support kinship carers, who do an invaluable job. We need to stop putting them up for funding once every year and to perhaps look at using them as a commissioned service.

3.18 pm

**Helen Hayes** (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Ms Ali. I congratulate the hon. Member for Twickenham (Munira Wilson) on securing the debate and on the work she does to raise the profile of kinship carers and the issues they face.

I want to put on record that, until late last year, I was an officer of the all-party parliamentary group on kinship care, chaired by my hon. Friend the Member for Denton and Reddish (Andrew Gwynne). In the work of that group I met kinship carers regularly and was involved in

the parliamentary taskforce on kinship, which made recommendations on the ways in which Government policy and practice should be changed to support kinship carers. I am grateful to all the hon. Members who have contributed to today’s debate.

I pay particular tribute to my hon. Friend the Member for Denton and Reddish, who spoke so movingly about his own experience as a kinship carer and on behalf of the APPG and kinship carers across the country about the poverty and intensely stressful processes that kinship carers have to endure. I have said it before in this Chamber and I will say it again today: little Lyle is very lucky to have such a wonderful grandad.

I also pay tribute to the hon. Member for Strangford (Jim Shannon), who spoke of the willingness of families to step up and care for children who need support if only they can be supported better to do so, and the hon. Member for Glasgow East (David Linden), who paid tribute to voluntary sector organisations in his community that work to support kinship carers. I am sure all of us would want to recognise the work of such organisations across the country, which—as he rightly said—often step into the breach and into the spaces where public services really ought to be. I pay tribute to kinship carers across the country, who step in to look after a child when a family member or friend is unable to do so, and to the Family Rights Group, the charity Kinship and the Kinship Care Alliance, who work to support kinship carers and advocate on their behalf.

Recently, during Kinship Care Week, I was glad to have the opportunity to meet an amazing group of kinship carers, and I am grateful to Kinship for arranging that meeting. It is always humbling to meet kinship carers. Everyone in the group I met wanted, first and foremost, to convey their unconditional love for the children they look after and the joy and pride they receive from being able to play a part in their lives, but they wanted to talk about the challenges too. Every single person in that group had had to give up work or reduce their hours to look after the children in their care. One had taken retirement and used her pension lump sum to provide for the everyday needs of her grandchildren. She spoke about her commitment to ensure that one grandson could keep on doing football, which he loved and which helped him to deal with some of the other challenges he faced, but football comes at a cost that simply cannot be covered from her regular income.

Another carer told me that contact arrangements had been really challenging, but when she approached her local authority for support, she was told that it regarded them as private and that it had no role to play. One told me how difficult it had been for her grandchild when they were making the transition to secondary school, but no additional support had been available. A fourth spoke movingly of the trauma the children she cares for have been through and of her fears for the long-term impacts it will have.

All those women were doing what the vast majority of us would do if a cherished niece, nephew, grandchild or child of a close friend was at risk of being taken into care; they were doing it gladly, but they really needed more help and support. Some 180,000 families across the country are in the same situation: they have stepped in to care for the children of a family member or close

friend, but they find that enormous personal sacrifice and considerable extra cost are involved, with little meaningful support.

In thinking about the needs of kinship carers, we must also look at the reasons why the number of children who are unable to be cared for by their birth families is increasing. The Family Rights Group has highlighted the erosion in early help and support for vulnerable families. More than 1,300 Sure Start centres have closed since 2010, a loss that is not nearly matched by the paltry commitment to open family hubs in just 75 locations. The National Children's Bureau estimates that Government the funding available to councils for children's services fell by 24% between 2010 and 2020, and the pandemic is likely to have made it even harder for councils to offer early intervention for families. Now we are once again faced with the spectre of public sector cuts, which will most likely fall on local authorities up and down the country. The failure of this Government to ensure that early help is always available to the most vulnerable families, wherever in the country they live, has a direct bearing on the extent to which families are able to overcome challenges and avoid a crisis in which it becomes unsafe or impossible for children to remain with their parents.

Kinship carers are an essential part of the way in which our society looks after children. They deliver outcomes for children that are as good as, and often better than, foster care or children's homes, and for a fraction of the cost. This Government have been failing children and their families for 12 long years now. It is absolutely right that the independent review of children's social care included a focus on kinship care and set out recommendations for ways in which the system can be improved to provide more support to kinship carers. However, nothing will change until the Government set out their response to the independent review and their implementation plan for reform of children's social care. I welcome the Minister to her place, but it is very hard to see how a Government so mired in a crisis of their own making will be able to find the space and time to prioritise the needs of vulnerable children. However, I hope they do.

During her first Prime Minister's Question Time, responding to my question, the Prime Minister committed to publish a response to the independent review and an implementation plan before the end of the year. I hope the Minister will set out today how that will be brought forward for full scrutiny by the House, so that the reform that is so urgently needed to support vulnerable children and their families, including kinship carers, can be delivered with urgency. Labour put children first when we were in government. I can assure the House that we will do so again. In this place, the very least we owe kinship carers up and down the country for the job they do on our behalf of caring for the most vulnerable children is not to leave it a moment longer to deliver the reform they need.

3.25 pm

**The Minister of State, Department for Education (Kelly Tolhurst):** It is a great honour to be here today responding on behalf of the Government in my new role. I want to start by thanking the hon. Member for Twickenham (Munira Wilson) for securing what is an important debate. I agree 100%. Also, I have never had

the opportunity to say this directly to him, but let me say in my role here that what the hon. Member for Denton and Reddish (Andrew Gwynne) and his wife Allison have done for their grandchild is just fantastic and to be commended. He is a fine example of how kinship can work, so well done.

All hon. Members who have joined today's debate will agree that kinship carers are an untapped and undervalued asset. Their value to the children's social care system and the lives of children up and down the country cannot be overstated. A fortnight ago, we celebrated national Kinship Care Week, which recognised the important role that such carers play in children's lives. As part of those celebrations, we invited a group of kinship carers into the Department to hear their stories and inform the work we are doing to produce a children's social care implementation strategy by the end of the year. I also wish to thank the APPG for the work it has done in this area, as well as charities such as Kinship and other organisations in the sector, which have been doing so much for this cohort of carers.

Hon. Members may be aware that I have a deep personal connection to this issue. My own sister is a social worker, and I have been an independent visitor for a looked-after child for many years. I have seen many children thrive in the care system but then face significant challenges when they reach the age of 18 and are often left with few loving relationships to sustain them throughout adulthood. Kinship care can be the antidote to a lifetime of isolation and loneliness. It allows young people to remain safely rooted within family networks and local communities, which provide us with the mental, emotional and physical support we all need. The need for family and community was acutely demonstrated during the recent covid-19 pandemic.

I am passionate about improving the lives of children. That is why I was honoured to become the Minister for Schools and Childhood last month. Supporting kinship care is a route to ensuring that all children have the opportunity to grow up in a loving, safe and stable environment and to maximise their potential. I welcome the opportunity to set out what we are doing as a Government to make that vision a reality.

This year, we have seen the publication of three reviews that, in their own way, call for a reset of the children's social care system. As we know, they were the independent review of children's social care, the national child safeguarding practice review into the murders of Arthur Labinjo-Hughes and Star Hobson and a report by the Competition and Markets Authority into the children's social care market. In Prime Minister's questions on 7 September, in response to the hon. Member for Dulwich and West Norwood (Helen Hayes), the Prime Minister told the House that the Government would publish a response to those landmark reviews before the end of the year. We are still committed to that timeline, and that has been a major part of my work since being appointed to the Department. Hon. Members will understand that I cannot give full details of the response today, but I am glad to be able to update the House on the progress so far.

First, we have established a national implementation board, which will include people with lived experience of the care system and leaders who have experience of implementing transformational change. The board will oversee a programme to reform children's social care.

[Kelly Tolhurst]

Secondly, we have made early progress on commitments that the Government made when the independent review of children's social care was published earlier this year. On Thursday 6 October, we launched the data and digital solutions fund, to help local authorities to unlock progress for children and families through the better use of technology. That includes a project to better understand data on kinship care, and to scope options for improving its use.

Perhaps most importantly in the context of this debate, the independent review of children's social care shone a spotlight on successive Governments' lack of focus on kinship care and the children who live with kinship carers. The review made seven specific recommendations, which sought to prioritise and improve support for kinship carers and children, and we will respond to those in the upcoming children's social care implementation strategy. Although I cannot announce the detail of the response today, I can commit that kinship care will be front and centre. It will get the focus and backing from Government that it deserves in the years to come. Our response will address many of the issues raised by hon. Members today, including the hon. Member for Twickenham—hopefully including financial support, entitlements for kinship carers and the creation of a new definition of kinship care, which was a specific recommendation made by the review.

Kinship carers play a vital role in looking after children who cannot be cared for by their birth parents. There are over 150,000 children in England living in kinship care, many of whom would be in local authority care if those families had not stepped in. It is clear that more needs to be done to build a system in which every child's right to a family is safeguarded. We must give all children an opportunity to grow up in a loving kinship home when that is in their best interests and when they cannot be safely looked after by their parents.

Some local authorities already make greater use of kinship care placements than others. The proportion of children in care placed in kinship foster care ranges from 4% in some local authorities to 39% in others. It cannot be right that children's opportunities to live with their families are based on their postcode, and I will use the response to the care review to begin to address that disparity.

Children growing up in kinship care achieve better outcomes than their peers who grow up in care. That includes achieving better GCSE results on average, and having a greater chance of being in employment than children who grow up in foster or residential care.

**Jim Shannon:** In my contribution, I referred to two figures. Some 28% of those in kinship care are educationally challenged—to use that terminology—as against a national average of 6%, which is a real anomaly. The figures to which the Minister referred are greatly encouraging, but can she confirm what extra assistance is available for kinship carers who are looking after young children who are educationally challenged?

**Kelly Tolhurst:** I thank the hon. Gentleman for his question. We need also to look at this through the lens of our work in the Green Paper on special educational needs and disabilities and alternative provision. In my

experience, this issue affects not just children in kinship arrangements but looked-after children. My focus throughout this whole process is achieving better outcomes for children. That will always be front and centre of all decisions and all information that I receive.

Despite the good outcomes for children in kinship care, they still lag behind those children who have never had involvement with children's services. There is much more to do, with greater Government focus and close collaborative working with local authorities, schools and colleges. I am convinced that we can reduce that gap.

As hon. Members will no doubt recognise, the theme underpinning many of my points today is that we have made progress but far more remains to do. Last year we announced £1 million of new funding to deliver high-quality peer support groups for kinship carers across the country. We know that becoming a kinship carer for the first time is often a frightening and bewildering experience, as the hon. Member for Denton and Reddish illustrated.

The support of peers can act as a beacon to help people through. Those support groups are already building powerful communities and enabling kinship carers to connect with those in similar situations. The Government recently confirmed that we will invest a further £1 million next year to ensure that more than 100 peer support groups are established across the country by January 2024.

Hon. Members have raised with me, including in this debate, the issue of educational entitlement for children in kinship care. That area is important to me, and I recognise how much has been done, but there is more to do. Since 2018, virtual school heads and designated teachers have had a responsibility to promote the educational achievement of pupils who leave state care to live with an adopter or special guardian. Children who live with special guardians and were previously looked after by the state are eligible for the pupil premium, as the hon. Member for Twickenham outlined.

Kinship children who were not previously looked after but had been entitled to free school meals, at any point over the past six years, attract the pupil premium funding. We constantly review that and assess the effectiveness of the pupil premium, to ensure that it supports pupils facing the most disadvantage. Last year we consulted on changes to school admission codes to improve in-year admissions. Children in formal kinship care were in scope of those changes, which mean that kinship carers can secure an in-year school place for their child when they are unable to do so via other means. Those new measures came into force on 1 September 2021.

Finally, children living with special guardians who have previously been in state care can access therapeutic support via the adoption support fund, which has already been outlined. This year, we have also made that support available to those children who live with relatives under child arrangements orders. We are looking to improve local authorities' engagement with the adoption support fund, to increase the proportion of eligible kinship carers who apply.

As hon. Members have eloquently outlined, I recognise the strain that kinship families are under, and will continue to work collaboratively with local areas to ensure that children, young people and families have access to the support they need to respond to the cost of



living pressures. I am committed to supporting kinship carers. The independent review of children's social care recommended a financial allowance for carers looking after children under a child arrangements order and those looking after children under a special guardianship order. My Department is considering each recommendation, and will respond by the end of the year.

**Yasmin Qureshi** (Bolton South East) (Lab): I wanted to be part of this debate, but I had two meetings about my private Member's Bill next week, so I could not be here at the beginning, for which I apologise. I wanted to implore the Minister, in considering the financial issues, to reflect on a situation in my constituency, where the grandmother ended up having to look after the grandchildren while the parents were having issues. The problem was that she had to spend her own money, and she did not have a lot of it. When we asked social services, they said, "Only if we place the children in her care will she get some financial funding, but not until then." For weeks and weeks, nothing happened. This issue may have been discussed, but I wanted to raise it.

**Kelly Tolhurst**: I know that the hon. Lady is passionate about this area, and I recognise what she has illustrated. The stories that Members have told in this debate have alluded to similar pressures that they have come across in their constituency casework, and it is something that I have seen at first hand, prior to becoming a Member of Parliament. Given that we recognise the value of kinship carers, we are taking the recommendations very seriously, and I am doing my best to show that the Government are committed to looking at this area and taking reasonable decisions.

Kinship carers often develop strong bonds with children who have just entered their homes, and taking leave from work could play a role by giving those carers time to do so. There is currently a range of Government support for such carers and employers, and some employers provide significant support to employees without a legal requirement to do so. We would encourage employers to continue to respond with this flexibility, but we will be considering the case for extending parental leave to kinship carers as part of our response to the independent review of children's social care later this year and—I hear the hon. Member for Strangford (Jim Shannon)—when I speak to my successors in the Department for Business, Energy and Industrial Strategy on this topic.

I also recognise the importance of making informed choices about the legal status of children entering the homes of kinship carers. The Ministry of Justice laid a statutory instrument yesterday to make legal aid available for special guardianship orders in private family proceedings, which will help prospective special guardians to get advice and assistance on the order before processing. My Department is working closely with colleagues in the MOJ on implementing the recommendations from the social care review, and on giving access to legal aid to some kinship carers.

Today's debate has rightly focused on some real issues that we know kinship carers face. My hope is that we will be able to respond to the concerns and recommendations with the implementation strategy by the end of the year. I am absolutely committed to that, and to listening to and learning from kinship carers, who make the selfless decision to care for a child who cannot safely remain

with their parents. I look forward to working with them and all hon. Members on this important issue, because it is important not only for many of us across this Chamber, but for our country and for how young people develop and thrive in the United Kingdom.

3.43 pm

**Munira Wilson**: I thank everybody who has participated in the debate. Like everybody else, I pay tribute to the hon. Member for Denton and Reddish (Andrew Gwynne). He and his wife's story is inspirational, and Lyle is a very lucky little boy. I thank the hon. Member for what he is doing, and I thank kinship carers up and down this country. As has been pointed out, they are doing an amazing job and helping so many children to have life chances that they would not otherwise have, as well as saving the taxpayer a huge amount of money.

Although I set out the short-term economic case in terms of the cost savings that could be achieved, the hon. Member talked about the moral benefits and the long-term economic case. We hear this so often about children and young people. It depresses me that Government policy so often does not think long-term enough. Under the "invest to save" argument, we invest early in our children and young people. The shadow Minister, the hon. Member for Dulwich and West Norwood (Helen Hayes), talked about early intervention and ensuring that we are really investing in those vulnerable families so that we prevent a lot of the challenges further down the line.

I thank the hon. Member for Strangford (Jim Shannon), who is always in every single debate—I do not know how he does it—in particular for shining a light on the additional needs of many of those in kinship care, and indeed in all types of care, as the Minister pointed out. I thank the hon. Member for Glasgow East (David Linden) for pointing out the important work of charities working on the ground and for stressing the connection between poverty and kinship care. The data shows us that kinship carers are disproportionately those from the most disadvantaged families and from black and minority ethnic backgrounds, so there is all the more reason for us to provide them with the right financial support. As the shadow Minister said, we must not lose sight of these issues amidst this political turmoil.

I was encouraged to hear some of the things the Minister said today. I thank her for her work and for her sister's work in supporting children in care. I know that the Minister cannot make any firm commitments today; clearly, she cannot announce anything. However, I was encouraged that she referenced the fact that the Government's response will talk about financial support and definitions of kinship carers, and the fact that extending parental leave is on the table. A lot of the language was clearly very hedged—she said that these things will be considered and there will be a response. I hope that the response is positive, in terms of both the money and the leave available to those carers. I welcome the news that an SI was laid yesterday for legal aid for those seeking a special guardianship order. We are slowly edging in the right direction.

I thank the Minister for the work she is doing, but I urge her to continue to be a champion for children and young people. They are often the ones who suffer the most when we are in economic and financial turmoil. They have suffered the most through the pandemic,

[Munira Wilson]

and they suffer the most when there is an economic downturn. It is incumbent on all of us as elected Members to be their voice here. Children and young people have neither a vote nor a voice, so it is up to us to be their voice.

My Bill had cross-party support, so I am really disappointed that there are no Back-Bench Conservative Members present. However, I know there is support across the House for these measures, and I look forward to working with all Members and the Minister to make some of those recommendations a reality.

*Question put and agreed to.*

*Resolved,*

That this House has considered support for kinship carers.

3.47 pm

*Sitting suspended.*

## Port of Dover: Border Controls

4 pm

**Rushanara Ali (in the Chair):** I will call Natalie Elphicke to move the motion and then call the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as is the convention for 30-minute debates.

**Mrs Natalie Elphicke (Dover) (Con):** I beg to move,

That this House has considered border controls at the Port of Dover.

It is a pleasure to serve under your chairmanship, Ms Ali. Today I will raise three matters of concern about border controls: illegal entry of people; legal transit of people and goods; and illegal dangerous food and goods.

Dover stands as the guardian of and gateway to England. Currently, with the number of people in small boat crossings at over 35,000 people, that guardian role is being sorely tested. The Home Secretary says that this situation is out of control and it is. There is much more to do to secure our sea border.

We need to recognise that every person coming into Britain through this route is breaking the law, and every person organising and facilitating such small boat crossings is committing a crime. This is organised criminal activity and it is no different from the smuggling of guns, drugs or any other contraband. Indeed, it is not simply criminal: it kills people, too. I will never forget how 27 people died in the channel last year; they drowned when their small boat sank.

Every person who steps into an inflatable boat on the French coast is putting themselves and others at risk when they are completely safe in France. They are not safe at sea, crossing the English channel in an overcrowded, unseaworthy inflatable boat. They will become even less safe as winter approaches and the weather becomes colder and the sea rougher.

I was pleased to meet the Home Secretary last week and again earlier today to hear about her plans and her determination to tackle this issue. I was also glad to be able to raise it directly with the Prime Minister at last week's Prime Minister's questions, urging her to take urgent action with President Macron.

The bottom line is that it is only when migrants and people smugglers alike know that they cannot break into Britain through the channel that this route will be closed down and lives saved. That will only happen when Britain and France act in concert, jointly patrolling the French coast and the English channel, and jointly ensuring that illegal entrants are returned to France.

In my area, people are fearful that there will be further tragic loss of life this winter. Both the UK and France have a human and moral obligation to act now to save lives. That starts and ends with ending this crisis for good and the best way to do that is to keep people out of the dangerous inflatables and safe on land. In order to help genuine refugees, save lives and stop the criminals, more must be done to tackle this issue and secure the border. I look forward to hearing the Minister on this point.

Stopping illegal entry of people is vital, yet ensuring the smooth flow of legal trade and people through Dover is essential, too. The channel ports, Dover and

the tunnel together transit around 60% of the UK's trade with Europe. Goods come from across the whole country to Dover for export, and goods come from across the EU to Dover for import. Whether that is just-in-time manufacturing goods for the hubs of the midlands or seafood from Scotland bound for the continent, Dover plays a key role in making the midlands engine rev, in driving the northern powerhouse and in ensuring that the economy as a whole continues to hum. It is not just trade that goes through Dover. There are also the HGV drivers and a huge number of passengers—both tourists and workers—who come and go from the EU and the UK.

Last December, I secured an urgent debate here in Westminster Hall to set out my belief that we should be immediately ready for the upcoming EU entry-exit checks at the port of Dover. Those checks are part of the EU digital controls and they are now due to come into force in 2023—a matter of months. I am sorry to say that since I first raised this issue in this place, over 10 months ago, it is still not clear how the checks will work. There appear to be working groups, but we do not know if they have an implementable plan. Indeed, judging by the evidence given by the chief executive of the port of Dover to the Transport Committee last week, I fear not. If not, a delay in processing could result in miles and miles of traffic jams all along the Kent roads. The impact of that is not just traffic misery for those in Kent, Dover and those stuck for hours and hours, even days, in those traffic jams, but it would be catastrophic for UK trade and tourism. I would be grateful if my hon. Friend the Minister could tell the House what the progress has been, so as to avoid delays to the preparation for those checks.

Danger to our trade comes not simply from failure to be ready on day one for entry and exit checks, but it also comes from the failure to invest in necessary physical infrastructure too. We have long needed upgraded roads, lorry parks, check-in facilities and so on, yet these have simply not been progressed. They need to be if we want to avoid the risk of tailbacks and delays on Kent's roads. I am grateful to my hon. Friend the Member for Bexhill and Battle (Huw Merriman), who so ably chairs the Transport Committee, for his and his Committee's diligent and expert work on pressing for infrastructure investment and facilities to facilitate this important trade route. I would encourage the Minister to meet with him as well as me, as he has much information and expertise on this matter that would be of great assistance to the Department in planning for and delivering effective borders and a strong national transport and transit infrastructure.

I have explored the dangerous small boats crossings and the danger of trade disruption. I will now turn to the dangers of poisonous food and unsafe goods coming from the EU to the UK through Dover. Since leaving the EU, a new port health facility at Dover has been fitted out, fully ready for border checks. It was ready to go live, with extra staff recruited, but then it was unexpectedly mothballed in the summer by the then Brexit Opportunities Minister. That was in spite of the Cabinet Office receiving a shocking report from Dover's port health authority in May, ahead of the decision, about poisonous food and serious biosecurity concerns. The report said,

“To not mobilise the facility would be an act of negligence that would significantly increase the risk of devastating consequences of another animal, health or food safety catastrophe.”

Further, it said that

“we cannot control what is coming through the border and ensure national food safety, public and animal health and biosecurity are maintained, as we do not have a facility to complete the escalating number of checks required”.

The evidence is that the problem with poisonous food and dangerous goods has not gone away. Indeed, the evidence from the Dover border is that the problem has got worse, if anything. At the beginning of this month, Dover Port Health Authority undertook Operation Ouzo, a multi-agency exercise designed to check the adequacy of existing controls at the border. Over a 24-hour period, from Saturday lunchtime to Sunday lunchtime, they searched some 22 vehicles of Romanian, Moldovan, Ukrainian and Polish origin. In those vehicles, they discovered raw animal products loosely stored in carrier bags and paper tissue without temperature control, refrigeration or labelled identification. The products were not separated from ready-to-eat products such as cheese, crisps and cake.

In one case, raw, unlabelled and loosely-wrapped pork had been popped in the bottom of a taped-up wheelie bin, which was filled with other products intended for free circulation within the UK. The operational report contained some 20 pages of disgusting images from this very small operation. We need to remember that it is not 22 vehicles a day entering the UK at Dover. There are up to 10,000 vehicle movements across the channel each day. It is clear that the risk of maggoty meat, meat of unknown origin, which often means horse or other illegal meat, rotting meat due to the lack of temperature controls, as well as fresh blood dripping on to other products, is of real concern.

It is not just meat. Pesticides on eastern European flax seeds, the sort that we might sprinkle on our cereal, have been found to exceed the maximum level for UK health safety—in other words, they could be dangerous to human life. None of that food meets the EU requirements, and it should not be coming in; it is illegal for the UK market. That highlights why it is wrong to outsource our food and biosecurity to the EU, and not have our own robust controls. Moreover, those are just the things we know about. What about the things that we do not know about because the Government mothballed the facility and slashed the funding for port health officers at the Dover border?

Biosecurity is also a real concern. Take African swine fever, about which the Government have said,

“The disease poses a significant risk to our pig herd and our long-term ability to export pork and pork products around the globe.”

Ministers deem the risk of African swine fever to be high, and have even put in special measures to prohibit certain types of EU pork. However, the illegal pork trade is rife at the port of Dover—so rife that around 80% of that illegal trade comes through the short straits. Without adequate checks, there is nothing to stop it. The October Dover port health report concluded,

“The exercise validated Dover Port Health Authority's advice to Government that biosecurity at the border is not secure.”

The Port Health Authority has said that

“greater mitigation is needed to control the risk of African Swine Fever entering the UK via illegally imported EU porcine at the Short Straits.”

The port authority says that it has been left in limbo, without direction or appropriate engagement, so can the Minister say when controls, facilities and staff will



[Mrs Natalie Elphicke]

be put in place to tackle the risk of more poisonous food, dangerous goods and biosecurity risks coming into the UK?

The Cabinet Office is thought to believe that due to digital borders, little or no infrastructure or extra staffing is now required. Given the unhappy history of Government with IT systems, that is inevitably a real worry, especially given the many delays to date in border-related IT systems. Those systems have been subject to scrutiny in the official reports of the expert Joint Committee in the House of Lords, and are very troubling and long delayed. Digital borders, blockchain, end-to-end invoice processing and the rest are part of a modern border and trade environment, but do the Government recognise that the digital world will not stop the real-world gaming of the system, and for that reason, physical audits will always be needed? Digital borders can absolutely improve the efficiency of physical borders, but cannot replace them.

To conclude, it is vital to end the dangerous small boats crossings, prevent the danger of trade disruption and endless traffic queues, and stop dangerous poisonous goods and other dodgy goods entering the UK. The smuggling of illegal goods and people is rife at Dover, and it is shocking. It is time for the Government to confront those dangers and bring them to an end, to restore order and effective controls. That includes a review of the decision to mothball the port health facility and reinvestment in port health staff. I look forward to hearing from the Minister how the Government intend to restore order at the border, and would be happy to meet with him to discuss the matter further.

4.14 pm

**The Parliamentary Secretary, Cabinet Office (Brendan Clarke-Smith):** It is a pleasure to serve under your chairmanship, Ms Ali, and I thank my hon. Friend the Member for Dover (Mrs Elphicke) for securing today's debate. She has been a tremendous campaigner on this issue since her election, not just in her constituency but nationally. It is something that has certainly been raised in my constituency many times, and I am grateful for the contribution she continues to make on this matter.

I will respond to the helpful contributions that my hon. Friend has made in a moment, but before I do, I would like to underline the Government's commitment to safe, secure and—of course—efficient borders. In April, the Government announced that the remaining import controls on EU goods will no longer be introduced this year, saving British businesses up to £1 billion in annual costs. The controls introduced in January 2021 on the highest risk imports of animals, animal products, plants and plant products will continue to apply in order to safeguard the UK's biosecurity.

The Government further recognise the negative effect traffic build-up can have on the residents of Kent. My colleagues and I are committed to working with all the relevant stakeholders and the Kent Resilience Forum, which has the statutory responsibility for planning and holds operational decision-making powers in managing any disruption in Kent if and when it occurs.

Alongside my colleagues from other Departments and on the Back Benches, I am taking the issues that will be posed by the new entry-exit system seriously. This is

an EU requirement being implemented by France, which is responsible for the systems, technology and processes. We have been working with French logistics operators and others to ensure the implementation of the entry-exit system minimises any impacts on border flows and traffic build-up. We are working closely with the operators of locations with juxtaposed controls, including the port of Dover, Eurotunnel and Eurostar to support them in their engagement with the French and with implementation plans. I am encouraged by recent developments on transition arrangements that have been proposed by the EU Commission; however, we need to see more progress on implementation and transition arrangements, and we will continue to actively raise this with our EU counterparts.

We recognise that the entry-exit scheme has the potential to impact on throughput at the port of Dover, and minimising that is a priority that we share with the port. We are already engaging with the French Government on this, and will meet them again at the start of November to look at the progress implementation plans and ways of mitigating negative impacts: the port of Dover will be involved in those discussions. The UK and French Governments share commitments to determine the infrastructure requirements, processes and procedures that take place on one another's territory through the juxtaposed control arrangements. The entry-exit scheme is to become one of those processes, as part of the EU operating a secure border. We are fully aware that requiring all passengers to exit vehicles in order to register their biometric and biographic data would be hugely challenging, and we are exploring alternatives to this with the French Government—especially given the additional safety considerations around requiring passengers to mix with traffic flows.

While it is not the direct focus of the debate, it is worth noting that EES presents similar challenges, particularly in terms of disruption to passenger flows for Eurostar services both at St. Pancras International and its continental stations. Officials are equally engaging with Eurostar and French counterparts to agree plans for installing EES kiosks at St. Pancras, albeit there are major space constraints there too. As with the short straits, we are pressing for pragmatic solutions so we alleviate pressure at the border as far as possible. The Government recognise the strategic importance of the short straits for UK trade.

The Department for Transport works closely with the Kent Resilience Forum to manage disruption in Kent. The Kent Resilience Forum has extensive traffic management plans in place, including Operation Brock, to keep traffic moving. The Kent Resilience Forum, which is operationally independent from the Government, is responsible for managing traffic disruption. The Kent Resilience Forum has well-tested traffic management plans in place in their Operation Fennel plan, which includes the option to deploy Operation Brock on the M20, allowing portal-bound freight to be stored on the coast-bound carriageway while a contraflow enables both the coast and London-bound carriageway to remain open to passenger and local freight traffic.

The Kent Resilience Forum can manage a queue of up to 5,000 HGVs while keeping the M20 open; that figure rises to 8,450 HGVs with partial or full closure of sections of the coast-bound M20. The Government recognise the strategic importance of the short straits

for UK trade, and my Department works closely with the Kent Resilience Forum to support it in managing disruption in Kent whenever it comes. Operational decisions on how best to manage this therefore sit with the Kent Resilience Forum, including the deployment of Operation Brock.

The disruption at the start of the summer holidays, in the busiest period for passenger travel so far this year at the port of Dover and the Eurotunnel, was caused by a combination of fewer than expected French border officials staffing the controls at Dover and a serious road traffic accident that caused the M20 to be closed for a prolonged period. Kent Resilience Forum and local partners worked tirelessly throughout to manage the worst of the disruption and cleared it within 48 hours.

On border controls, the Government announced in April that the remaining import controls on EU goods will no longer be introduced this year, saving British businesses up to £1 billion in annual costs. The controls introduced in January 2021 on the highest-risk imports of animals, animal products, plants and plant products will continue to apply to safeguard the UK's biosecurity.

Having left the EU, we can now put in place a new global import regime that best suits the UK's needs, and it is important that we get that right. We will design a global regime for importing goods that is safe, secure and efficient, and that will harness innovative new technologies to streamline processes and reduce frictions.

We also want to speed up our system and get closer to frictionless trade. Our live "ecosystem of trust" pilot tests how we can use supply chain data and physical assurance technology to give border agencies confidence about goods moving in and out of the country, enabling better targeted checks at the border. If the Government can confer more trust on traders, we can start giving them benefits in return, such as fewer admin burdens, less physical intervention and delay at the border, and other policy facilitations that make it quicker and easier to move goods.

The Government have been clear that, in consultation with industry, we will publish a target operating model in the autumn. That will set out our new regime of border import controls and will target the end of 2023 as the introduction date for our controls regime, which will deliver on our promise to create the world's best border on our shores.

The target operating model will describe the user journey for the import and export of goods across the border, explaining what must be done, by whom, and when. For traders, it will explain what must be done upstream of the border before goods arrive at it, and what must happen at the border—including border control posts—and after goods have entered free circulation. For the border industry, it will explain how policy, processes, systems and infrastructure act together to deliver that user journey, and what is required of them to implement those.

The new approach will apply equally to goods from the EU and the rest of the world. It will be based on a proper assessment of risk, with a proportionate risk-based and technologically advanced approach to controls. That includes a single trade window, which will start to deliver from 2023 the creation of an ecosystem of trust between Government and industry, and other transformational products, as part of our 2025 border strategy.

Inland border facilities were introduced to deal with customs checks at the border post-Brexit, and are constantly under review to ensure they provide value for money. A new proposed site at Dover was part of that review and, after looking into the amount of cross-channel traffic and the necessary associated checks, a decision was made in June 2022 not to progress that site. The review showed that the existing facilities had enough capacity to deal with the flow of traffic and that, therefore, a new site was not necessary. The decision saw a taxpayer saving of around £120 million, which was the anticipated cost of developing and running the Dover inland border facilities for the intended duration, and allowed the funds to be utilised elsewhere.

That decision to not build the inland border facility, however, does not mean that that asset is not required by the Government. The Department for Transport is exploring alternative options for its development to ease pressure at the border, given the issues with disruption on the strategic road network in Kent and at the ports. The Department for Transport will continue to engage with my hon. Friend the Member for Dover, local leaders, businesses and residents to ensure that any development will also benefit the local economy and the community.

Alongside Dover inland border facilities, the Government are also considering our options concerning the future of Dover sanitary and phytosanitary border control post sites. Importantly, no decision has been made at this stage about the future of the site. I reassure my hon. Friend that the Government will continue to engage with local leaders, businesses and residents before one is made.

The Government are committed to investing in towns across the country and, in Dover, we have put our money where our mouth is. The future high streets fund is providing £3.2 million for Dover town centre and waterfront, and the UK shared prosperity fund is providing £1 million for Dover as part of the £7.5 million for constituencies across Kent. For Kent as a whole, the Government are also providing £6.8 million for 10 projects as part of the community renewal fund.

Small boat crossings are dangerous and unnecessary, and scores of people have been killed attempting to cross the channel in unseaworthy vessels. Every crossing attempt is a potential tragedy. The UK remains committed to continuing to address illegal migration via France through our enduring relationship. We continue to engage with the French at all levels, political and operational, and are supporting the provision of technology and the sharing of intelligence to meet our strategic aims.

The Nationality and Borders Act 2022 includes significant new measures to increase the fairness of our system, so that we can better protect and support those in need of asylum, deter illegal entry into the UK and remove more easily from the UK those with no right to be here. Since the passage of the Act, the number arriving on small boats has passed 33,000, far exceeding the 2021 total in just nine months. We cannot continue, year on year, with the inexorable rise in the number of illegal arrivals, which adds to the pressures on our public services.

We will break the business model of the people smugglers and deter those seeking to enter the UK illegally only by putting in place a system in which it is clear to all that anyone arriving in this country illegally

[*Brendan Clarke-Smith*]

will not have their asylum claim considered here, and that they will instead be removed to Rwanda, or another safe country, to have their claim processed. We will be able to solve this issue only when those facilitating and attempting hazardous and potentially fatal journeys realise that their claims will not be processed. Following the decommissioning of the temporary structures at the Tug Haven site at the start of 2021, reception and processing facilities have been significantly improved, with the opening of the new premises in Dover and Manston.

Active consideration is being given to investment in the road network in Kent as part of the third road investment strategy. We are continuing to work closely with my hon. Friend and local stakeholders, who are making a strong case to improve the A2. Final decisions on the schemes will be taken in the investment plan for the road investment strategy, which is set for 2024.

In their recent joint statement, the Prime Minister and President Macron recognised the need to strengthen our co-operation, with a view to concluding some ambitious packages this autumn. We will update the House on that in due course.

The Nationality and Borders Act is a long-term solution to the long-term problems that have beset the asylum system over decades. It has three central objectives: to make the system fairer and more effective, so that we can better protect and support those in genuine need; to deter illegal entry, breaking the business model of evil criminal trafficking; and to make it easier to remove those with no right to be here. The Government remain committed to delivering the partnership between the UK and Rwanda, so that we can break the business model of the people smugglers.

The Government remain committed to all their international obligations, including the refugee convention. As we review the Bill of Rights Bill, we remain a committed party to the European convention on human rights. UK policy on migration should not be derailed by the abuse of our modern slavery laws, the Human Rights Act 1998 or orders of the Strasbourg Court. Although we will work within the bounds of international law, we cannot allow the abuse of our system to continue.

In conclusion, it is a pleasure to close the debate on behalf of the Government. I thank my hon. Friend for securing the debate, and for all the hard work she has done, and continues to do, on the issue. To be truly world leading, we need to look beyond improvements to the border that other countries have already implemented, to a radical reimagining of how Government and industry can work together to enable secure trade. That will ultimately enhance the reputation that Kent and the UK have for facilitating business and encouraging investment.

*Question put and agreed to.*

## Cost of Living: Support for Young People

4.30 pm

**Fabian Hamilton** (Leeds North East) (Lab): I beg to move,

That this House has considered cost of living support for young people.

It is a pleasure to serve under your chairship this afternoon, Ms Ali.

This debate could not come at a more important time, as everyone's bills are skyrocketing, the cost of food and other basic items seems to be increasing exponentially, and our country's Government are in utter turmoil. Young people across Britain, who have had to live through the pandemic, are now faced with a cost of living catastrophe. In north-east Leeds, young people are facing the huge impacts of the crisis, with 6,712 16 to 24-year-olds on universal credit. Of those, 32% are in work. It is shameful that the Government have still not committed to increasing universal credit in line with inflation.

**Janet Daby** (Lewisham East) (Lab): I thank my hon. Friend for securing the debate. He is talking about the point that I want to mention: the Government really should be increasing universal credit in line with inflation. Many young people and children in my constituency are having to go without breakfast and, in some cases, without lunch as well. No Child Left Behind recently said that 26% of households experience food insecurity. Does my hon. Friend agree that that is absolutely wrong?

**Fabian Hamilton:** I thank my hon. Friend for her intervention, because I am just about to describe what a difference it makes to increase universal credit in line with inflation, rather than in line with wages. Her point is very well made indeed. If universal credit rose in line with wages, young people in my constituency and throughout the country—

**Rushanara Ali (in the Chair):** Order. We have to suspend for Divisions in the House. There will be 15 minutes for the first Division, and then 10 minutes for each subsequent Division. Today's final debate will have injury time added for those Divisions.

4.32 pm

*Sitting suspended for Divisions in the House.*

5.48 pm

*On resuming—*

**Fabian Hamilton:** As I said earlier, it is a pleasure to serve under your chairship this afternoon, Ms Ali, in spite of the interruptions. I shall continue where I left off an hour and a quarter ago.

The fact that the Government still have not committed to increasing universal credit in line with inflation is shameful. If universal credit rose in line with wages, young people would receive just £7.42 extra per month. If, however, it rose in line with inflation, they would receive an additional £21.49 per month. Given the huge difficulties young people are facing at the moment, does the Minister think that failing to commit to an inflation-linked increase is morally acceptable?



The stark reality of this crisis could not be clearer for Jack, who attends YMCA sessions in Leeds. Jack is not his real name, of course. Jack is 10 years old and lives with his parents and two siblings. He has been quoted at YMCA sessions as saying that

“we’ve got no food at home.”

The fact that a child as young as 10 has been put in this position is unforgivable. It is a humiliation for our country not only at home but abroad. With wages squeezed more than ever, Jack’s family also receives support at school, through the uniform exchange, because they cannot afford to buy new school uniforms. The pressures of the current crisis are now causing issues between family members at home.

I commend the activists in Leeds for pioneering school uniform exchanges across the city, but it is outrageous that their brilliant work is even necessary in modern Britain. I ask the Minister what he would like to say to Jack and his family after yesterday’s day of shame for the Government, when the Prime Minister and her new Chancellor effectively gave the green light for energy bills to go up to a predicted average of £5,000 a year for most households from April.

The failure to provide cost of living support to young people often affects their parents as well. A report released by UNICEF today states that 59% of parents with children under five say that they are struggling with their mental health, and 66% have been negatively affected by the rising cost of living. That amounts to a total of more than 2 million families in the United Kingdom. The status quo is simply unacceptable, and this crisis will only deepen as we approach winter and enter the new year. Among parents feeling the pinch from the rising cost of living, the report also found that just under half have already cut back on their electricity and gas usage, with one in 10 unable to adequately heat their home as winter approaches. As we know, that will be hugely detrimental to the development and education of young people.

As I said earlier, the cost of living emergency, coupled with covid, will amount to a disaster for many families up and down the country, especially young people. Public Health England data shows that across the first three quarters of 2021-22, nearly one in three children aged between two and two and a half were assessed as having missed out on reaching their expected level of development. That contrasts with around one in six in the first three quarters of 2019. A recent YouGov poll pointed to the fact that over a quarter of people aged between 18 and 24 feel unable to cope with the cost of living crisis owing to the stress that it is causing, so I ask the Minister what plans are in place to ensure that the mental health problems in parents and elder siblings do not have a knock-on impact on younger people and children.

I turn now to university students, who have also missed out on learning because of the pandemic and are currently facing huge financial problems, but who risk being a forgotten group of people suffering from the impact of the crisis.

**Paul Blomfield** (Sheffield Central) (Lab): My hon. Friend is making a powerful speech, and I am glad that he is including students. There will be mixed experiences in terms of students’ ability to fall back on family support, but is he aware that recent research conducted

for Universities UK indicated that over half of students were considering whether they would be able to continue with their studies as a result of the pressures they are under? Does he recognise that university students cannot draw down the support that is generally available through the council tax system, because they do not pay council tax? Is he aware that other countries, such as Germany, are treating students in the same way as other low-income groups—for example, pensioners—by giving them additional grants? Does he recognise that the Government need to make some sort of national intervention on this issue, and not rely on a patchwork of different measures that are being introduced by some universities and some councils?

**Fabian Hamilton:** I thank my hon. Friend, who is a very old friend of mine and has a great reputation for standing up for students and universities—certainly in this place and before he came into the House. I was not aware of many of those facts. I did not realise that half of students were considering giving up their courses, and I can only imagine the detrimental effect that it will have not just on their futures, but on the future of our whole country.

From my time on the Foreign Affairs Committee, I recall visiting South Korea and asking people how they could account for their massive success since the second world war. That was 15 or so years ago, and since then South Korea has become even more successful and has risen higher up the scale of G20 countries to become one of the most powerful industrial nations in the world. The Korean Education Minister at the time said to me, “It is one very simple fact. We took a decision after the Korean war that the only future for our country, as a rural agrarian economy, would be to invest in our young people, and educate them to such a level that that education would follow through in terms of our industry, our scientific research, our know how and our intellectual property.” We can see that that has happened.

A country that relinquishes the potential of its young people to develop, not just themselves but the economic future of that country, is one that is in trouble. I do not want to see that happen to this great nation—it would be absolutely tragic. I think we can learn from our economic, social and geopolitical partners, in countries such as Germany, as to how we can handle a crisis like this. They have the right idea. Not everything that happens in Europe is bad, believe it or not; there are some really good policies there. I think we should learn from those, and I hope that the Minister will begin to address that question.

Those university students who have missed out on learning because of the pandemic and are currently facing financial problems risk becoming a forgotten group of people suffering from the impact of the cost of living crisis. As my hon. Friend the Member for Sheffield Central (Paul Blomfield) has said, it has serious implications for the long-term job market in the UK. Recent polls suggest that 55% of those who felt concerned about managing their living costs were worried that it might prevent them from continuing their studies. That rises sharply—up to three quarters—for those students who are severely disadvantaged or from poorer backgrounds. We simply cannot afford for more than half of our young people to drop out of university before graduation.

[*Fabian Hamilton*]

I would be grateful if the Minister told us what support the Government are providing to universities, centrally, to tackle the issue before it is too late.

It is increasingly clear that urgent action is needed to prevent more young people from sliding into poverty. In a recent Barnardo's report, one young person was quoted as saying that

"mentally, it's taken a massive toll. I was thinking of seeing a counsellor, but I don't want to because of the fear of how much it would cost. I haven't been able to get the correct help".

I am the president of Leeds UNICEF, and through that group I have heard first-hand about the horrific experiences of my young constituents, as well as of the many people across the city of Leeds who are struggling.

I conclude by strongly urging the Minister to look closely at extending free school meals, at improving mental health provisions for schools, and at backing the Labour party's call for a breakfast club in every primary school in England and Wales. Those measures would at least give parents and young people some of the support they so desperately need.

5.58 pm

**Wera Hobhouse** (Bath) (LD): It is a pleasure to serve under your chairship, Ms Ali. I congratulate the hon. Member for Leeds North East (Fabian Hamilton) on securing this important debate. It gives us an opportunity to shine a light on young people, who are often overlooked. In my short remarks, I will focus on students.

The last decade will have a long and significant impact on the younger generation. Many entered their youth in the throes of the financial crisis, went through the pandemic in their formative years and are now experiencing the full force of the cost of living crisis. The latest economic shock is presenting a new set of challenges for young people, particularly students.

I recently met a group of students from Bath Spa University. They are hugely worried about the financial pressures that rampant inflation is placing on them, and their concerns are not unfounded. UK students have seen a 7.5% cut in their maintenance loans. That has had severe consequences: research by the National Union of Students shows that a third of UK students are being forced to live on £50 a month after paying rent and bills. Some are having to choose between feeding themselves and carrying on with their education; many are holding down multiple jobs to make ends meet. Mercy In Action, a local charity in Bath, has seen a fivefold increase in the number of young people and students who need to use its food pantry. Inevitably, students from the poorest backgrounds are disproportionately affected.

The cost of living crisis goes far beyond a purely financial hit. The Bath Spa students I spoke to described how the crisis was causing them considerable stress and anxiety. The Student Value Report showed that nearly two thirds of UK students felt their mental health had been negatively affected, while two fifths of students thought that their physical health had been affected. That is no way to go through a demanding course of study, or to sit and prepare for exams. The Government claim to view economic growth as a priority, but growth is not sustainable unless we support our young people. The students of today will shape our future, and should

have ample opportunity to do so. The Prime Minister talks about equality of opportunity, yet she is not giving students the opportunity they need to achieve their potential.

Of course, failing to support students has a knock-on effect on local economies. Student spending supports over £80 billion of economic output: that is crucial for places such as Bath, where over a third of our population is made up of students. If students are struggling, the local communities in which they live will lose out too. To prevent the devastating effects of student poverty, the Government need to tie student support to inflation, as we have already heard, and deliver urgent maintenance grants and bursaries to those who need them.

**Paul Blomfield:** I know that the hon. Member regularly takes up student issues and is a strong advocate for her student constituents. Does she recognise that students, particularly those from poorer backgrounds, went into this crisis already at a disadvantage, not least because the salary threshold for eligibility for maximum loans in England has been frozen at £25,000 since 2008? Does she agree that a simple measure the Government could implement, and should not necessarily rule out, would be to adjust the threshold so that those from poorer backgrounds are more able to access those loans in England?

**Wera Hobhouse:** I thank the hon. Member for that remark—I have to admit that I was not totally aware of the detail, but I fully support what he has said about what needs to be done. It is clear that young people, including those who are now in their 30s, have already lost out because of the financial crisis. We need to support that younger generation, but we also need to support the young people who are coming through now, those who have been at a disadvantage as a result of covid. The least we can do is listen, and the Government need to listen to the recommendations that have been made today and act on them urgently.

As I said, the Government need to tie student support to inflation and deliver urgent maintenance grants and bursaries to those who need them. The cost of doing so would be low compared with other recent Government spending commitments. It would support the vital economic growth on which this Government tell us they are uniquely focused. While I applaud universities that have provided hardship funds, those institutions do not have enough means adequately to protect students in need: that is the responsibility of central Government. The Prime Minister has talked regularly about equality of opportunity and about growth. If this Government are serious about growth, they need to invest in people, especially young people.

6.4 pm

**Amy Callaghan** (East Dunbartonshire) (SNP): The cost of living crisis is hitting all our constituents hard, but today we are focusing on children and young people, the support available and what is still needed. The bottom line is that, despite ongoing interventions from the Scottish Government, too many children are still living in poverty as a result of decisions made in this place. According to the Joseph Rowntree Foundation, one in five people in the UK live in poverty. That is 4.3 million children.

I praise the incredible work of East Dunbartonshire's food bank and all its volunteers for the support they provide, but they should not have to do so. Welfare provided by the UK Government should be uprated in line with inflation. Not to do so is a disgrace, but the Government have made their stance on support for students and workers crystal clear.

**Angela Crawley** (Lanark and Hamilton East) (SNP): Are young people not being consistently left behind—whether by the benefits system, the fact that they are not paid equal wages, or the fact that the living wage is not a real wage? It is fair to say that not every young person has the support of mum and dad and can live at home, so should we not ensure that universal credit is equalised? The price of a pint of milk is the same, whether someone is over 25 or under 25.

**Amy Callaghan:** I welcome that intervention from my very good friend; it is correct that students and young people should be paid the same amount, because goods cost the same regardless of age.

The UK Government's disastrous mini-budget has caused economic uncertainty and market upheaval, meaning that working families with children to support are now terrified of losing their homes. With one hand tied behind their back, the Scottish Government are doing all they can to help Scotland's children and young people—through free university tuition, free bus travel for under 22s, free school meals for children in primary 1 to 5, free prescriptions, the young patients family fund, the young carer grant and the rent freeze. With the powers that they have, the Scottish Government are building a wealthier, happier, fairer Scotland. Successive Tory Governments in this place are getting in the way, and that is why Scotland needs independence.

6.6 pm

**Alison Thewliss** (Glasgow Central) (SNP): It is a pleasure to see you in the Chair, Ms Ali. I am grateful to the hon. Member for Leeds North East (Fabian Hamilton) for introducing this important debate. When we talk about the cost of living crisis, the impact on young people and children often gets missed. They are an incredibly important group, and they will grow up with their life chances stunted and their health impacted if we do not consider their needs.

In preparation for this debate, I reached out to some youth groups in my constituency to ask how their young people are coping. The Urban Youth Project in Pollokshields got back to me with a response from one of its young people:

"As a student who lives on his own and has a part time job to keep food on the table, how much longer can I afford to juggle both these responsibilities? Sooner or later I'll need to choose, do I continue with University or get a full time job? At my age (20) I should be able to study in university as I worked hard to get in."

It is worrying that people are now choosing whether to continue their studies or give up and just work, because they are finding it hard to do both. Another young person said:

"It's all very well budgeting for rising costs if you earn in the first place. How much higher will these costs rise? My parents are stressed, my brothers and sisters are feeling the change in spending, it's not nice. My parents both work hard and they are talking about second jobs. Does anyone in parliament need to consider that option? Didn't think so."

There are choices made in this place that impact people. Many of the people making those decisions and choosing those policy routes never have to live with them. A piece of Barnardo's research out today said that 49% of its frontline workers have supported children, young people and families who have had to choose between feeding themselves or paying their bills in the past year. That is nearly half of people facing that choice, and it is only going to get worse.

I will talk about some of the ways in which this is affecting people, and some of the choices that families in my constituency are having to make. In particular, I note a report from Migrant Voice about visa fees. For many families, each application costs £2,500 every two and a half years. If a family is having to bear that cost every two and half years, there are choices that they are not able to make for their children. One witness that Migrant Voice spoke to as part of its work said:

"I can't feed my kids due to the visa fees and borrowing money."

At the very least, the Government could suspend those fees for children and give folk a break, because it is really quite difficult. That is a choice that the Government have. They choose to add those costs for families as part of the immigration system. It means that those young people do not get the same choices as their peers at school. Furthermore, there could be two identical families with parents working identical jobs and children of exactly the same age, but the Government deliberately put one family at a disadvantage by giving them no recourse to public funds status. Those families are not entitled to the same benefits and they have to work twice or three times as hard to put food on the table as their neighbours. They deserve support. It is a system that is basically unfair, and I see many cases like that through my constituency office.

This situation is not news because the then UN special rapporteur on extreme poverty and human rights, Philip Alston, noted in 2019 that UK Government policy changes since 2010 were unravelling two decades of progress on child poverty. The UK now has the worst poverty and inequality levels in north-west Europe. In the UK, 11.7% of people are living below the poverty line. That is significantly higher than in countries such as Iceland at 4.9%, Denmark at 6.15% or Belgium at 8.2%. These are deliberate choices leading to deliberate impacts on people.

We did not hear much from the Government yesterday about what exactly they intend to do about this situation. We have the largest real-term cut to benefits in a single year. We have families struggling to get by on the national minimum wage, and young people are significantly disadvantaged by the way in which it is staged. An under-18 or an apprentice is entitled to only £4.81 an hour. In comparison, a 23-year-old starting the same job on the same day is entitled to £9.50 an hour. It is age discrimination baked into Government policy, and I would be interested to hear why the Minister thinks discriminating against young people in this way is justified. Universal credit also deliberately discriminates against young people, and the Government should explain why that is the case.

I could talk for a long time about the Government's policies and the way in which they impact young people, but I want to highlight a few things that are happening in Scotland, where we have a choice and we are making



[*Alison Thewliss*]

a difference to the lives of young people. We have the young person's guarantee, aiming to connect every 16 to 24-year-old in Scotland to an opportunity, which could be a job, apprenticeship, further or higher education, training programme, formal volunteering or enterprise opportunity, and that opens up opportunities to young people. As my hon. Friend the Member for East Dunbartonshire (Amy Callaghan) mentioned, we have a greater free school meal entitlement in Scotland. We provide free period products for everybody, not just young people, but certainly that will help young people setting out in the world.

We have launched free bus travel for under-22s, which approximately 930,000 young people in Scotland are entitled to. The scheme could be worth up to £3,000 for a child by the time they turn 18, opening up horizons for young people and making it easier for them to get to work or their studies and to live their lives. This is just the start. Scotland has a vision for how we want to see young people go ahead in the world. We want to be the best country for young people to grow up in. What is holding us back is Westminster. What will give us those opportunities is independence.

6.13 pm

**James Murray** (Ealing North) (Lab/Co-op): It is a pleasure to speak in this debate with you as Chair, Ms Ali. I congratulate my hon. Friend the Member for Leeds North East (Fabian Hamilton) on securing this important debate and comprehensively setting out the need to support young people through the cost of living crisis. Growing up at any time brings its challenges, but young people today are living through a time of particularly great turbulence and uncertainty. We know that today's young people will feel the impact and cost of 12 years of Conservative rule and the economic chaos of recent weeks longer than any of us. After 12 years of presiding over low economic growth and of undermining our public services, in the past few weeks the Conservatives have crashed the economy. Their unfunded tax cuts for the wealthiest and their reckless approach to public finances have caused enormous damage that will be felt well into the future. The new Chancellor's U-turn in the past few days had become unavoidable, but the damage had already been done. That damage will be felt by working people across this country for many months and years. Let me be clear: this is a Tory crisis, made in Downing Street and being paid for by working people, many of whom are just starting out in adult life.

The former Chancellor's disastrous mini-Budget shattered the plans of many young first-time home buyers, as the reaction to the Conservatives' recklessness saw more than 40% of available mortgages withdrawn from the market and saw lenders begin to price in interest rates over 6% for two-year fixed rate deals. For many young people who have been able to get over the hurdle of saving for a deposit, they have fallen at a new hurdle put in their way by the Government. This follows 12 years during which home ownership rates have fallen. There are now 800,000 fewer households under 45 who own their own home, and nearly a million more people rent privately than when the Conservatives came to power in 2010. We have seen the prospect of home ownership slipping out of reach of more and more young people.

In contrast, at the recent Labour party conference, we set out our plans to introduce a mortgage guarantee scheme, raise stamp duty on foreign buyers and give first-time buyers first dibs on newly built homes. Labour is the party with a plan to increase the rate of home ownership and support councils in making social housing the second tenure in our country.

Of course, many young people across the country are renting privately, often out of necessity rather than choice. They are left vulnerable to unaffordable rent rises and no-fault evictions. We are concerned by the confusion about the reports that the Government have U-turned on their commitment to scrap section 21 no-fault evictions—although they have subsequently U-turned on that apparent U-turn. As things are changing so rapidly, I would be grateful if the Minister could confirm that—assuming the current Prime Minister is still in office, which I realise is a dangerous assumption—the Government can give a cast-iron guarantee that they will introduce a rental reform Bill in this Parliament.

We know that another reality of the Conservative cost of living crisis is food poverty. A recent survey of 2,000 young people carried out by the Prince's Trust found that a quarter said they had skipped meals to cut back on spending, and 14% had used a food bank at least once in the past 12 months. Furthermore, a third said they could not afford to turn the heating on, while a similar proportion have struggled to afford the cost of travelling to work. Just yesterday, representatives from the Trussell Trust, Independent Food Aid Network and Feeding Britain delivered a letter to the Prime Minister signed by more than 3,000 food bank volunteers, in which they called for urgent help as they face “breaking point”. The letter warned that food banks are “struggling to cope” as demand outstrips donations. The volunteers said they were “overstretched and exhausted”, and urged the Government to take action to

“end the need for charitable food aid by ensuring everyone has enough income, from work and social security, to buy the essentials.”

According to the Children's Society, a third of children were living in poverty prior to the cost of living crisis and, as my hon. Friend the Member for Leeds North East mentioned, that is why Labour's commitment to breakfast clubs in every primary school in England is so important. More widely, the continued failure of the Conservative Government to commit to uprating benefits in line with inflation will leave families with children significantly worse off. Does the Minister personally agree that benefits should now rise with inflation?

Finally, we know that the cost of living crisis has had an impact on mental health, particularly the mental health of young people. I know from speaking with young people in my constituency how aware they are of the need to look after their mental health, and since I was elected I have often been struck by how clear so many young people are about what support they need. That is why I am glad that we have been able to set out our plan to use funding from closing tax loopholes for private equity fund managers, and removing the VAT exemptions from private schools, to strengthen mental health services for young people. This funding would improve mental health services, particularly those for young people—from guaranteeing mental health treatment within a month to all who need it to ensuring there is a

full-time mental health professional in every secondary school and a part-time professional in every primary school.

Young people today face great uncertainty and insecurity after 12 years of the Conservatives, and never more so than after the damage caused by the economic chaos of recent weeks. Changing the Chancellor and making U-turns will not undo the damage that has been done by this Prime Minister and Conservative Government. The damage they have caused has come from Downing Street, but it will be paid for by working people, and young people will face the impact and the costs for longer than any of us. Only a Labour Government will support young people with the jobs, homes, public services and stability they need to succeed.

6.19 pm

**The Economic Secretary to the Treasury (Richard Fuller):**

What a great pleasure it is, Ms Ali, to serve under your chairmanship. I thank the hon. Member for Leeds North East (Fabian Hamilton) for securing the debate, and I thank the hon. Members who have contributed, including the hon. Members for Bath (Wera Hobhouse) and for East Dunbartonshire (Amy Callaghan). I thank my friend, the hon. Member for Sheffield Central (Paul Blomfield), for a number of very useful interventions, and the SNP spokesperson, the hon. Member for Glasgow Central (Alison Thewliss), and my colleague on the Front Bench opposite, the hon. Member for Ealing North (James Murray), for their contributions.

It was good that the hon. Member for Leeds North East started by referring to the YMCA publication entitled “Inside the cost of living crisis: The experiences of young people living at YMCA”, which was published earlier today, along with some other reports. I would like to draw colleagues’ attention to the statement with which that report starts, with which I am sure we can all agree:

“Everyone should have a fair chance to discover who they are and what they can become.”

The YMCA does great things across the country to enable people to achieve that objective.

There are real challenges facing our economy after two decades of low inflation. The world is now confronted with a high bout of fast-growing prices and the United Kingdom is not immune. While that takes place, we should all remember that our friends in Ukraine are at war, and the United Kingdom will continue to support them in a number of ways. We recognise that Putin is using energy as a weapon of war, pushing up prices and piling pain on citizens across the free world and particularly in Europe.

We should also recognise that young people can be in a particularly precarious position, because they are still in education or just starting out in their careers. They may not have had time to build a financial safety net. Many are at a critical stage of identifying and then seeking to accelerate their potential. I want to be clear: this Government are responding to help the most vulnerable to get through these tough economic times.

I want to answer some of the questions that have been raised. Very directly, on the uprating of welfare benefits in line with inflation, I will be honest: there are difficult decisions to be made. I want to reassure people that helping the most vulnerable will continue to be central to our decisions, just as it was when we announced

support of £1,200 for millions of the most vulnerable households. The Government are required to review the rates of benefits annually to determine whether they have kept pace with price inflation. The Work and Pensions Secretary is yet to conduct her annual review of benefits and more will be said in the medium-term fiscal plan.

I think I heard the hon. Member for Glasgow Central ask why the universal credit standard allowance is lower for people under 25. That is to reflect that those claimants are more likely to live in someone else’s household and to have lower living costs. However, it is acknowledged that some claimants under 25 do live independently, which is why universal credit includes separate elements to provide support to claimants for those additional costs.

I want briefly to talk about the trend of poverty since 2009-10. Between 2009-10 and 2021, 2 million fewer people were in absolute poverty after housing costs—a figure that includes 500,000 children. In 2021, 536,000 fewer children were in workless households than in 2010. The youth unemployment rate fell by 1.3 percentage points in the quarter to August 2022 and is at a record low of 9%, which is around a quarter below its pre-pandemic level.

That progress requires us to talk about economic stability, which is vital for everyone and particularly for young people who may be looking for their first jobs or next steps. Instability affects the prices of things in shops, the cost of mortgages and the value of pensions, meaning that bringing stability to the economy will ease the cost of living for everyone. As the Chancellor has said, the United Kingdom will always pay its way and we remain committed to fiscal discipline. There will be more difficult decisions to take on both tax and spending as we deliver our commitment to get debt falling as a share of the economy over the medium term. We will publish a medium-term fiscal plan to set out our responsible fiscal approach more fully at the end of the month.

The only real way to create better jobs, deliver higher wages and spread opportunity is growth. Growth is what frees us to invest in the services that ordinary people need and to give people the financial security to live their lives as they want. Stability is a prerequisite for growth.

**Wera Hobhouse:** I do not think anybody could disagree that we all want growth, but the question is, how do we make that growth happen? My point was that we need to invest in people, particularly young people, to make that growth happen.

**Richard Fuller:** Yes of course, but the hon. Lady did not answer her question. The question is, how do we tap that potential? It is important to design policies that tap that potential. I was struck by a point made by the hon. Member for Glasgow Central about migrant families coming to this country and how they start their life. It is a fact around the world that first-generation migrant families, more often than not, contribute a greater proportion to the growth of the country that they go to than the population that they join. That seems to be a fact. I have not forgotten previous discussions with her before I took this role. The hon. Member for Bath said that we have to focus on people’s potential, but we have to find that strategy to achieve growth.

[Richard Fuller]

I remind hon. Members that while tackling these economic challenges, the fundamentals of the UK economy remain resilient. Unemployment is at its lowest in nearly 50 years. Our growth rate since 2010 has been higher than that of Germany, France, Italy and Japan, and it is forecast to be higher than that of any G7 country this year. The Labour spokesperson, the hon. Member for Ealing North, is shaking his hands, but these are the facts.

Our need for competence and stability is not at odds with the help that we are providing to those struggling with the cost of living. That is why the Government are focused first and foremost on helping everyone with the cost of living, most notably the cost of energy. The energy price guarantee and the energy bill relief scheme are supporting millions of households and businesses with rising energy costs. The Chancellor has already made clear that they will continue to do so—

**Amy Callaghan** *rose—*

**Richard Fuller:** I must finish up, if I may. They will continue to do so from now until April next year. The Government have also announced £37 billion of targeted support for the cost of living this financial year.

Many young people will have benefited as their wages got a boost from the national minimum wage increase. As a result of our changes to the national minimum wage, from April 2022 people aged 21 or 22 saw a 9.8% uplift, to £9.18 an hour, while 18 to 20 year-olds received a 4.1% rise, to £6.83 an hour, and 16 to 17 year-olds had an equivalent 4.1% increase, to £4.81 an hour.

**Alison Thewliss** *rose—*

**Richard Fuller:** I just have one more minute—I think that is correct.

**Rushanara Ali (in the Chair):** You can take an intervention if you want to.

**Richard Fuller:** In that case I would love to.

**Alison Thewliss:** Can the Minister explain why people of a younger age are not worth the same as someone older?

**Richard Fuller:** Yes I can. The fundamental point is that we are investing in young people. Many businesses wish to invest and add additional costs for training and support to tap into those skills, so that people can earn higher wages later on. It is because companies have the incentive to invest in young people that young people can then earn more. The hon. Lady shakes her head, but she should recognise that the national minimum wage is not a cap on what people can be paid but a floor. If companies invest in young people to get those skills, they can earn more.

Our youth offer provides guaranteed foundation support to young people searching for work on universal credit. That includes 13 weeks of intensive support to help new claimants into suitable opportunities and provision. Youth hubs are co-delivered by the Department for Work and Pensions and local partners, and youth employability coaches are available for those with complex needs.

We will always encourage labour market participation and make it pay to work. Through universal credit, the Government have designed a modern benefits system that ensures that it always pays to work and that withdraws support gradually as claimants move into work, replacing the old legacy system, which applied effective tax rates of more than 90% to low earners.

Questions were raised by the hon. Member for Bath about free school meals and breakfast clubs. The Government spent more than £1 billion on delivering free school meals to pupils in schools. Around 1.9 million disadvantaged pupils are eligible for free school meals, as well as an additional 1.25 million infants who receive a free meal under the universal infant school meal policy. The Government are also providing an additional £500 million toward the cost of extension, which has come via a six-month extension to the household support fund.

The hon. Member for Leeds North East talked about breakfast clubs. The Government are providing over £200 million a year to continue the holiday activities and food programme, which provides free holiday club places to children from low-income families. The Government are providing £24 million over two years for the national breakfast club programme, benefitting up to 2,500 schools.

The hon. Member for Sheffield Central and others asked questions about support for university students. He may know that the Government have increased maintenance loans every year, meaning that disadvantaged students now have access to the highest ever amounts in cash terms. He may know that the Government have made £260 million available through the Office for Students, which universities can use to boost their own hardship funds. He may know that many students also benefit from the wider package of cost of living support, and he will know that maximum tuition fees will be frozen until 2025. He mentioned one particular idea on thresholds, which I would be grateful if he could write to me about.

**Paul Blomfield:** I will write to the Minister on that point. It is all very well saying that the maximum loan has been increased, but people cannot access it because the threshold has not changed. I think there is some serious work to be done by the Government on that. It could make a very real difference to some of the most hard-pressed students.

**Richard Fuller:** I would be grateful for his insight on that issue. I want to close on the issue of mental health and young people, which is an issue close to my heart. We are all aware that the response to covid had a dramatic effect on the mental health and wellbeing of young people more than others. The Government appreciate the importance of responding to the significant demands on children and young people's mental health. The Government are delivering record levels of investment in mental health services. These investments are part of the NHS's long term plan and include an extra £2.3 billion per year for mental health services by 2023-24. This will give an additional 345,000 children and young people access to NHS-funded services or school-based support by 2024.

It has been an interesting and pithy debate. It is clear that we owe it to the next generation to deliver higher



wages, new jobs and improved public services. We owe it to young people to deliver stability and a strong economy on which they can build their future securely. We must make sure they have the safety net they need now. The Government will help them with the cost of living today and continue to invest in them for the future; that is what young people will benefit from, and that is what the Government are focused on delivering.

6.33 pm

**Fabian Hamilton:** I thank all who have contributed this afternoon, from the hon. Member for Bath (Wera Hobhouse), who made some very important points, to the hon. Member for East Dunbartonshire (Amy Callaghan), to the SNP spokesperson, the hon. Member for Glasgow Central (Alison Thewliss). I also thank my colleague the shadow Minister, my hon. Friend

the Member for Ealing North (James Murray), as well as my hon. Friend the Member for Sheffield Central (Paul Blomfield), who is a good friend.

The debate should have been far longer in many ways, because there is so much more to say. Let me conclude by saying this: if we ignore investment in children and young people, we will pay a price, but if we invest in young people and their welfare, education and mental wellbeing, we will all benefit. Our society will be stronger. Our country will be better, and it will deliver the growth we are all after.

*Question put and agreed to.*

*Resolved,*

That this House has considered cost of living support for young people.

6.34 pm

*Sitting adjourned.*



# Written Statements

*Tuesday 18 October 2022*

## EDUCATION

### Post-16 Level 2 and below qualifications update

**The Parliamentary Under-Secretary of State for Education (Andrea Jenkyns):** Today, I am pleased to announce the next stage in the Government's review of post-16 qualifications at level 2 and below<sup>1</sup> in England—the publication of the response to our consultation on the review of qualifications that are approved for public funding at these levels. After confirming our reforms to level 3 qualifications last year, we are now confirming our policy on qualifications at level 2 and below following our consultation which ran from 2 March to 27 April 2022.

This is a vital next step towards reforming and revitalising technical education. Streamlining and improving post-16 education and skills is at the heart of our plan to strengthen the economy and create jobs. Students and employers will benefit from a joined-up, dynamic education system that can adapt to rapidly changing priorities.

The current qualification landscape at level 2 and below is complex, and while many of the qualifications are likely to be excellent, it is not a consistent picture. Qualifications that are funded in future should be necessary, high quality and have a distinct purpose. Crucially, these qualifications should also support progression to successful outcomes for the students who take them, whether this is into a higher level of study, or directly into skilled employment. In a fast-moving and modern economy, it is vital that we bridge the gap between what people study and the needs of employers.

To mirror the approach we have taken at level 3, we have grouped qualifications at level 2 and below according to their primary purpose. By clarifying the purpose of each qualification, we will enable students to see how their choice of qualification will lead to a positive outcome, whether this is to further study or directly into employment. Further education colleges, schools, other providers and careers advisers will play a key role in delivering information, advice and guidance to prospective students to ensure they are directed towards a qualification that will meet their needs.

I would like to thank those who took the time to respond to our consultation.<sup>2</sup> Among the 410 responses, there was strong support for the aim of simplifying the qualification landscape and improving the quality of provision, and for the groups of qualifications we proposed to fund in future. Other themes from the consultation responses included: the importance of flexibility for students studying at these levels; the potential impact of reducing qualification choice on students from disadvantaged backgrounds and with special educational needs and/or disabilities (SEND); and the need for a phased approach to the timing and sequencing of the reforms.

The response we are publishing today confirms that we will fund all of the qualification groups proposed, proceed with setting national standards for personal, social and employability (PSE) qualifications and consulting

on these, and consider updating the national standards for adult literacy and numeracy. We have made changes to allow greater flexibility, for example allowing providers to offer level 2 qualifications leading to employment to 16 to 19-year-olds in less than two years, depending on the size of the reformed qualification and how it fits alongside the other essential elements of the study programme.

As the aim of this reform is to improve qualification provision at level 2 and below, we expect students over-represented at this level such as those from disadvantaged backgrounds or with SEND to be the biggest recipients of the benefits of these changes. We will work with the sector to explore how best to support students to progress by having flexibilities in place to ensure students with SEND can access our proposed qualification groups. We will also regularly review the mix and balance of qualifications approved to ensure we are meeting the needs of all learners.

We have reviewed the implementation timeline and, while we want momentum, we also want to introduce these reforms at a manageable pace for schools and colleges, given the extent of change to the wider qualifications landscape, including at level 3. That is why we are making sure first reformed qualifications at level 2 and below will be available for teaching from September 2025 rather than 2024. Further reformed qualifications will be phased in for 2026, with final reforms in 2027.

I look forward to engaging with the sector as we implement these important reforms.

<sup>1</sup> For definitions of levels, see <https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>

<sup>2</sup> As previously set out, GCSEs, Functional Skills Qualifications (FSQs) and Essential Digital Skills Qualifications (EDSQs) were not in scope of this consultation.

[HCWS326]

## HOME DEPARTMENT

### Casey Review: Police Dismissals

**The Minister of State, Home Department (Jeremy Quin):** In September we saw the very best of British policing, in the planning, handling and delivery of the operation following the death of Her late Majesty, Queen Elizabeth II. It showed that, at the top of its game, British policing is world-class and I commend all of the thousands of officers and staff who made that happen. But in recent years there have been several high-profile failings. These failings substantially diminished public trust in the Metropolitan Police Service (MPS), and undermine the incredible work of the overwhelming majority of decent, hard-working, and professional, frontline police officers.

The Metropolitan Police Service commissioned a review by Baroness Louise Casey into the culture and standards of the Metropolitan Police Service. Interim findings have now been reported to the MPS and are highly concerning. They set out a failure of the MPS to operate within the existing misconduct framework, and failures to adequately tackle instances of sexual misconduct and discrimination.

The impetus and action to deliver change must come from within the MPS first and foremost—and the Government welcome Sir Mark Rowley's determination



to take a systematic approach to act on the findings through both robust enforcement and long-term prevention. Where there is a role for Government to support this, we will not hesitate to act. That is why I am announcing an internal review into the process of police dismissals to raise standards and confidence in policing across England and Wales.

The Government will work closely with key policing stakeholders to examine evidence of the effectiveness of the system to remove those who are not fit to serve the public. As well as examining the overall effectiveness of dismissal arrangements, I expect the review to consider:

- the impact of the introduction of legally qualified chairs to decide misconduct cases;
- whether decisions made by misconduct panels are consistent across all 43 forces in England and Wales;
- and whether forces are making effective use of their powers to dismiss officers on probation.

This focused review will be launched shortly and will be conducted swiftly. It will focus on key issues and will support those in policing who act with utmost professionalism, giving them confidence that their hard work and commitment will not be undone by those who bring their profession into disrepute.

[HCWS327]

### Statement of Changes in Immigration Rule

**The Minister of State, Home Department (Tom Pursglove):** My right hon. Friend the Home Secretary is today laying before the House a statement of changes in immigration rules.

The changes include the Afghan relocations and assistance policy (ARAP) immigration rules which clarify that the Ministry of Defence decides eligibility for an Afghan citizen, before an application for entry clearance or settlement is made to the Home Office on their, or an eligible family member's, behalf.

Additional ARAP family members, who were previously decided outside the immigration rules, have been brought under the rules, and the Afghan ex-gratia scheme, which closes on 30 November 2022, has been removed from the immigration rules from that date.

As part of the new plan for immigration, the Government have made clear for the first time in primary legislation (the Nationality and Borders Act 2022) that confirmed victims of human trafficking or slavery are eligible for temporary permission to stay in the UK, and this is supported by the introduction of the appendix "Temporary permission to stay for victims of human trafficking or slavery".

The introduction of temporary permission to stay into the immigration rules aligns with the Government's needs-based approach to support victims of human trafficking or slavery. Temporary permission to stay makes clear that confirmed victims, both adults and children, with psychological and physical recovery needs stemming from their human trafficking or slavery exploitation, are entitled to temporary permission to stay where it is necessary to assist with recovery from the harm caused by their exploitation, subject to the exemptions set out in section 65 of the Nationality and Borders Act 2022. These rules also specify that temporary permission to stay may be available to victims who are helping the public authorities with active investigations

or criminal proceedings in the UK to bring their exploiters to justice and clarify that those seeking compensation in respect of the relevant exploitation must have made a valid application to be considered for temporary permission to stay.

Temporary permission to stay will go live on 30 January 2023. These rules will allow for clearer decision making and are intended to make decision making a simpler and quicker process.

The seasonal worker visa route is being expanded to include roles in the poultry sector, to support a genuine seasonal labour need in the lead-up to Christmas, not evident in other sectors. Poultry workers under occupation code 5431 (butcher) or 5433 (for example, processor) must be paid at least £25,600 each year. All other poultry workers must be paid £10.10 for each hour worked and receive at least 30 hours' paid employment each week. These requirements are in place to discourage poor conditions often seen in the sector.

Changes are being made which provide for the refusal and cancellation of entry clearance where a person is subject to a travel ban imposed by the UK or the UN. This will not alter whether the person can enter the UK. It will simply make it easier to achieve the same effect administratively.

Changes are also being made in respect of the Ukraine extension scheme, which enables Ukrainian nationals who held permission to enter or stay in the UK on 18 March 2022 (or who held permission which expired on or after 1 January 2022), to continue their stay in the UK.

These changes will extend the scheme to allow Ukrainian nationals who obtain permission to enter or stay in the UK for any period between 18 March 2022 and 16 May 2023 to apply and obtain 36 months' permission to stay in the UK. They will also introduce a new requirement to apply to the scheme by 16 November 2023.

Finally, we are also abolishing the requirement for a migrant to register with the police as the police registration scheme in its current form is outdated and no longer provides any public protection benefit to either the Home Office or the police.

Since the scheme was last amended in 1998, changes to the immigration rules and the wider immigration system now mean more individuals are screened before travel to the UK and those of concern can be identified earlier in their interaction with the Home Office. The data a migrant provides to the police on registration is already captured by the Home Office at the visa application stage, and is available to the police on request, so there is no need for it to be provided twice, or for the police to hold such vast amounts of data when they have no need to do so for the majority of law-abiding migrants.

Abolishing the requirement for a migrant to register with the police will therefore reduce the administrative burden on the police, the Home Office and migrants themselves.

These rules have also been simplified in line with the recommendations of the Law Commission report "Simplifying the Immigration Rules" to which the Government responded on 25 March 2020. The necessary changes to the immigration rules are being laid on 18 October 2022. For the changes to the seasonal worker route—inclusion of poultry sector—these will come into effect on 18 October 2022, as there is a short time frame for workers to enter the UK to undertake work in

the poultry sector. The closing date for applications for poultry work is 15 November 2022 and the workers are required to leave the UK by 31 December 2022. If the implementation date was later, the concern is workers might not apply as they could consider it not worthwhile for such a short period. This policy has already been communicated to the sector in the Department for Environment, Food and Rural Affairs food strategy, so they are prepared and working toward this change.

The changes to simplify the process for giving effect to travel bans, changes to the Ukraine extension scheme and the abolition of the police registration scheme will come into effect on 9 November 2022, the amendments to the Afghan relocations and assistance policy (ARAP) on 30 November 2022 and the introduction of the new appendix “Temporary permission to stay for victims of human trafficking or slavery” on 30 January 2023.

[HCWS328]





# Petition

*Tuesday 18 October 2022*

## OBSERVATIONS

### EDUCATION

#### Waverley Junior Academy

*The petition of residents of the constituency of Rother Valley,*

Declares that provision of school places at Waverley Junior Academy must be extended for applicants this September via temporary classrooms; further that it is unacceptable that 39 children from the village, some living less than 200 metres from the school, have failed to get a place because Rotherham Council failed to adequately predict the level of need for places; and further that developers must follow through on their commitment to adequately build the infrastructure needed to support communities.

The petitioners therefore request that the House of Commons urge the Government to implore Rotherham Metropolitan Borough Council to implement a temporary solution to this problem, in the form of temporary classrooms, to enable local children to attend their local school.

And the petitioners remain, etc.—[Presented by Alexander Stafford, *Official Report*, 19 May 2022; Vol. 714, c. 946.]

[P002731]

*Observations from the Parliamentary Under-Secretary for Education, (Baroness Barran):*

Waverley Junior Academy opened in September 2020 in response to the increase of residents in the area as a result of the Waverley Housing Development. Currently there have been 2,000 houses built out of a proposed 3,200 houses. Future expansion of Waverley Junior Academy will be considered, and further funding released, only in relation to the development of the second phase of housing development, which still requires planning permission. The decision to expand the school will also be subject to approval by Yorkshire and the Humber Regional Director, and a key consideration will be whether or not there is a need for places in the local planning area.

It is not a viable option for a local authority to expand a school when there are already sufficient places within the local community. Three of the neighbouring schools have already seen significantly reduced pupil numbers since the opening of Waverley Junior Academy, and further expansion could destabilise the wider school system in the area, affecting the viability of these schools. In the worst-case scenario this could lead to school closure.

There are four alternative schools within the planning area at which the LA have advised us that pupils who did not secure a place at Waverley Junior Academy this year have been offered places. Treeton Church of England Primary School, Brinsworth Howarth Primary School, Catcliffe Primary School and Brinsworth Whitehill Primary School are all between one and two miles of Waverley Junior Academy.



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**not later than  
Tuesday 25 October 2022**

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