Friday
20 October 2023

Volume 738
No. 209

HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Friday 20 October 2023

House of Commons

Friday 20 October 2023

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Philip Davies (Shipley) (Con): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163).

A Division was called.

Mr Deputy Speaker (Sir Roger Gale): Division off.

Question negatived.

Worker Protection (Amendment of Equality Act 2010) Bill

Consideration of Lords amendments

Clause 1

LIABILITY OF EMPLOYER FOR HARASSMENT OF EMPLOYEE BY THIRD PARTIES

9.36 am

Wera Hobhouse (Bath) (LD): I beg to move, That this House agrees with Lords amendment 1.

Mr Deputy Speaker (Sir Roger Gale): With this it will be convenient to discuss Lords amendment 2.

Wera Hobhouse: Workplace sexual harassment blights our society. Not a week goes by in which we do not hear about sexual misconduct in an organisation somewhere in the UK. Some 43% of women have experienced at least three incidents of sexual harassment at work. Most victims do not report it, for fear of not being believed or of damaging their working relationships and career prospects. Although sexual harassment is not confined to women, the vast majority of victims are women.

Harassment has a devastating impact on victims. Nearly half of women harassed at work said that it had harmed their mental health. One in four said that they avoided certain work situations, such as meetings, courses, locations and shifts, to avoid the perpetrator. More than one in four said that they wanted to leave their job but could not. Nearly one in five left their job as a result of this treatment.

Every person should be safe from sexual harassment, but every day new stories expose the extent of the problem in our workplaces. Just this year, there has been a torrent of misconduct allegations against prominent companies and organisations. There remain questions to be answered at the CBI, Odey Asset Management, the Royal National Lifeboat Institution, the fire services, the National Crime Agency and even our NHS.

Ruth Jones (Newport West) (Lab): The hon. Lady is making a very important speech about a powerful topic. As a former NHS employee for over 30 years, I am aware of some poor practice and lack of control over certain individuals who are sexual predators. They are only a small minority, but they have a massive impact on other NHS workers. Does she agree with me that we must protect our precious NHS staff and stamp out sexual harassment in all workplaces?

Wera Hobhouse: I could not agree more. The hon. Lady points out that a few individuals damage the reputation of a whole organisation and, especially when it comes to our NHS, that is devastating. The Bill should be good for organisations because it protects them as well.

Philip Davies (Shipley) (Con): Will the hon. Lady clarify—I am not sure from her remarks so far—whether she is in favour of Lords amendment 1, or is she speaking against it?

Wera Hobhouse: I will come to that later, but I will be supporting the Lords amendments.

There are many good employers who have implemented measures to safeguard their employees. However, far too many have not done enough to prevent and punish sexual harassment.

Christine Jardine (Edinburgh West) (LD): My hon. Friend is making a powerful speech about an issue that, as she says, has blighted our workplaces. Does she agree that part of the problem is that employers do not act when harassment begins at a low level? Putting workers down, talking over them and belittling them is just the start and it grows from there. Too often in the past, people have just been moved to a different department. Will her Bill put an end to that sort of atmosphere in the workplace?

Wera Hobhouse: Yes, it should be the beginning of a culture change to prevent sexual harassment happening before it gets to a point where it has such damaging effects.

The Equality and Human Rights Commission found that in nearly half of cases reported the employer took no action, minimised the incident or placed the responsibility on the employee to avoid the harasser. What one also finds again and again is that the employer does not really know what to do. When the Bill becomes law, there will be guidance for employers so that they know exactly what is expected of them. That should help organisations to face those problems.

Anna Firth (Southend West) (Con): I thank the hon. Lady for giving way, because she is making a very important speech. Protecting people, especially women, from harassment is hugely important. The Government have a fantastic track record of bringing in legislation to protect vulnerable people. I had strong concerns about the Bill in its unamended state, particularly on making employers responsible for third-party harassment. However, yesterday I contacted Denise Rossiter, the chief executive of Essex chambers of commerce, to ask the opinion of Essex businesses. The message I received back was clear: local Essex employers warmly welcome

[Anna Firth]

the amendments made to the Bill in the other place. I am delighted the Government have backed them. I welcome the amendments, in particular Lords amendment 1, and I support the Bill in its amended state.

Wera Hobhouse: I thank the hon. Lady for that intervention and I am pleased we have come to a point across both Houses where we can pass the Bill, as amended, into law. I will come to the amendments later in my speech and she will hear what I have to say.

The current laws on sexual harassment mean that employers often adopt individualised responses to institutional problems. That creates space for employers to minimise what is going on and leads to confusion about how to respond appropriately. Only 45% of managers felt supported by their organisation when reports were made to them. Ultimately, our current laws do not protect people who have encountered traumatic experiences. We can and must do better.

My Bill will strengthen the legislative protections against workplace sexual harassment. It will help to create safer working environments that are fit for the 21st century. It introduces a standalone duty for employers to take responsible steps to prevent sexual harassment within their organisations. That will make a real difference, as it will require employers to take proactive steps to address sexual harassment. It will help to instil a culture change, and it will ensure that people who abuse women and others can no longer rely on their workplaces turning a blind eye. Instead, they will be held accountable for their actions, making workplaces safer, more productive and more enjoyable for everyone.

9.45 am

I have been pleased to see cross-party consensus for my Bill from the outset, with all parties willing to work together to ensure its passage. There has been unstinting cross-party support from a sizeable majority of MPs and peers, which clearly demonstrates that workplace sexual harassment is not a party political issue anymore. I am glad that today should mark the final point of the passage of these vital protections into law. It took the best part of 2023 to get us here, and I thank everybody involved for their patience and support. I express my particular gratitude to the Minister for Women and Equalities and the Government Whips, whose support during the ups and downs of the difficult passage of the Bill I have greatly appreciated.

I say a big thank you to Baroness Burt of Solihull, who has worked tirelessly in the other place to ensure that my Bill got to this stage. My thanks also go to the team at the Government Equalities Office, whose constant advice and encouragement has been outstanding. Finally, I thank my own team for sticking with me.

I will now speak to Lords amendments 1 and 2, which have undoubtedly narrowed the scope of my Bill. Lords amendment 1, tabled by Lord Hannan of Kingsclere, removes clause 1 from the Bill, getting rid of the proposed liability of employers for third-party harassment in the workplace. It means that incidents of third-party harassment will continue not to be covered by the law, other than in extreme cases resulting in clear personal injury or where a criminal offence has been committed. The legal situation will remain as it has been since third-party harassment protections were repealed in 2013. I personally think that that is a shame.

Lords amendment 2, tabled by Baroness Noakes, narrows the concept of "all reasonable steps" to simply "reasonable steps". The practical steps that an employer might take would be substantially the same. For example, employers might consider implementing an effective equality policy, providing anti-harassment training and dealing effectively with employee complaints, among other things. The difference in the wording means that the tribunals would apply a lower threshold when assessing a breach of the employer duty compared with the original drafting of the Bill.

The Equality Act 2010 already contains a statutory defence that requires an employment tribunal assessment of whether an employer took all reasonable steps to determine legal liability. The amendment will not change the Equality Act's existing statutory defence, but will create a different test for the new duty on employers to prevent sexual harassment. The employer duty will still send a strong signal to employers that they need to take action to prioritise prevention of sexual harassment and ultimately improve workplace practices and cultures.

I cannot stand here and say that I am completely happy with the amendments, but if I did not accept them the Bill would not progress into law, and that would be a lot worse. Peers in the other place have reached an understanding with Baroness Burt of Solihull and me: to ensure the passage of the sexual harassment preventive duty, we have accepted the amendments under discussion today. The longer it takes for legislation preventing sexual harassment to become law, the more workers—especially women—will be left at risk of workplace sexual harassment. That would simply not be acceptable.

In the face of continuous scandals, we as lawmakers cannot stand by and do nothing. Once the Bill has passed into law, it will be the beginning of a much-needed culture change. I have been most grateful for the guidance of the Fawcett Society and the wider alliance for women, who continue to support the Bill because of the substantial difference it will make to women's lives. Without their support and guidance, I would not have been able to take this revised Bill forward. Those groups remain disappointed that the clause that would have provided protection from third-party harassment has not been taken forward. I fully accept their disappointment. Further protections are essential to give businesses and organisations clarity on what they need to do to make their workplaces safe for everybody. We hope that the debate on this Bill has encouraged all businesses and organisations to recognise that they can make a significant difference in protecting staff from harassment by customers and clients. There remains unfinished business, but the discussion is moving us forward and it is important that we get cross-party support in both Houses, which is why I keep saying that I am accepting the Lords amendments.

The Government's own survey on sexual harassment found that every day 1.5 million people face sexual harassment from a third party at work—that does not even consider the scale of other forms of third-party harassment, for example those of a racist or homophobic nature. I will continue to make the case for protections against third-party harassment to be put in place, and I hope that the Government will listen and continue to

work with the Fawcett Society and the wider alliance for women to bring the required legislation forward in the next Parliament.

I am content that as of today we have reached a consensus on a pragmatic way forward. It is vital that we send a clear signal that sexual harassment in the workplace is not acceptable and steps should be taken to prevent it. I am grateful for the cross-party support and particularly the support of the Government. I ask the House to accept the Lords amendments so that this Bill can pass into law. No one should have to wait any longer for this vital step towards safer and more respectful workplaces.

Danny Kruger (Devizes) (Con): I do not propose to divide the House today and I am happy that we have got to a place where the Bill has been effectively gutted by their lordships. I am happy with the cross-party consensus on where we have got to. It is right that we have removed the third-party liability, but there is something regrettable about the way this Bill has developed. There was a good moment when, in response to pressure from their lordships, the Government proposed to introduce a new defence against Equality Act harassment, whereby it should be possible to defend a suit on the grounds that there was no intention to injure the injured party, and merely overheard conversations and civil discussions, be they among colleagues or customers, should not be liable to legal action. That was a good step; it developed and improved our equalities law. In response to pressure from the other place, the Government have now withdrawn the third-party liability measure, which is a good thing. I agree with my hon. Friend the Member for Southend West (Anna Firth) that we are now in a position to abstain from opposing this Bill.

However, we need to debate our equalities framework in this country. Fundamentally, we need to stop bringing forward what I call performative legislation intended simply to outlaw behaviour we disapprove of, immoral conversations, bad manners, and action likely to cause hurt and distress. We cannot legislate against all of those actions and if we try—

Christine Jardine: Will the hon. Gentleman give way?

Danny Kruger: I will be happy to give way to the hon. Lady in a moment. I recognise that we all intend to do the right thing by bringing forward this legislation. I recognise that the Government are trying to do the right thing, as is the hon. Member for Bath (Wera Hobhouse). However, we get into all sorts of trouble when Opposition Members get hold of this sort of law in Committee and when the courts are required to judge on what will necessarily be obscure language about the management of human relations and free speech. The precedent being set by this law is dangerous.

Christine Jardine: Does the hon. Gentleman agree that a lot of the damage that is done in a workplace, which leaves an individual, perhaps a young one in their first employment, feeling undermined, damaged, bullied and harassed, often comes from exactly the sort of casual conversation they overhear in a canteen or in the office? The intent of the Bill was not to be restrictive of people, but to protect young people in the workplace, on whom these things can have a huge impact.

Danny Kruger: The hon. Lady defines exactly the issue. She talks about the intent of the Bill being to protect people from feeling distressed, which I think is absolutely right—we should all intend that—but it is difficult for law to manage and protect people's feelings. The consequence of writing that into black and white means that we then require courts to adjudicate on all sorts of very difficult emotional issues.

The hon. Lady talks about the intent behind the Bill. We all intend the right thing here. We are all in unity that we disapprove of harassment and incivility, but we disapprove of all sorts of things that we cannot and should not try to criminalise. The consequence of criminalising bad manners—even very bad manners—is fundamentally to curtail free speech and the freedom upon which all of our civility as a society depends.

Wera Hobhouse: I am glad that we are having this discussion in a very respectful way, because that is how it should work. I recognise that that discussion may not have been had enough and we need a little more time having it. Does the hon. Gentleman think that legislation guides better behaviour and that, for that reason, it is important that we pass certain laws? That is the intention of the Bill. As I say, I have accepted the Lords amendment, but does he agree that legislation guides better behaviour and that is what we should aim for?

Danny Kruger: This is an important discussion. The hon. Lady is saying that the law is a teacher—indeed, it is—and influences the culture. It is also true that the law needs to reflect the culture, so we modernise our legislative framework in response to public opinion and how things are. We now legalise things that were illegal in the past in response to the way culture evolves.

However, the law is a teacher in a bad way too. It can introduce negative effects into our culture and chill free speech. It can inhibit the sorts of conversation that are necessary for the development and progress of our society, which is a topic that will come up later in other legislation. There were significant attempts during the pandemic to effectively criminalise or inhibit free speech around the pandemic response, on exactly the same grounds that we might use in this debate, namely that it is important for public protection and the protection of the vulnerable that misinformation, disinformation and, in this context, harassment should be criminalised. That was wrong, and I really worry about the possible chilling effect of this legislation.

A narrow gap is left in this law to criminalise free speech. Many Members will raise the outrageous and unacceptable behaviour that many employees have to put up with in the workplace—I recognise that too. We absolutely need to insist that that does not happen, but that is a job for the culture and for employers. In a sense, it is a job for all of us to instil the right sort of moral conduct in our communities, but frankly it is impossible to write legislation in black and white that achieves the outcomes the hon. Lady wishes without also inhibiting free speech.

I will end with an observation about another piece of legislation that I understand is being contemplated for the King's Speech: a conversion therapy ban. I am afraid that that is another instance where, under the noble and honourable impulse to stop outrageous and unacceptable practices going on, we are proposing a

[Danny Kruger]

piece of performative legislation in response to a vocal and activist lobby group that will put into law an imprecise and fuzzy set of moral aspirations. Once Opposition Members get hold of it in Committee, on Third Reading and in the House of Lords, the scope will be expanded and then courts will be required to criminalise conversations between adults and their therapists, parents and children, which is exactly what happens in other countries where this well-intentioned legislation has been passed into law. The law is a teacher, but it is not an opportunity for moral grandstanding and virtue signalling. We have an obligation to put into black and white words that the courts clearly understand and that do not end up curtailing free speech.

Justin Madders (Ellesmere Port and Neston) (Lab): It is a relief that we have this Bill back here today, given that it was reported earlier in the year that it was likely to be shelved, possibly because of the backlash we have just heard. The Bill has come back from the other place, albeit heavily amended, and it still represents a step in the right direction, albeit a very small one. The hon. Member for Bath (Wera Hobhouse) has done a sterling job in getting this Bill through the Parliamentary maze. She has been extremely gracious and generous in her comments today, given what is left in the Bill. I think it is a fine description to say that it has been narrowed in scope. Alternatively, it could be described, as the hon. Member for Devizes (Danny Kruger) has just done, as having had the guts ripped out of it. I know which description suits what has happened better.

10 am

There is quite a contrast between what we have now and what we had when the Bill started its journey through the House. The Bill was never about criminalising free speech; it was about tackling a real and live issue in the workplace.

When the Bill started its passage, Members rightly spoke in unison about the appalling scale and nature of sexual harassment in Britain's workplaces. Indeed, we should all be deeply concerned about the numbers of women facing harassment at work. The latest data from the Government show that nearly one in three employees experienced some form of sexual harassment in the previous year. That means that 4.7 million women each year experience harassment in the workplace, and we know that the impact on those victims can be profound. We know that it can lead to a variety of harms, including psychological, physical and economic harms, and all too often the perpetrators get away with it. According to recent data, 41% of perpetrators of sexual harassment see no sanction at all. Meanwhile, 17% of those who are sexually harassed end up working elsewhere due to their experiences. In 2023, that is not good enough. Those figures speak for themselves about why parliamentary intervention is needed.

Kerry McCarthy (Bristol East) (Lab): I am glad that we are supporting this Bill. My hon. Friend talks about women being subject to sexual harassment, and we know that the problem is endemic, but it also seems that, increasingly, young men are reporting that they are falling foul of that—even in this place. It is really important that we recognise that men, particularly younger men, can be victims as well.

Justin Madders: Yes, that is absolutely right. The Equality Act is framed in such a way that it protects everyone from harassment on the basis of their sex. I think that we now have a Bill that, after the amendments, to our regret will not protect workers from third-party harassment. The duty to take all reasonable steps has now been reduced or watered down to taking reasonable steps. We are disappointed that the Bill returns in a form that looks very different from what was originally passed by this House. It seems that the original good intentions of the Bill have—to use the terms of the hon. Member for Devizes—been "gutted", and I am sorry to say that seems to have been with the support of the Government. Let us not forget that, when the Bill passed through the Commons originally, it did have support from the Government and it also had cross-party support, which is a rarity these days. Therefore, it is extremely disappointing that the democratically elected House seems to have given in to the unelected Lords, seemingly with the endorsement of the Government.

I have to say that the Government's decision to support the Lords amendments that have taken the guts out of the Bill is frustrating, given that the Bill was enacting pledges that the Government had made.

The Minister for Women (Maria Caulfield): Does the hon. Gentleman not recognise that this is the Bill of the hon. Member for Bath (Wera Hobhouse) and it is up to her to decide which amendments she does or does not accept? The Government have fully supported the hon. Lady. This is not a Government decision; it is part of the parliamentary process.

Justin Madders: I thank the Minister for her comments. The Government have a majority, so if they wanted to keep the Bill in its original form they could have ensured that it passed. Let me quote what she said at Committee stage. She said that

"the Government committed to a package of new measures aimed at reducing incidences of workplace harassment. That includes the two legislative measures being brought forward in the Bill: explicit protections for employees from workplace harassment by third parties, such as customers and clients; and a duty on employers to take all reasonable steps to prevent their employees from experiencing sexual harassment."—[*Official Report, Worker Protection (Amendment of Equality Act 2010) Public Bill Committee,* 23 November 2022; c. 10.]

Wera Hobhouse: It is true that I have accepted the Lords amendment. Indeed, it was ultimately me who proposed that we should go all the way in order to preserve one thing that I find incredibly important, which is the preventive duty on employers. Does the hon. Member not agree that this is an important step and for that reason it is right that I accept the Lords amendment?

Justin Madders: I accept what the hon. Member says. We will certainly not oppose the Bill, but we do have to challenge the Minister on why she has changed her mind, given that, last year, she said that the measures in the Bill

"continue to form a key part of the Government's national strategy for tackling violence against women and girls."—[*Official Report, Worker Protection (Amendment of Equality Act 2010) Public Bill Committee,* 23 November 2022; c. 10.]

Why have the Government decided to change their mind on it? It seems to me that they have folded to pressure from their Back Benchers. Let us not forget that the Bill came about as a result of an extensive Government consultation, which received more than 4,000 responses.

Philip Davies: It is not necessarily for me to come to the Government's defence here, but I think the hon. Gentleman is tying himself up in knots with his argument. The amendment was passed in the House of Lords. He will have noticed, I am sure, that the Government do not have a majority in that House, so they cannot be held responsible for an amendment passed in it. If the Government had done as he asked by overturning the Lords amendment, the Bill would have fallen altogether, so I am not entirely sure what he is arguing for.

Justin Madders: I am sure that the hon. Member is aware that we vote regularly on Lords amendments in this place, and that the Government use their majority to overturn them. The point that I am trying to make is this: where does this leave Government policy on the issue? The Fawcett Society found that 56% of women working in the hospitality sector, and 47% of those working in the services industry, have faced sexual harassment in the workplace. What will the Government do about that?

Philip Davies: If the hon. Gentleman wished to press the matter to a vote as a point of principle, he could vote down the Lords amendment. I am sure that my hon. Friend the Member for Devizes (Danny Kruger) would be delighted if he did, because in doing so he would guarantee that the whole Bill fell. Is that really what he wants?

Justin Madders: No, that is not what I want, which is why I have said that we will not oppose the amendment, but we are still entitled to express our disappointment about the capitulation. The Equality and Human Rights Commission's 2018 report found

"a quarter of those reporting harassment saying the perpetrators were third parties"

and that third-party sexual harassment was dealt with poorly and considered

"a 'normal' part of the job"

by some employers. I do not think that is a situation that we should defend. Let us be clear: we would not have objected to the Bill if that had been in place—we certainly would have supported it—but we will support it as it stands because, as the hon. Member for Bath said, it is an important step in the right direction, albeit a much smaller step than originally intended.

The question remains: what is the Government's plan to deal with third-party harassment? If they will not bring forward a legislative solution, what do they intend to do? If there were a repeat of the scenes at the Presidents Club tomorrow, what would be the consequences for the perpetrators? We need answers to those questions.

Despite the removal of the word "all" from the Bill, the duty to prevent sexual harassment is, as the hon. Member for Bath said, a new duty that represents a positive step forward. Establishing that preventive duty will shift the emphasis away from a reliance on individuals reporting harassment to employers and will encourage employers to take preventive steps. We are optimistic—we can be—and hope that the Bill will drive structural change by fundamentally shifting the responsibility from the individual to the institution, but what that will mean in reality and how much capacity the EHRC will have to investigate complaints remains to be seen. Its responsibility to create a statutory code of practice should mean that the focus will be more on working with employers. Does the Minister have any information on when she expects that statutory code of practice to be published, should the Bill be passed, and will it draw mainly from the non-statutory code of practice that has already been produced?

We believe that everyone should be able to go to work safe from sexual harassment, knowing that their employer has taken steps to create a safe working environment. That is why a Labour Government would go much further than the House has today.

Maria Caulfield: I congratulate the hon. Member for Bath (Wera Hobhouse) on progressing this Bill, which tackles the important issue of sexual harassment in the workplace. I thank her for the pragmatism she has shown to ensure that the Bill can progress with agreement from across the House. It is slightly disappointing to see the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders), take such a partisan approach, because the Bill has had cross-party support throughout all its stages.

It is often very difficult for private Members' Bills to pass through this place, but the Government have fully supported the Bill, because it is such an important issue to tackle. We have especially made time for an additional sitting Friday, to ensure that the Bill passes. We remain committed to tackling sexual harassment in the workplace by introducing the employer duty, to strengthen protections in the Equality Act 2010.

While I note the concerns from my hon. Friends the Members for Southend West (Anna Firth) and for Devizes (Danny Kruger), I am very pleased that consensus has been reached here and in the other place, and I hope Members will agree that this important Bill should now be on the statute book. I would like to particularly thank my hon. Friend the Member for Devizes, who has some genuine concerns about the Bill that he has expressed today and at previous stages.

This is a difficult subject. While there may be differences in views and opinions, I am really pleased that the hon. Member for Bath has been able to progress the Bill through both Houses, because we need to make our workplaces better and safer. That is particularly true for women. We have heard recently about some of the experiences of female surgeons in the healthcare system. With my other hat on as a Health Minister, I am particularly pleased that this legislation will hopefully prevent some of those experiences in future.

I turn to the Lords amendments. Lords amendment 1 leaves out clause 1, to remove the proposed liability of employers for third-party harassment in the workplace. I am glad to hear that the amendment to remove this third-party harassment liability eases concerns that it could have had a chilling effect on free speech in the workplace. I am pleased that that has been addressed. There are some—I know the hon. Member for Bath is one of them—who are disappointed that the amendment has removed the third-party harassment liability, for

[Maria Caulfield]

very valid reasons, but this is about getting a compromise, so that we get the majority of the measures in the Bill through this place.

The Government believe it is important that workers are protected against this form of harassment, and good employers are already taking steps to ensure that their employees are protected from harassment by third parties, regardless of the legal position. However, to progress the Bill, we have had to be pragmatic, acknowledge the complexities at play and find a suitable balance. While we want to strengthen protections, we also do not wish to infringe on individuals' rights to freedom of speech. Everyone has the right to their views and to debate them just as we are doing today, respecting others' views in the process. The aim of the Bill is to tackle workplace harassment and not limit people's freedoms. It is important to remember that, despite the removal of the third-party harassment provision, the Bill will still introduce a new duty on employers to take reasonable steps to prevent sexual harassment.

The Government's priority is to ensure that the legislation works effectively. We have consistently consulted with a wide range of stakeholders and have listened to all their views. As my hon. Friend the Member for Southend West has consulted with her chamber of commerce, the Government have done so more widely. When concerns regarding the potential chilling effect on free speech were first raised as the Bill progressed through the Commons, the Government took on board those issues. It was feared that employers may take unreasonable or drastic measures to avoid liability for harassment of their staff, particularly by third parties, to the extent that they would feel obliged to shut down conversations in the workplace. While employers will be expected to take action against workplace harassment, we recognise that those actions should fall short of prohibiting conversations. Free speech is crucial to our way of life, and it is important that we found a way forward.

With over 40 amendments tabled to the Bill in the other place following its Second Reading on 24 March, even after the Government tabled their amendment, it was clear that there remained concerns that the Bill would still have a chilling effect on free speech. The Government took those amendments very seriously, as they were fatal to the Bill. In our engagement with stakeholders and peers, we heard the strong concern, particularly about the third-party harassment issues, so we were eager to find a balance and a way forward for the Bill to reach the statute book with cross-party support. Therefore, the Government have been pragmatic and alive to the issues raised, and consensus was reached with peers by removing all but two of their amendments. The shadow Minister, the hon. Member for Ellesmere Port and Neston, did not comment on the other amendments—over 38 of them—that we managed to get removed.

10.15 am

On 14 July in Committee, the Lords amended the Bill to remove from it the proposed liability of employers for third-party harassment in the workplace, which we are asking Members to support today. Again, I have said all along that we will not be introducing protection against third-party harassment. It has to be remembered that we will still be introducing a new duty on employers to take reasonable steps to prevent sexual harassment in the workplace, so I hope hon. Members can see that we are strengthening protections, but we have to be alive to the concerns of the other place.

We have accepted Lords amendment 2—to leave out the word "all" in clause 2, page 2, line 27—which changes the requirement on employers in respect of their duty to prevent sexual harassment from taking "all reasonable steps" to taking "reasonable steps". I understand that the removal of "all" means that that duty does not go as far as the hon. Member for Bath would originally have liked, but it does reassure Members in the other place that the introduction of a duty on employers to take reasonable steps to prevent sexual harassment will strengthen protection for workers.

Before I close, I will touch on the concerns expressed by my hon. Friend the Member for Devizes. It is important to say that the Government recognise that sexual harassment in the workplace exists, and while protecting free speech is important, we constantly hear of these experiences, day in and day out—particularly the experiences of women, but the hon. Member for Bristol East (Kerry McCarthy) touched on the harassment of men as well. We cannot stand by and let that continue. Guidance and measures are already in place to encourage employers to protect their employees, and the tribunal system is in place as well, but that is clearly not enough, which is why the Bill is so important. However, we have listened to the concerns around the impact on freedom of speech.

I am very happy to support the hon. Member for Bath, and thank her again for all her work in this place on the Bill and for her pragmatism. I know that the amendments were difficult ones to accept, but this Bill will make a difference to the safety of workers in the workplace, and I congratulate her on her work.

Wera Hobhouse: Private Members' Bills are fragile things: they rely on cross-party support, but also support in both Houses. For that reason, it was very important to be pragmatic; otherwise, the whole Bill would have fallen. I am grateful for the Government's patience and their support for the part of the Bill that we all can agree is so important, which is to create a preventive duty on employers. If the Bill passes today, it will be a good day, and I hope everybody will be able to support the amendments so that it can pass.

Lords amendment 1 agreed to.

Lords amendment 2 agreed to.

Public Sector Exit Payments (Limitation) Bill

Second Reading

Debate resumed.

Question (3 March) again proposed, That the Bill be now read a Second time.

Mr Deputy Speaker (Sir Roger Gale): I call Sir Christopher Chope.

Sir Christopher Chope (Christchurch) (Con): Mr Deputy Speaker, I had already finished speaking, and I think the Minister's predecessor was in the middle of responding.

Mr Deputy Speaker: That is entirely my error. I did not have the pleasure of being here for the first part of the debate. I call the Minister.

10.19 am

The Economic Secretary to the Treasury (Andrew Griffith): Thank you, Mr Deputy Speaker, and I thank my hon. Friend the Member for Christchurch (Sir Christopher Chope) for raising this important topic. If I may say so in passing, we did not debate today his thoughts about children's clothing, but I am very happy to meet him about that on behalf of my Treasury colleagues.

My hon. Friend and indeed I and all my colleagues believe passionately in people keeping more of what they earn. To do that, we need to ensure that Government money is spent as if it is our own. We need to ensure it is always spent prudently and delivers the maximum return possible for ordinary taxpayers. It is also true, and I hope he would join me in recognising, that many of our public sector workers are a source of real pride to this country—from our healthcare workers in the NHS to our armed forces on the front line and those local government officials who do such important work for our local communities. Their services are paid for by the taxpayer, and indeed they are taxpayers themselves, and all of us seek to take a responsible and balanced approach to the conditions offered to public sector workers. We as a Government have sought to do that in every pay round. For the 2023-24 round, we accepted the headline pay recommendations of the independent pay review bodies in full for the armed forces, teachers, prison officers, the police, the judiciary, medical workforces and senior civil servants. For most workforces, accepting these recommendations has resulted in the highest pay uplifts for three decades, providing a fair reward for workers and a fair deal for taxpayers and employers alike.

Exit payments, such as for redundancy, are an aspect of this. They help employers to make necessary organisational change, just as regularly happens in the private sector, and they support individuals and uphold employment law as they leave employment. However, my hon. Friend is absolutely right that the taxpayer ultimately foots the bill for these individual payments. They can be many times larger than average earnings elsewhere in the public sector, and it is absolutely right—I hope to have support for this across the House—that we look at how fair and how proportionate these payments are, particularly at a time when it falls to the Government to make difficult but responsible decisions about the public finances. The Government share his concern about the overall level of spending on exit payments, particularly the number of very large exit payments made to individuals in recent years. That is why we are committed to limiting large exit payments and making provision for the recovery of those payments when that is appropriate.

Philip Davies (Shipley) (Con): Can the Minister also give an assurance that large exit payments will never be agreed for public sector workers facing disciplinary proceedings who choose to leave instead of facing those disciplinary proceedings? Can he assure me that no big exit payments will be given in those circumstances?

Andrew Griffith: I thank my hon. Friend, who is a doughty champion of the value of taxpayers' money, and he makes a very important point. The commitment I can give goes rather more broadly than that, which is that the Government will seek to make sure that any exit payments always offer value for money and that every pound of taxpayers' money should be well spent. In responding ultimately to the consultation that the Government conducted almost a year ago, I will ensure that the point he raised is fully addressed.

Sir Christopher Chope: My hon. Friend says that the Government are committed to doing something, but we are now in 2023, and it was in 2015 that the Government first resolved that something must be done about obscenely high public sector exit payments in excess of 95k. In the intervening period, the Government have been all over the place, and I wonder whether the Minister could tell me the result of the most recent action, which was a consultation paper in August 2022. The closing date for that was 17 October 2022, more than a year ago. What has happened to that?

Andrew Griffith: My hon. Friend makes a fair point about the pace with which the Government have been able to proceed. I will write to him, following his important intervention, with the latest on the prognosis for that. I hope he will also recognise that it is not correct to say that the Government have done nothing. The Chief Secretary to the Treasury, my right hon. Friend the Member for Salisbury (John Glen) is, as we speak, leading an important piece of work about productivity across all public sector spending. All my colleagues in government are endeavouring every day to ensure that every pound of Government money is well spent. My hon. Friend will recall—this is why it is so important to get this right—that past attempts have not always delivered the desired results.

In 2020, the Government laid legislation—notwithstanding his own prolific endeavours on this, I know that my hon. Friend is not in general a big advocate of the Government constantly legislating—but in 2020 the Government legislated to introduce a cap on payments. That was subsequently withdrawn following unintended consequences, and the risk of overriding and conflicting with people's contractual entitlements. Let me be clear: my hon. Friend is absolutely right in his intention.

Sir Christopher Chope: The Minister says that he will write to me—I always love receiving letters, particularly from him—but the Government have known that this Bill has been on the Order Paper. It was introduced in

[Sir Christopher Chope]

June last year, and in August last year the Government issued a consultation paper and said, "Everybody must respond to this paper by 17 October 2022", thereby indicating some sense of urgency. What has happened to the response to that consultation? Surely the Minister can give an answer now, rather than saying that he will write to me later.

Andrew Griffith: As so often is the case, it is sometimes better to be right than to be quick. Given that the Government absolutely understand and share my hon. Friend's concerns, it is much better that when they bring forward that response to the consultation, we celebrate. I acknowledge today the first anniversary of the closing date for that, and it would indeed be unfortunate for there to be a second anniversary. Notwithstanding that, it is not the case that the Government are not making progress on this matter, and if my hon. Friend really supports the cause that he has so nobly championed over so many years, chronicling the period since 2015 that he talked about, we must do it right. We are dealing with a complex interplay between existing public sector arrangements, consultation with impacted bodies, including the unions, and the potential role of legislation. I said I will write to my hon. Friend. He will have to contain his excitement as to the specifics of my letter, but it will follow in due course.

Sir Christopher Chope: Only "in due course"—it is not being promised for next week, even. Perhaps it will be next year sometime? Will my hon. Friend accept my interpretation of what has happened, which is that we have had eight years since the Government committed to doing this, and the score now is eight to the blob and nil to the ordinary people of this country, who are the taxpayers.

Andrew Griffith: I will not accept that construction, but what I will accept is my hon. Friend's entreaties that every day it is the duty of this Government—indeed, it is the proud philosophy of this party—to spend taxpayers' money wisely. There are many, many ways in which we can do that. I have referred to the productivity review by right hon. Friend the Chief Secretary. Local government has a significant responsibility. Local government was not in scope of that consultation, but separate guidance has been given to local government, and it is the duty of us all to ensure, for example, that the many arm's length bodies that are so important to the delivery of government in this country are entirely responsible with their pay arrangements. The Government have also separately legislated and taken action to curtail the use of non-disclosure agreements and confidentiality agreements that prevent the transparency of daylight and oxygen intruding into this space, and that is an important measure, too.

To conclude—unless my hon. Friend the Member for Christchurch wants to intervene further—this is a very important topic. The Government and my hon. Friend are at one in terms of the destination. I understand that he would like more velocity in reaching that destination. As I say, not only will I write to him, but I am happy to meet him or other colleagues on this important Bill that seeks to achieve the right balance of fairness between those who serve our community in the public sector and protecting the interests of the taxpayer.

10.31 am

Sir Christopher Chope (Christchurch) (Con): What more can one say? This is just desperate, is it not? I would say it is no joking matter. We have made light of it, and in one sense, perhaps one of the reasons why the blob might respond ultimately is that we are mocking it so much. Up to now, it has been successful in preventing any action being taken on this key policy issue, which is of concern not just to national taxpayers, but to local government council tax payers. There is so much abuse. We reckon the cost to the Exchequer may be as much as £1 billion a year. We hear from the Prime Minister about his commitment to reducing the burden of tax and the debts of this country, but why are we not reducing this area of public expenditure? It is avoidable. We can do it, but nothing is being done and that suggests to me that there is something fundamentally wrong with how this Conservative Government are operating. They are not in control; the blob is in control. I urge my hon. Friend the Minister to reverse that situation so that the Government once again take back control.

What more can one say today? I will let the House know if and when I receive a response in writing, as promised by my hon. Friend, but I am so lost for words on this that I can only ask that the debate be adjourned. I do not want to put the Bill to a vote.

Ordered, That the debate be now adjourned.—*(Rebecca Harris.)*

Debate to be resumed on Friday 27 October.

Covid-19 Vaccine Damage Payments Bill

Second Reading

10.34 am

Sir Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

This is a very serious issue, which I first raised in the House back in the summer of 2021, on 21 June, when I presented what was then called the Covid-19 Vaccine Damage Bill. That Bill was given a short Second Reading debate on Friday 10 September 2021, and at the time I described it as being

"about all those who have suffered injury or even death as a result of enlisting in the war against covid by being vaccinated."

I went on to say:

"There is a lot more damage being done to our citizens as a result of covid-19 vaccinations than in any other vaccination programme in history. That does not mean…that it is not worth while, and I am…not an anti-vaxxer…but what is important is that, if people do the right thing, they should not be denied access to"

—reasonable—

"compensation". —[*Official Report*, 10 September 2021; Vol. 700, c. 630-631.]

Danny Kruger (Devizes) (Con): I pay tribute to my hon. Friend for his campaign on behalf of so many of all our constituents who write to us expressing concern about the vaccine programme and, in particular, about the injuries scheme. Does he agree that it is very wrong for the media, and indeed colleagues here, to castigate campaigners for the vaccine-injured for being conspiracy theorists, anti-vaxxers and troublemakers? As my hon. Friend says, these are people who took the vaccine in response to a call from Government, and they deserve the support of not only the health service but the Government themselves if they turn out to have been injured by it.

Sir Christopher Chope: I am grateful to my hon. Friend for his generous comments. He himself has been a valuable member of the all-party parliamentary group on covid-19 vaccine damage, and he is right to say that many people—not just our constituents in this country, but people elsewhere—feel that they have been ignored by the powers that be. There is a glimmer of hope, in that during the public inquiry into covid-19, Lady Hallett, when discussing the terms of reference for what is called the fourth module of the inquiry—which will take place next July—seemed very much minded to deal with the issues that my hon. Friend has mentioned and about which I continue to be concerned.

In order to emphasise that this is not just a subject for the United Kingdom, let me mention a book that was published recently. I declare an interest, as one of the contributors. "Canary In a Covid World: How Propaganda and Censorship Changed Our (My) World" is described as

"A collection of essays from 34 contemporary thought leaders."

In my own essay, I said a great deal about these issues, including about the failure of our own vaccine damage payment scheme to recognise that people had suffered harm and, in some cases, bereavement as a result of the vaccines. We could not, I said, continue to ignore these pressures. It was encouraging to learn about all that is happening in other parts of the world from contributors in Canada, the United States, the rest of Europe, Australia and New Zealand. I have here a House of Commons Library edition of the book, and I am going to return it to the Library, so if any other Members want to have a look at it, they can.

Philip Davies (Shipley) (Con): I commend my hon. Friend for all the sterling work he has done on behalf of the people who have been injured by the vaccine. May I return him to his point about the covid inquiry and what Baroness Hallett said? I would not want him to give the impression that that means the Government should be able to leave it to the inquiry to deal with this issue, given that it may not produce a full report for many years. People need compensation now. Does my hon. Friend agree that the Government should adopt his proposal—which provides for a much shorter timescale—and get on with it, rather than using the inquiry as a get out of jail card?

Sir Christopher Chope: Absolutely. My hon. Friend has anticipated what I was going to say later, namely that the Government need to take their head out of the sand and face up to the reality that this issue will be debated at the inquiry next year. People with the rights of audience have already made their preliminary statements. Would it not be so much better for the Government to undertake the action set out in the Bill now, rather than waiting for the inevitable next summer?

In a sense, the Government have been found out now: everybody realises that, contrary to the impression given for a long time, for some people—an unfortunate minority—the covid vaccines were very bad news. In some cases, they resulted in deaths and bereavements. The failure to face up to that is at the heart of my concern and led to my producing the Bill. I am grateful to my hon. Friend for sponsoring it.

Unlike many Bills that I have introduced in this place, this Bill has some explanatory notes, so people who look at it can see that what we are asking for is reasonable. It does not need legislation; all it needs is will on the part of the Government to act now and do the things set out in the explanatory notes.

As my hon. Friend said, this is an issue that will not go away, and it is now very much on the agenda. In the meantime, thousands of people have put in their claims, and those claims are being dealt with pitifully slowly. Only about half of them have been assessed. Some of the latest statistics that I have got—it is quite difficult to drill them out of the Government through parliamentary questions—say that, as of 19 September, 221 claims would have been successful on the basis of causation but fell short because they did not meet the 60% disability threshold, and 142 claims have been awarded because they did exceed the 60% threshold. That is 363 cases where it is accepted that the disabilities suffered are as a direct consequence of the vaccine. Is it not interesting that of those 221 claims that fell below the 60% disability threshold, some 116 would have exceeded a 20% threshold? Does that not show that the Government are being unreasonable in sticking to a 60% disability threshold, rather than reducing the threshold in the way that I suggest in the Bill?

In the response to parliamentary question 199355, which I received on 19 September, I was told:

[Sir Christopher Chope]

"From 1 October 2021 to 1 September 2023…6,809 claims relating to COVID-19 vaccinations"

had been made under the scheme,

"and 251 claims relating to vaccines for other illnesses",

including 15 for measles, mumps and rubella.

I think most reasonable people would say that the alarm bells should be ringing very strongly, because almost all the claims that the vaccine damage payment scheme has received in the last two years have been in relation to covid-19 vaccines. There have been hardly any in relation to MMR—15, as against 6,809—and failing to deal adequately with those 6,809 claims is actually undermining the case of vaccine confidence. As a consequence, we are seeing a lower take-up of vaccines. People do not trust the vaccines and do not trust the Government, and their lack of trust is centred around the way in which the Government have responded—or failed to respond—to the vaccine damage that has resulted from covid-19 vaccines. This is a very serious issue.

This is a serious issue. I just hope that the Minister will be rather more forthcoming in her response than she and her predecessors have been in the past. We have not really got beyond the point of the Government accepting that people have died or suffered serious injury as a result of the vaccines.

Philip Davies: I am sure that my hon. Friend will come on to this point, and I do not want to steal his thunder. However, the authorities are now accepting that people have been damaged. They would not be making these payments unless they accepted that damage had actually taken place. Nevertheless, in some cases the compensation being given does not cover the costs of dealing with the disabilities that people have as a consequence. Given how the Government coerced people into taking the covid-19 vaccine, without particularly warning them about the adverse reactions that might happen in some cases, does my hon. Friend think the cost of dealing with the disabilities caused should be covered by the Government in full, rather than up to the arbitrary limit that is in place?

Sir Christopher Chope: Absolutely. In essence, that is what the Bill calls for. At the moment, someone can put in a claim and it is resolved months or years later. Even if they are found to have suffered serious injuries, the maximum payment is £120,000, which is meant to cover all the consequential losses, the cost of care and perhaps the lifetime support that they may need as a result of those injuries.

The Government say, "Don't worry, you can bring a civil claim in parallel," but the civil claims that some people are bringing in parallel are being frustrated by Government lawyers. In some cases, months have gone by and then the Department of Health and Social Care has said, "You should be making your claim against AstraZeneca rather than against the Department." However, essentially that is a claim against the same organisation, because the Government are the indemnifier of any liabilities on the part of the producers of these—at the time—experimental vaccines.

I will quote briefly from a reply that the Prime Minister gave to my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) on 22 March this year. My right hon. and learned Friend has a constituent who is a litigant; he suffered four weeks in a coma and has permanent injuries as a result. He has carers, with all the associated costs and loss of earnings, and the £120,000 does not begin to get near the compensation to which he would be entitled under normal circumstances. My right hon. and learned Friend asked the Prime Minister about the £120,000 maximum payment and about the arbitrary 60% threshold, but did the Prime Minister respond to either point? Sadly, he did not. All he said was:

"We are taking steps to reform vaccine damage payment schemes, by modernising the operations and providing more timely outcomes".—[*Official Report*, 22 March 2023; Vol. 730, c. 330.]

That was not an answer. It was hardly accurate either, because the outcomes are not timely. Many people have been waiting for more than 18 months for their application to be dealt with. There are many hundreds of applications for which the medical notes have still not been received. The Government, under pressure from me, said that they would introduce subject access requests to ensure that people could get the medical notes. Subject access requests have been put forward, but not in respect of every case. A lot of those requests have been outstanding for more than three months, against a statutory limit of one month. I do not think that the Prime Minister was correct in saying that effective steps are being taken to modernise the operations and provide more timely outcomes.

I turn briefly to what is in the Bill, particularly to link it in with the UK covid-19 inquiry. On 13 September this year, Lady Hallett held the preliminary hearing for module 4 of the inquiry, which, as I have said, will take place in July next year. The issue of the adequacy of the vaccine damage payment scheme will be fully on the agenda for that meeting in July. At the hearing, we heard from legal representatives of some of the groups of people who have suffered vaccine damage. Ms Morris was their counsel. She said:

"The primary causes of these injuries and deaths are: vaccine-induced thrombotic thrombocytopenia, or VITT; vaccine induced vasculitis; stoke; cerebral venous sinus thrombosis; and Guillain-Barré syndrome. Survivors are having to cope with the aftereffects of their injuries, including brain damage and physical disablement, whilst the bereaved are struggling to live without their partners, children or parents. All VIBUK members have a confirmation that their injuries were caused by the Covid-19 vaccine."

That issue will be debated at the inquiry next year. Ms Morris KC goes on to say:

"In addition to their injury and bereavement, those we represent have also experienced a second trauma: a lack of medical knowledge and understanding about the risk and presentation of vaccine injury has left injured people undiagnosed and without treatment. Furthermore, the prevailing institutional mindset within medical bodies and the government has been fixated solely on acknowledging the benefits of the vaccine. This has led to those reporting vaccine injury to feel disbelieved, unheard and marginalised."

She goes on:

"Censorship is a very real issue, my Lady for the vaccine injured and bereaved. Their support groups have been shut down by social media platforms and their experiences censored by the mainstream media. They have to speak in code online for fear of having their only source of support taken away from them. They face stigma and abuse for sharing their symptoms in the context of the Covid vaccine and even been branded as anti-vax for sharing very real and medically proven vaccine injuries."

She then says:

"In August of last year the UK CV Family lost its first member to suicide and a survey of their members reported 73% have considered suicide."

These issues are going to be debated at the covid inquiry. Why are the Government not doing something more actively now?

Philip Davies: My hon. Friend, as ever, is making a powerful case. Has he had any indication of whether in the covid inquiry—or even his Bill; it was not entirely clear from my reading of it, although perhaps he will correct me—any changes should be made retrospectively, so that cases that had already been considered, either on the disability threshold or maximum compensation, would be revisited in the event of any changes being made?

Sir Christopher Chope: My hon. Friend makes a very good point. My view is that the changes should be retrospective in relation to those whose claims have already been dealt with. The relatively small number of people in respect of whom causation has been established but the disability threshold of 60% has not been met could be dealt with in a routine way.

There is also the bigger issue of whether the £120,000 payment, which has not been increased since 2007, should be updated in line with inflation. When I have raised this with the Minister in the past, she has said she is looking at it or taking into account the points that have been made. It is a blatant abuse. If in 2007 the Government thought that £120,000 was a reasonable payout, why do they now think that a significantly lower sum in real terms is appropriate? The Government are the cause of this rampant inflation, and they are one of the main beneficiaries of it, because they are refusing to index tax allowances in line with inflation.

The Government's coffers are filling up as a result of these inflationary pressures, and yet they continue to be Scrooge-like in relation to people who did the right thing and got themselves vaccinated in the interests of public health but suffered consequences because of an adverse reaction. This is just not good enough. Will the Government listen? That is what I hope will happen as a result of this debate and of the pressure that the Government must be feeling from what will happen at the covid inquiry.

There are other points made in the submissions to the covid inquiry, but what is most important is that Lady Hallett and the counsel to the inquiry have made it quite clear that they will be spending a lot of time looking into these particular issues. No longer will the Government be able to avoid answering questions, as they are able to in this House when we raise questions and they can give us non-answers. They will be facing the cross-examination of the counsel to the inquiry and be held to account for their actions or lack of action. That is why, although the Bill obviously will not get a Second Reading, the Government need to take into account and act on the recommendations in it, because this issue is not going to go away.

I am conscious that other Members want to speak in the debate, so I will just make a couple of other points. If the Government are not prepared to increase the rate at which people can be paid, how are we going to get anywhere? At the moment, people who are sadly victims of the contaminated blood scandal do not have to show 60% disability in order to qualify for compensation. Should there be some equivalence between the compensation that is payable under the contaminated blood inquiry and that which should be paid to those who have become victims of covid-19 vaccines?

If we look at personal injury payouts under the Judicial College guidelines, a 60% disability is the equivalent of an above-knee amputation of one leg. Under the guidelines, that would give rise to damages—just for that trauma—of anything between £105,000 and £137,000. The consequential loss flowing from that—the loss of earnings, the health costs and all the rest of it—would be in addition to that. Does that not just show how paltry these sums are? It makes the case for a no-fault system. Why are we messing around with trying to establish liability? If somebody confirmed as being perfectly healthy has a vaccine and then suffers a lot of adverse consequences, why can we not accept that, in the absence of any other explanation, it must be assumed that those consequences were as a direct result of the vaccine?

Interestingly, Oxford University's Centre for Socio-Legal Studies has described the Vaccine Damage Payments Act 1979 as a "no-fault compensation scheme". Would that it was. If it was, we would not be where we are now. That is one of the most important issues that should be addressed the Government. Indeed, it is being addressed in other jurisdictions. Let us remember that for years the Government said that these vaccines were absolutely safe and effective—there was no qualification at all. Germany's Health Minister said something similar, but more recently retracted, saying that he had got it all wrong and that although they were safe and effective in most respects, they were not safe and effective for everybody. As a result, Germany is paying out significant sums to people who were adversely affected. Our Government need to address this issue seriously and try to get back on to the right foot in advance of the hearings at the covid inquiry next July. So I ask that the House supports this Bill on Second Reading.

11.2 am

Philip Davies (Shipley) (Con): It is a pleasure to see you in the Chair, Mr Deputy Speaker. I commend my hon. Friend the Member for Christchurch (Sir Christopher Chope) for not only a tremendous speech setting out his inarguable case, but the ferocious and tenacious way in which he has pursued this matter. He is like a dog with a bone, and I am sure that victims of damage from the covid vaccine are very grateful to have him as a champion for their situation. As he pointed out, I am a sponsor of the Bill and so I support it wholeheartedly. I would also like to encourage him to think about extending about its scope a bit further so that it not only deals with the damage caused by the vaccines, but seeks to try to prevent such damage from happening in the first place. Obviously, once people have been severely disabled or, as in some cases, have died as a result of the vaccine, that is no comfort; we want to prevent this from happening in the first place and some things could usefully be done to try to help in that regard too.

Of course, the authorities love to play down the fact that some people have suffered adverse reactions to these covid-19 vaccines. I am sure many of us have had contact from constituents who have experienced serious symptoms following vaccination. I am talking not about a sore arm, which many people suffered as a result of the vaccination, but about a range of life-changing conditions such as strokes, heart attacks and blood clots, to name a few. My hon. Friend mentioned Anna Morris KC and her submission to the covid inquiry; as she said, these are not normal side effects that anybody

[Philip Davies]

would reasonably expect from a pharmaceutical product. I very much hope that, when the Minister responds to the debate, she puts it clearly on the record that she and the Government accept that some people have suffered adverse reactions to the covid-19 vaccine and, in some cases, very serious adverse reactions. In some cases, people have died as a result of taking the vaccine. This is an opportunity for her today to make that clear on the record for everybody to hear. I can anticipate her speech in some regards. She will no doubt say that the vaccine programme was a great success and that it gave the vast majority of people a great deal of benefit. But that is not the point in this particular case, as my hon. Friend said at the start of his speech. Nobody is arguing about that. We are talking about the small proportion of people—it is a large number of people—who have suffered adverse reactions as a result of the covid-19 vaccine. That is what I hope she will address directly in her speech.

Sir Christopher Chope: The point my hon. Friend makes is important. On 1 June 2022, in answer to a question as to whether the Government accepted that some people had died as a direct result of having received the covid-19 vaccine, the Minister's response was that the MHRA published a weekly report

"covering adverse reactions to approve covid-19 vaccines",

which were available on a following link.

Philip Davies: Quite. My hon. Friend is right, and today gives the Minister the opportunity to make it unequivocally clear that the Government do accept that that has happened. That would be a big step in the right direction and would at least give some comfort to those people who have felt ignored for far too long.

The authorities are of course playing down the adverse reactions that people have had from covid vaccines because, first, they do not want to pay up, as my hon. Friend has set out clearly, and, secondly, it was they who pushed these products so strongly to the public in the first place—or dare I say it, coerced the public into taking them at the time. It was of course coercion when this House, back in July 2021, voted to mandate the vaccine for care workers, resulting in tens of thousands of hard-working carers leaving their jobs. We also came within an ace of mandating the vaccine for all health workers. Just think of the damage that that would have been done, with potentially 100,000 workers leaving the NHS on the back of that.

In December 2021, this House voted for plan B, which introduced vaccine passports for large gatherings, among other things. As we knew then and as we know now, the vaccine does not stop infection or transmission. There was no evidence base for the policy. There was no impact assessment done on the policy. Thank goodness that that ugliness that we saw in this House was short-lived. I was—and still am—proud to have been one of the 126 who voted against that mandation.

People were coerced in other ways. People were told that they were not allowed to go on a flight anywhere unless they had taken two vaccines. They were not allowed to visit anywhere. In effect, everything was done to force people to take the vaccine. Whether that was, in utilitarian terms, a good or a bad thing is neither here nor there with regard to my hon. Friend's Bill. What is here or there is that, given all of that, when people do have adverse reactions to the covid vaccination —in some cases, very serious ones; in some cases, sadly, people have died—the Government have an absolute duty to pay the appropriate compensation to people when they moved heaven and earth to force them to take it in the first place. In some cases, they forced people to take it against their will— otherwise, they would have lost their jobs. The Government have a duty to do something here. Where we are at the moment is just not good enough.

It is worth noting how shocking the treatment of unvaccinated people became. Our policies led to untold damage to their livelihoods and mental health. Friends and family turned their backs on them, because of the prevailing narrative in politics and the media that they must be bad people for making up their own mind about a personal medical intervention. I think my hon. Friend the Member for Broxbourne (Sir Charles Walker), one of the greatest people in this House, summed it up best:

"suggesting that these people who, for whatever reason...have chosen not to get vaccinated are somehow deserving of our bile is a disgrace. It does not reflect badly on them; it reflects badly on us."—[*Official Report*, 31 January 2022; Vol. 708, c. 76-77.]

In black and white on the Pfizer website, one can read important safety information concerning the Pfizer/BioNTech covid-19 vaccine:

"Myocarditis and pericarditis have occurred in some people who have received"

that product,

"most commonly…adolescent males 12 through 17 years of age."

It goes on to say that the chance of that occurring is "very low"—I am sure the Minister will reiterate that today—but, of course, the chance of somebody of that age suffering serious illness related to covid is very low as well. The Minister might not be so keen to point that out, and Pfizer does not seem to point it out on its website, but we should make that clear, too.

I raise that because—I hope the Minister will address this in her remarks—I have been rather alarmed to hear of a clinical trial for a Moderna mRNA covid vaccine involving healthy children aged 12 and up. That is not something from the past, from during the pandemic; it is happening now. It has been approved by the Medicines and Healthcare products Regulatory Agency and involves the Bradford patient recruitment centre, which is on the edge of my constituency, so some of my constituents could be involved.

I wrote to the Health Research Authority in August to ask what ethical rationale there is for the inclusion of healthy children in the trial, because it is known, and has been for a long time, that healthy children are at a vanishingly low risk of covid-19—they were at the height of the pandemic and they certainly are now. So far, I have not received a coherent answer to that simple question. But it has come to my attention that the centre has been recruiting children for the trial using advertisements that have not been ethically approved, as is required by UK law. Children can be recruited to a clinical trial only if they as individuals have some reasonable expectation of significant benefit when balanced with the risks associated with their participation. Potential benefits for adults that may flow from a trial are not a good enough rationale and do not trump that principle.

So, given that there cannot be any expectation of significant benefits for a cohort of people who are not at significant risk, what is going on here? Why are those decisions being made? It comes back to where I started: the authorities seem completely unable, and in some cases unwilling, to protect people—in this case, children—from potential harm. The cost-benefit analysis, if it has been done—I am not sure that it has—certainly does not appear to stack up.

I will finish by commending the recommendations of my hon. Friend the Member for Christchurch in the Bill. The Government have a duty of care to the people who have been injured by or lost loved ones to the vaccine, which they took because the Government pressured them into doing so. The Government also have a duty to prevent harm from happening in the first place. Failing to act on this will only lead to more harm and further damage to the public's trust in authority. I hope that the Minister will, in summing up, refer to what is happening in Bradford and explain why that particular trial has been allowed to go ahead.

During the pandemic, the authorities did not go big on warning people of the potential damage or adverse effects of the vaccine; they were just interested in coercing as many people as possible into taking it. They must accept responsibility for those who have done the right thing but faced damage as a result. I hope that the Government will put that right today.

11.14 am

Esther McVey (Tatton) (Con): I, too, thank my hon. Friend the Member for Christchurch (Sir Christopher Chope) for introducing the Bill, for the work and research that has gone into it, and for his reaching out and speaking to people about it. At the tail end of his speech, he talked about the phrase "safe and effective", and I will start my speech there.

"Safe and effective" became the covid vaccine catchphrase—we will call it that—and it was repeated so many times over that couple of years. It cropped up everywhere: in Government communications, in interviews with experts and across a media that was only too happy run with that covid slogan—safe and effective. So ingrained did it become in the national psyche that to ever ask questions about the covid vaccine became very difficult to do indeed. Asking questions is a vital part of scientific and political debate. However, when discussing covid, we no longer appeared to be dealing with science—oh, no, Mr Deputy Speaker—rather, we were dealing with "the science". To question "the science" was to risk being called and labelled a "covidiot", or that most poisonous of terms "anti-vaxxer". People who just wanted to query this new vaccine were closed down and vilified.

I looked up the definition of "anti-vaxxer" and was surprised to learn that it is someone who opposes the use of some or all vaccines, regulations mandating vaccination, or usually both. There were 246 of us in this House who, on 13 July 2021, voted against mandating the vaccines for care workers. That is 246 anti-vaxxers in this House, according to the latest definition. That is absolute nonsense. People were not anti-vaxxers. Other people have been concerned that families are losing faith in other vaccines because of the way that they were treated over the covid-19 vaccine. There have been drops in the take-up of the MMR and polio vaccines, which is wrong; people need to take those vaccines. But all Members in this House wanted to do was to question the new vaccine, and to have a debate on it, particularly when the House wanted to mandate it for people and for care workers.

My point is this: if we allow language to be corrupted in this way, and definitions of words to be bent out of shape, we lack the tools for nuanced debate. It is only by having a wide and open debate that we get to the central gravity of truth. We have not had anything like a wide and open debate on the topic of the safety and efficacy of the covid-19 vaccines.

I come back to the word "safe", which means free from harm or risk of any kind. It is a word with an absolute definition. It is not to be qualified or diminished, yet we know that, like all medical interventions, the covid-19 vaccines are not 100% free from risk or danger. That is why the blue guide, a document published by the MHRA that gives detailed guidance on them legislation controlling how medicines are advertised in the UK, says:

> "Advertising which states or implies that a product is 'safe' is unacceptable. All medicines have the potential for side-effects and no medicine is completely risk free as individual patients respond differently to treatment."

That principle is replicated in the UK pharmaceutical industry's own self-regulatory code of practice, which also states that the word "safe" must not be used without qualification. On that basis, and worryingly, both Pfizer and AstraZeneca are guilty by their own industry's self-regulatory code of breaking their own best practice. They were found to have misled the public both by misrepresenting and overstating the efficacy of the covid vaccines and erroneously describing them as "safe" in press releases and on social media without qualification. How many other organisations and individuals are also guilty of misleading the public in that way?

We were told that AstraZeneca vaccines were perfectly "safe"—that word again—and that there was no evidence of blood clots. But the advice was changed on 7 April 2021 so that those under the age of 30 would be offered an alternative brand, due to the now proven link with blood clots. The advice then changed again so that the under-40s would be offered an alternative brand. A safety signal was picked up and acted on—thank goodness—but in Denmark the problem was picked up much sooner. It paused the use of the AstraZeneca vaccine on 11 March 2021, after it had vaccinated 734,000 people. At the same time, 24 million people had been vaccinated in the UK, without the MHRA detecting a signal of a problem. Why were we so far behind the curve? Was it because debate had been closed down and people were not allowed even to question what was going on?

What about mRNA vaccines? In Florida last year, the state surgeon general recommended against males aged between 18 and 39 receiving mRNA covid-19 vaccines of any brand. My question is: what evidence was Florida reacting to, and is the MHRA urgently looking into whether we should be following suit here?

In July 2020, the Government published the "First Do No Harm" report, which highlighted significant problems. It stated:

[Esther McVey]

"The MHRA needs substantial revision, particularly in relation to adverse event reporting and medical device regulation. It needs to ensure that it engages more with patients and their outcomes."

It also stated:

"The spontaneous reporting platform for medicines and devices, the Yellow Card system, needs reform",

and that the

"system is not good enough at spotting trends in practice and outcomes that give rise to safety concerns."

What has been done since that report was published just over two years ago? Have these concerns been heard and acted on?

Dame June Raine, the head of the MHRA, recently said that the covid pandemic

"has catalysed the transformation of the regulator from a watchdog to an enabler",

which does not exactly sound like good news for anyone concerned about safety.

Ultimately it comes down to this: the Government repeatedly told the public that covid vaccines were safe, and for many—probably the vast majority—they were, but plenty of people have suffered as a result of their decision to follow the Government advice and take this new medical intervention. Some have tragically lost their lives and, as was noted last month at the covid inquiry by Anna Morris KC, victims and their families have been marginalised and

"face stigma and abuse for sharing their symptoms…and even been branded as anti-vax for sharing very real and medically proven vaccine injuries."

This is really quite unacceptable.

It is way past time that the Government do the right thing and follow the recommendations of my hon. Friend the Member for Christchurch. It has been shocking to hear how slowly the vaccine damage payment scheme has been operating. Applicants are having to wait months. We heard from the solicitor Peter Todd at a recent hearing of my all-party parliamentary group on pandemic response and recovery. He described how 139 applicants have been waiting for more than 18 months for a decision on their case. This is excessively long, especially when people are injured and potentially unable to work. We were also told that 162 claims were found to have had disablement caused by the vaccine, but it was judged that those people were just not disabled enough to merit a financial reward. In many of those cases, the decision was reached without a doctor meeting or even speaking to the applicant to help with the assessment. In the rare cases that money has been awarded, the payment has not changed since 2007, as my hon. Friend has said, so its value has been eroded by inflation, which simply is not good enough.

In conclusion, I will make a plea for transparency and integrity. It is time to be honest with the public about the safety of these vaccines, and we must start by giving them access to information and data without further delay. We must also, as an urgent priority, look after those who have been damaged, or those who have tragically lost loved ones. We may then begin to restore the faith that has undoubtedly been lost in the authorities responsible for protecting and promoting public health. There are many unanswered questions and the repetition by Ministers of those three words—"safe and effective"—is simply not a good enough answer, for all the reasons I have just given, so I am delighted to support the Bill introduced by my hon. Friend the Member for Christchurch.

11.24 am

Abena Oppong-Asare (Erith and Thamesmead) (Lab): I congratulate the hon. Member for Christchurch (Sir Christopher Chope) on securing Second Reading of the Bill. I thank the right hon. Member for Tatton (Esther McVey) and the hon. Member for Shipley (Philip Davies) for participating in the debate. I have listened attentively to the issues they raise.

I will begin by setting out Labour's position on the matter. We believe that the covid-19 vaccine is safe and effective. It has saved countless lives, not only in Britain but across the globe. Over the course of the pandemic, over 230,000 people across the UK died with covid-19. Therefore, it is important we do not understate that getting a vaccination has been, and continues to be, the single most effective way to reduce deaths and severe illness from covid-19.

Andrew Bridgen (North West Leicestershire) (Reclaim) *rose—*

Abena Oppong-Asare: Members from across the House will be aware that all vaccines go through extensive and ongoing testing procedures. The covid-19 vaccines went through multiple stages of clinical trials before being approved. *[Interruption.]* The vaccine has met strict independent standards for safety, quality and effectiveness.

Andrew Bridgen: On that point, will the hon. Lady give way?

Abena Oppong-Asare: I will not.

Mr Deputy Speaker (Sir Roger Gale): Order. It is entirely up to the hon. Lady whether she gives way or not, but Members should not walk into the Chamber three quarters of the way through a debate and then seek to intervene.

Abena Oppong-Asare: It is important for me to set out Labour's position on the matter. Without the vaccine and the work of scientists, volunteers and NHS staff, we would not have been able to end the lockdowns and return to our daily lives. I am sure we all agree on that. Therefore, the shadow health and social care team remain extraordinarily grateful to all those who have worked so hard to build and roll out the vaccines across the UK.

However, while the covid-19 vaccination programme has been hugely successful, there have been some extremely rare cases of people sadly suffering side effects and deteriorating health with possible links to covid-19 vaccines. While serious and adverse events are rare compared to the number of doses administered, when they do occur, they can have unexpected and life-changing implications.

It is therefore right that our healthcare system and this Government do all they can to improve the diagnosis and treatment of those who have suffered from this. The yellow card scheme already collects and monitors information on suspected safety concerns, and a dedicated

team of scientists reviews information to monitor the vaccine roll out. I encourage everyone to keep using that scheme, to ensure that information can be collected.

Where vaccine damage tragically occurs, it is right that individuals and families can access the vaccine damage payment scheme. It is important that that scheme is fit for purpose and that the Government act to make that happen. There have been reports of operational delays within the vaccine damage payment scheme. Those reports suggests that hundreds of people have been waiting over 12 months for an outcome, with some waiting more than 18 months.

In fact, following a question about the VDPS earlier this year, the Prime Minister vowed to improve the scheme, so I will be interested to hear from the Minister about the Government's response to tackling those delays. Will the Minister confirm that the Government believe that the scheme is fit for purpose and whether they plan to update it? Will the Government assure us that the NHS Business Services Authority has the capacity to process applications to the VDPS in a timely manner? I urge Ministers to meet and engage with affected individuals and their families to look at ways to improve diagnosis and treatment and at how claims under the VDPS can be addressed more quickly.

Sir Christopher Chope: On that point, will the hon. Lady give way?

Abena Oppong-Asare: I will, but the hon. Member has spoken at length already.

Sir Christopher Chope: I am grateful to the hon. Lady for giving way. Does the Labour party believe that the vaccine damage payment scheme is fit for purpose, or does it not believe that?

Abena Oppong-Asare: As I have said, I have asked the Minister to meet members of the families who are directly affected to see whether there are ways to improve the scheme, and how that could be addressed more quickly. That is the best step forward, and we need to listen to individuals regarding tailored support and where it needs to be improved.

Finally, it would be remiss of me not to join colleagues in calling out the scourge of vaccine misinformation. Getting a vaccine is so important, especially for those who are most vulnerable. We must ensure that all vaccine misinformation is debunked, and that the most important message, that the vaccine is safe and effective, is shared. I hope the Minister will echo my remarks on the danger of misinformation. Getting a vaccination is too important for the health of this nation—indeed, this world—to be playing fast and loose with the facts. Although the Opposition do not support the Bill, we hope that the Government will tackle the issues that I and other hon. Members have raised, and address whether further action is required.

11.31 am

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I congratulate my hon. Friend the Member for Christchurch (Sir Christopher Chope) on securing the Second Reading of this Bill. This is an important issue, and I thank him for the tone in which he has conducted the debate and for his sentiments at the start, when he said that this is not about being anti-vaccination. As my right hon. Friend the Member for Tatton (Esther McVey) indicated, vaccination is a crucial part of our armour in dealing with disease across the world. The Bill is specifically about the covid vaccination and I advocate, as did the shadow Minister, that after clean water, vaccinations are the most effective public health intervention in the world in terms of saving lives and promoting good health.

The flu vaccination, which is being rolled out as we speak, will enable many people to be healthy over this winter and avoid hospital admission. The HPV vaccination for preventing cervical cancer, which is rolled out to young girls and boys in our schools, has the potential to eradicate cervical cancer in future, and we must remember that vaccination has a powerful role to play in the health of our nation. Globally, we have one of the best immunisation programmes around the world, and it is important to pay tribute to all those staff who take part in vaccinations programmes and make them such a success.

Let me turn to the covid vaccination. The UK was at the forefront of tackling covid-19 through the vaccination programme, and it was the first healthcare system in the world to deliver the covid vaccination outside clinical trials. We should be proud of that. As the shadow Minister said, it was one reason why we were one of the first countries to lift restrictions, because of our success in covid vaccination. On the point made by my hon. Friend the Member for Shipley (Philip Davies), I am happy to go on record and say that although covid vaccines have saved tens of thousands of lives, unfortunately there have been extremely rare circumstance where individuals have, very sadly, experienced harm and difficult circumstances, following a covid vaccination. Thankfully, such cases remain rare, but that does not reduce the impact on those individuals who experienced that and their families. I am sure the whole House will join me in expressing concern for those individuals who suffered such harm, and their families.

Vaccination remains the best way for individuals to protect themselves and others from the impact of covid-19. We have done the right thing by encouraging people to have the vaccine, to protect both themselves and other more vulnerable members of society.

Philip Davies: I am grateful for what the Minister has said, but I think that the people who, as she acknowledges, have suffered harm and damage from the vaccine—they were coerced into taking it in one form or another—would probably prefer more than just sympathy and concern from people in the House. What they really want is proper compensation. Will she therefore take on board what my hon. Friend the Member for Christchurch (Sir Christopher Chope) said and ensure that people are adequately and properly compensated for the damage done to them? Will she at the very least ensure that the maximum amount that can be paid out rises in line with inflation?

Maria Caulfield: I will come to those points shortly. All medicines have risks and side effects—even simple paracetamol, which is taken safely by the vast majority of people, can have serious side effects for some—and it is no different for the covid vaccine. That is true of all vaccinations, and that is why we set up the scheme specifically for vaccinations in the first place.

[Maria Caulfield]

The Government cannot support the Bill's proposals to make provision about financial assistance specifically for those who have had a covid vaccination. The scheme as a whole is to support anyone who has had side effects to a certain level of impairment from any vaccination, and it would be wrong to single out covid-19 for a separate scheme. The Government already provide long-standing mechanisms to offer financial assistance to individuals suffering disablement following vaccination in the form of the VDPS.

Just to clarify, the VDPS is not a compensation scheme. It was established in 1979 to provide a one-off tax-free payment to individuals who had been found on the balance of probability to have been harmed by a vaccine listed in the Vaccine Damage Payments Act 1979. In December 2020, covid-19 was added to the scheme to ensure that those who had severe disability found to be linked to the covid-19 vaccine would receive support through this tried and tested system.

The Government's current focus is on scaling up the scheme's operation by the NHS Business Services Authority, which took over its running in November 2021 from the Department for Work and Pensions, because we felt it was better placed to access patient notes and to improve timeliness. We have seen a significant improvement in trying to process claims, which I will come to.

The Bill also asks the Government to report on the merits of a no-fault compensation scheme for covid-19 vaccine damage. Establishing a dedicated stand-alone scheme would risk favouring those who, in extremely rare circumstances, have sadly experienced harm following a covid-19 vaccine above those harmed by other vaccines, which, again, does happen in rare circumstances. That would create inequality between vaccines, which could be damaging to other vaccination programmes.

Another element of the Bill is to question whether there should be an upper limit on the financial assistance available. It is important to reiterate that the VDPS offers a one-off lump sum payment. It is not intended to cover lifetime costs for those impacted. The amount has been revised periodically by statutory sums orders. The initial payment when the scheme was set up in 1978 was £10,000. It has been reviewed several times, with the current amount set at £120,000 as of July 2007. The award should be considered in addition to the Government's support package for those with a disability or long-term health condition, which includes statutory sick pay, universal credit, employment and support allowance, attendance allowance and personal independence payments.

Philip Davies: The Minister says that the figure has been reviewed periodically and that we are now at £120,000. She just said that it was last reviewed in 2007, which was 16.5 years ago. Does she not think it is time for another periodic review?

Maria Caulfield: My hon. Friend makes a point. A review of the limit is not just down to the Department of Health and Social Care. I went to a meeting of the all-party parliamentary group chaired by my hon. Friend the Member for Christchurch, where that question was asked. Of course, we will look into that, but I cannot give a commitment at the Dispatch Box today. We will keep it under review as part of ongoing business and cross-Government discussions.

Finally, I turn our opposition to adjusting the criteria for disability. I recognise that some hon. Members who have spoken would prefer the level of disability for the scheme to be assessed on a sliding scale. However, assessing it on that basis would run counter to the intention behind it, namely to provide a one-off lump-sum payment.

The current scheme eligibility of 60% disablement is in line with the definition of severe disablement set out by the Department for Work and Pensions in "Industrial Injuries Disability Benefit", which is a widely accepted test of disability and puts it in line with many other assessments across the board. Very few claims are rejected for not reaching the 60% disability threshold, and in the event that an application is turned down on that basis, there is also the option for claimants to appeal against the decision and provide additional evidence. We will continue to review the latest data on covid-19 to ensure that when decisions are reviewed, the reviewed decisions are based on up-to-date evidence. When I spoke to the APPG, concern was expressed about the time taken to appeal against decisions. I have given a commitment that if an appellant has been waiting for a significant time, I shall be happy to follow it up if the APPG contacts me about any individual case.

The Bill asks for an adjustment of the provisions on awarding payments to include all cases in which there is no other reasonable cause for death or disablement. Such an amendment to the scheme would not be beneficial at this time, because the payments are awarded on the basis of causation on the balance of probabilities. As the criterion for the scheme is already established and is being applied by medical assessors to conclude the remaining covid-related claims, any such amendment would risk further delaying outcomes for all claimants, including those most in need.

A number of questions have been asked this morning, and I have tried to answer as many as possible. My right hon. Friend the Member for Tatton (Esther McVey) asked about the MHRA. I hope I can reassure her by saying that following the Julia Cumberlege report "First Do No Harm", there have been significant changes at the MHRA. I am pleased that it reviewed the AstraZeneca vaccine and made two changes based on evidence, but I can give reassurances about other medicines as well. The MHRA has had a significant influence on the recent statutory instrument concerning the use of sodium valproate, which is used mainly for epilepsy but can cause harm during pregnancy. There have been a number of such pregnancies. The MHRA met campaign groups such as In-FACT—the Independent Fetal Anticonvulsant Trust—and as a result of its influence, the SI provides that sodium valproate can be dispensed only in the manufacturer's original packaging, so that women are aware of the risks. That is an example of the way in which the MHRA is changing. As Dr June Raine said, it is not just a regulator now; it is part and parcel of the patient safety framework around medicines. I hope that that provides some reassurance.

Esther McVey: Is my hon. Friend as concerned as I am that the head of the MHRA has said that the covid pandemic catalysed the transformation of that regulator from watchdog—which it should be—to enabler? It has shifted its purpose significantly.

Maria Caulfield: I cannot speak for Dr June Raine, but I can say that I take "enabler" to mean "enabler of patient safety". The fact that, in a number of cases, the

MHRA has stepped in means that it is advocating for patient safety and is not simply a body that processes applications for clinical trials or runs a yellow card system. It is willing to meet a range of groups, and indeed I suggested that the APPG invite it to one of its meetings.

Let me briefly touch on the issue of claims. As I said earlier, we have moved the scheme from the DWP to NHSBSA. The point of that was to speed up the claims, because the limiting factor in terms of turnaround time is obtaining clinical notes, and NHSBSA is much more able to gain access to them than the DWP. We have introduced the subject access request so that there is just one consent form to get notes from a variety of sources, from primary care through to secondary care.

To update Members on the latest figures, as of 6 October, 7,574 covid claims have been made to the vaccine damage payment scheme. Of those, 3,593 have been processed, with 149 having received a payment. On average, it is taking six months to investigate and process claims. Some will be outside that because of difficulties getting their clinical records, but the average is six months.

Sir Christopher Chope: Is my hon. Friend looking forward to the Government giving evidence to module 4 of the UK covid-19 inquiry? In particular, is she pleased that the inquiry will be looking into whether the VDPS is fit for purpose?

Maria Caulfield: The Government are always happy to give evidence to the inquiry. My hon. Friend makes a good point. I have had correspondence from constituents and from people around the country asking for the covid inquiry to cover vaccines, too. We have talked today about transparency and about being able to have an open and honest dialogue on vaccines. My right hon. Friend the Member for Tatton is right that to give confidence to vaccine programmes, people need to be able to raise concerns, to raise it when they have had an adverse event and to feel confident that those things will be investigated and not brushed under the carpet.

Philip Davies: I felt that the Minister was coming to a close. Before she does, I want to raise the point I made in my speech about the clinical trial involving children and a Bradford patient recruitment centre. I do not expect her to give a definitive answer now, given that I have just raised it, but will she give me a pledge that she will look into this matter, take on board the comments I have made and write back with her thoughts about what is happening with that trial?

Maria Caulfield: Absolutely. I will finish my points to my hon. Friend the Member for Christchurch and then come back to my hon. Friend the Member for Shipley. It is for the inquiry to decide what it investigates, but it would be helpful for vaccines to be discussed at the inquiry, so that people can put their concerns forward and so that we have a thorough look at the vaccine programme. That will enable us to learn lessons for the future, should we ever need to roll out a vaccine programme on that scale ever again.

To touch on the point made by my hon. Friend the Member for Shipley, I worked in clinical trials before I came into this place, and there are strict rules about posters advertising clinical trials, particularly for children. I do not know the details of the particular trial he is talking about, but if he has concerns about how it is being recruited to, that is a matter for the MHRA. I suggest that he contacts the MHRA, or I would be happy to discuss it with him after the debate.

Esther McVey: That point goes back to what I said about the MHRA moving from watchdog to enabler. I would like the role of that watchdog to be looked at.

Maria Caulfield: I hear that loud and clear from my right hon. Friend. I would just say that when advertising and recruiting for a clinical trial, any posters—I have not done this for a couple of years now—would usually have to be submitted to the MHRA for approval, and it is important to know whether that has happened in this case. We can certainly look at that after the debate.

To close, my hon. Friend the Member for Christchurch has made some good, valid points about the safety of vaccines and about encouraging people to come forward. We want people to come forward if they feel they have had side effects from the vaccine. It helps build up the profile and enables better decision-making for the future. He also made points about the vaccine damage payment scheme. We recognised that the process was taking too long, and that is why we moved it from the DWP to the NHS. We recognised that there were multiple requests for access to patient notes, which is why we brought in the subject access request forms. We want to ensure that those who have, on rare occasions, experienced side effects can access the scheme. Unfortunately, we cannot support the Bill at this time, because our focus must remain on improving the operation of the scheme and continuing to process claims as quickly as possible, but I very much welcome the debate today.

Madam Deputy Speaker (Dame Eleanor Laing): With the leave of the House, I call Sir Christopher Chope.

11.49 am

Sir Christopher Chope: We have had a preview of the Government's response to the UK covid-19 inquiry module 4, which will take place next July. All I can say is that I hope the Government improve their performance before then, because I do not think the arguments put forward today will be very well received. Basically, the Government are saying, "It's all hunky-dory. There have been a few delays, but we are sorting that out. We are not going to change anything, whether in relation to the £120,000 limit, the eligibility criteria, the 60% disablement threshold or all the rest of it. And don't worry, the vaccine damage payment scheme deals with other vaccines as well." That was how the Minister started her response. She said there were other claims being made under the vaccine damage payment scheme, but I do not think she has really comprehended—or certainly did not give an indication that she comprehended—the gravity of the difference. She talked about the importance of flu vaccines. There have been, between 1 October 2021 and 1 September 2023, 35 claims under the vaccine damage payment scheme in respect of flu, nine claims in respect of HPV, and 6,809 claims in respect of covid-19. Surely the Minister can see there is a disparity between those figures.

Maria Caulfield: I did not address the point my hon. Friend made on that. The difference is that around 93% of the population received at least one dose of the covid-19 vaccine—tens of millions of people. HPV and

[Maria Caulfield]

flu vaccines are targeted at a much smaller group; they are not open to the whole population. That is why, naturally, we will see fewer claims coming forward.

Sir Christopher Chope: If that is the explanation, I am sure that also covers the fact that only 15 cases have been referred to the vaccine damage payment scheme in relation to MMR vaccines, compared with 6,809 in relation to covid-19. If the Minister thinks they are all equivalent then so be it, but all I can say is that the evidence suggests otherwise and there are serious questions now about whether the VDPS is fit for purpose. That is why it is great news the inquiry will be looking into that issue.

Philip Davies: Was my hon. Friend disappointed with the Opposition response? They are usually all over real-terms cuts like a rash. Any time there is any hint of a real-terms cut, the Labour party is blasting about it at every opportunity. On this, we have had no increase in the payment for 17 years—that must be a world record real-terms cut—yet the Labour party did not seem to have anything to say about whether it should be increased.

Sir Christopher Chope: I share my hon. Friend's concern, but that was not the only aspect of concern I had about the response by the hon. Member for Erith and Thamesmead (Abena Oppong-Asare). It seemed to me that she was still, essentially, refusing to accept that people have died as a result of taking covid-19 vaccines and that many more have suffered severe injury or other adverse health effects. The Opposition are concentrating all the time on the benefits of vaccines without seeming to recognise the importance of looking at those people for whom vaccines were not beneficial.

Esther McVey: Was my hon. Friend also concerned that, after I had spent quite a long period of time questioning the "safe and effective" covid-19 vaccine mantra, the first thing the Opposition spokesperson said, without any qualification, was "safe and effective"?

Sir Christopher Chope: The Opposition spokesman was telepathic in the way in which she picked up on my right hon. Friend's phrase. I am not quite sure whether the Opposition spokesman really appreciated the connectivity between the two. The issue about "safe and effective" is this. I can remember that when I got my first vaccine, the little piece of paper we got said, without any qualification, that it was safe and effective. Exactly the same thing has been identified in Germany. It has only been subsequently that we have been getting the qualifications so that people are now able to make a more informed judgment about whether—

Madam Deputy Speaker (Dame Eleanor Laing): Order. Perhaps the hon. Gentleman has forgotten that he is now speaking for a second time with the leave of the House. This is not a speech, but just a short wind-up. I have indulged other Members here in order to facilitate the debate, but we must stick to the rules.

Sir Christopher Chope: Absolutely, Madam Deputy Speaker. I certainly would not want to talk myself out of further business today.

May I conclude by saying that I am most grateful to my right hon. Friend the Member for Tatton (Esther McVey) and my hon. Friend the Member for Shipley (Philip Davies) for being co-sponsors of the Bill and for their contributions today? I also politely thank the Minister for what she has said and for her willingness to continue engaging with the all-party parliamentary group. She came along to a meeting and answered lots of questions, and she has volunteered to take forward individual cases of people who feel that their questions have not been properly answered in good time.

Madam Deputy Speaker, this debate could go on for ever.

Madam Deputy Speaker: Order. Let me make this absolutely clear. I am in the Chair: this debate cannot go on for ever. I know that the hon. Gentleman is soon going to conclude.

Sir Christopher Chope: Exactly. I meant that the debate could go on in the sense that it will still be going in July next year, when module 4 is discussed. In the meantime, I think it would be best if I sought the adjournment of this debate so that there is scope to take it further on another occasion.

Ordered, That the debate be now adjourned.—*(Mr Mohindra.)*

Debate to be resumed on Friday 27 October.

BBC Licence Fee Non-Payment (Decriminalisation for Over-75s) Bill

Second Reading

Debate resumed.

Question (21 October 2022) again proposed, That the Bill be now read a Second time.

Madam Deputy Speaker (Dame Eleanor Laing): Given that the hon. Member for Christchurch (Sir Christopher Chope), who is promoting the Bill, has already spoken, I explain for the sake of clarity that I am not going to call him to speak again. But I will call the Minister.

11.57 am

The Minister for Media, Tourism and Creative Industries (Sir John Whittingdale): I come to this debate slightly late, as I am actually responding to a debate that took place almost a year ago to the day. In that debate, my hon. Friend the Member for Christchurch (Sir Christopher Chope) made his points powerfully but succinctly: he had just 16 minutes to speak. The Minister at the time, my hon. Friend the Member for Folkestone and Hythe (Damian Collins), had one minute to respond. I will therefore set the context of the debate and answer a number of the points I suspect my hon. Friend the Member for Christchurch would have made if he had had longer when he moved the Second Reading of his Bill.

Just over 100 years ago, on 18 October 1922, the BBC came into being as the British Broadcasting Company. It was an arrangement between the Post Office and a group of radio set manufacturers to provide radio content and promote the sale of wireless sets. It was funded through a 10 shilling licence fee. In 1927, the BBC received its first royal charter, becoming the British Broadcasting Corporation, with a mission to inform, educate and entertain. Since then, the BBC has continued to evolve and to play a hugely important role in British life, as it has touched the lives of almost everyone in the UK and made a unique contribution to our cultural heritage.

In December 1932, the BBC launched its Empire Service. Days later, the service broadcast the first Christmas day message by a British monarch when King George V addressed the empire live from Sandringham. In 1940, Winston Churchill delivered his first radio broadcast as Prime Minister. In 1946, the first combined radio and TV licence fee was introduced, at a cost of £2, which then became the TV licence in 1971.

In 1985, Live Aid was broadcast to an estimated 400 million viewers, and in 2007, iPlayer pioneered a whole new way to watch BBC content on demand via the internet. A year later, that was followed by BBC Sounds, which is a streaming media and audio download service hosting a range of content including live radio broadcasts, audio on demand and podcasts. As was noted in the brief debate we had a year ago by the right hon. Member for Warley (John Spellar), last year the BBC's coverage of the funeral of Her late Majesty the Queen was watched by 22.4 million people across BBC channels at peak viewing time.

The BBC, now just over 100 years old, continues to be a great national institution. It is an invaluable source of education, information and entertainment, particularly for the most vulnerable and isolated people in our society, including older people. It is respected globally and reaches hundreds of millions of people across the world every week. No other country in the world has anything quite like it.

Philip Davies (Shipley) (Con): If the BBC is as wonderful and magnificent as my right hon. Friend is telling us, and it provides such wonderful value for money, as the BBC keeps telling us, why does it need the criminal law to force people to pay for it?

Sir John Whittingdale: If my hon. Friend will forgive me, that is a point I intend to address in some substance a little later on. He makes an argument that many have made, and I understand it. The quality of the content of the BBC is considerable, although I—like everybody in this House, I suspect—occasionally have reason to question it. It is, in my view, still the finest broadcaster in the world, but that is a separate issue from the question of how we pay for it, which is the issue at stake in the Bill.

Andrew Bridgen (North West Leicestershire) (Reclaim): Does the Minister recall that in 2014, while serving on the Committee considering the Deregulation Bill, I managed to insert a new clause that would have led to the decriminalisation of non-payment of the TV licence? Does he also recall that during charter renewal, the then Chancellor, George Osborne, negotiated away decriminalisation in return for the BBC taking on the payment of the concessional over-75 TV licences?

Sir John Whittingdale: I recall it very well because I was the Secretary of State at the time, so I was quite involved in that particular negotiation.

To return to the point of the licence fee, the licence fee pays for, overwhelmingly, the BBC's non-commercial activities. It raises something like £3.74 billion in public funding every year, with which the BBC has to deliver its mission and public purposes. A television licence is required to watch, record or receive television as it is broadcast live on any channel or online service.

In a subsequent licence fee settlement, which was in my second incarnation, it was set to be frozen for two years and then to be uprated in line with inflation. The original charter agreement reached a settlement with the BBC where it was agreed that a licence should be required to watch not just live transmission of linear television services but live or on-demand content on BBC iPlayer, meaning that the so-called iPlayer loophole was closed.

Andrew Bridgen: As the Minister was then Secretary of State, he will recall that the BBC wanted people to need a licence to watch all other media online, including the Sky player, the ITV player and the Channel 4 player. Does he remember that we had to defeat that?

Sir John Whittingdale: It has always been the case that the licence fee is required to watch live TV. It does not extend to the other things, however much some people might suggest it should. That has led to an issue that I will go on to talk about: the challenge to the existing model as people change the way they consume television.

It is worth noting that the licence fee is not just used to fund the BBC. It is also used for other strategic public service objectives, including the funding of the

[Sir John Whittingdale]

Welsh language broadcaster S4C. I spent yesterday in Cardiff, where I was able to visit S4C; I visited the set of "Pobol y Cwm", for any Welsh speakers in the Chamber today. I can vouch that S4C does an important job in sustaining the Welsh language and is thoroughly deserving of public funding through the licence fee, which is why the Government agreed in the last licence fee settlement to a significant increase in that funding.

The licence fee represents a significant intervention in the broadcasting market, providing a predictable and steady source of revenue for the BBC. The Government are currently committed to maintaining the licence fee funding model for the duration of this 11-year charter period, which runs until 2027. But as I have already suggested—I will come on to this point at greater length—the BBC funding model is facing major challenges, and it is necessary to look at ways to ensure that it remains sustainable in the longer term.

The licence fee does not represent the only intervention by the Government in the broadcasting sector. There are a number of other ways in which we support a dynamic and successful broadcasting sector and, in particular, public service broadcasting. We have six public service broadcasters: the BBC, ITV, STV, Channel 4, S4C and Channel Five. Only two of those—the BBC and S4C—receive direct public funding from the licence fee. All six broadcasters benefit from regulatory advantages such as prominence and guaranteed access to spectrum. With these benefits come obligations with respect to the content that they show and how it is made.

The UK's public broadcasting system was originally born of necessity when there was limited analogue capacity of spectrum, but more recently—over the past 50 years—the role has become clearer. The six broadcasters complement the free market, producing the type of content that would otherwise be under-served, such as local news that addresses communities across the country, current affairs programmes and original, distinctively British programming that shapes our culture and reflects our values. It is not limited to traditional broadcast television; BBC Bitesize, for example, provides an important resource for young people and schools across the UK. The UK's public service broadcasters complement their commercial competitors by raising standards across the industry, investing in skills, boosting growth and taking creative risks.

Broadcasters, including the public service broadcasters, are facing a number of challenges due to changing technology. Just as the advent of cable and satellite revolutionised public service broadcasting, internet-delivered services are revolutionising broadcasting now, creating new distribution models with their own gatekeepers. It is telling, for example, that 74% of households with a TV set now choose to connect it to the internet. That has provided viewers with an enormous amount of choice in what they watch and how they watch it.

In particular, the trend away from linear viewing and towards on-demand viewing is continuing. According to Ofcom, in the first quarter of 2023, approximately two thirds of UK households were subscribing to a subscription-video-on-demand service. The weekly reach of broadcast TV fell from 83% in 2021 to 79% in 2022, which is the biggest ever annual drop. This ongoing shift away from traditional, linear, scheduled TV viewing to on-demand via the internet offers viewers an enormous extra range of choice, but it is also putting pressure on the traditional funding models and on public service broadcasters. One way in which the Government intend to address that is through the introduction of the media Bill, which I hope we will hear more about in the King's Speech. The purpose of that Bill will be to ensure that the public service broadcasters remain visible at the top of the programme guides, whatever form of TV distribution viewers choose to use, because we believe it is important that the public service broadcasters are sustained.

I come to the specific issue my hon. Friend the Member for Christchurch raises in his Bill: TV licences for the over-75s. Both decriminalisation of the licence fee and the exemption for the over 75s have been debated at length many times in this Chamber. I understand that they remain controversial and that many people remain critical of the fact that the BBC now enforces the payment of the licence fee for over-75s who do not qualify as a result of receiving a means-tested benefit.

Justin Madders (Ellesmere Port and Neston) (Lab): The Minister will probably recall that I have tabled a number of written questions on enforcement action taken by the BBC, and it seems that no enforcement action has been taken against the over-75s. The Minister says in his responses that any enforcement action should be undertaken with the utmost sensitivity. I can show him letters that my constituents get from the BBC that do not show the utmost sensitivity. Another conversation needs to be had about how this has all been handled.

Sir John Whittingdale: The hon. Gentleman is right on both points. He is right that enforcement action has largely not been taken by the BBC against over-75s who have not acquired a television licence—certainly no prosecutions have yet followed. He is also right to cite our stricture to the BBC that it should approach this matter with sensitivity. Like him, "sensitivity" is not the first word I would choose to describe the general tone of communications about TV licence fee collection.

Sir Edward Leigh (Gainsborough) (Con): This is no defence. We deal with the actual law here; we do not deal with what might or might not happen. Under the law, an 80-year-old pensioner living on a tiny state pension could be sent to prison because she refuses to pay for the untold millions paid to Gary Lineker with her licence fee. There is no point in the Minister's saying, "This is not enforced." If this law is an ass, it should be repealed. Parliament should not have on its statute book a law whereby someone can be sent to prison for not paying a licence fee for an entertainment channel—this is ridiculous.

Sir John Whittingdale: I would slightly disagree with my right hon. Friend—*[Interruption.]* The law does not say that someone can be sent to prison for not paying their licence fee. If they are convicted of failing to have a TV licence, they can be fined. Where they then refuse to pay the fine, custodial sentences can, as has happened in some cases, be imposed. Criminalisation is a matter we have debated before, but it is still one of great controversy. We have looked at it on a number of occasions and I am happy to keep it under review.

Let me go back to the issue of the licence fee for the over-75s. As the hon. Member for North West Leicestershire (Andrew Bridgen) suggested, in the 2015 funding settlement

the Government agreed that responsibility for the over-75s concession should transfer to the BBC. The Government and the BBC agreed to make that change alongside a number of other elements of the licence fee settlement, such as the closure of the iPlayer loophole, to which I have already referred, and an agreement to increase the licence fee in line with inflation from there on. It was also agreed that the transfer would be phased in over two years so that the BBC had time to adjust to meet the additional cost of maintaining that. It was debated extensively at the time of the passage through Parliament of the Digital Economy Act 2017.

The result is that responsibility for the over-75s concession now rests with the BBC. The Government made it plain that we hoped and expected that the BBC would maintain the concession, but the BBC chose to restrict it to those in receipt of pension credit. The Government remain disappointed about that decision. I recognise, however, that even that concession represents quite a considerable cost to the BBC, and how the BBC budgets, and the extent to which it feels able to maintain the concession, is a matter for the BBC.

Sir Christopher Chope (Christchurch) (Con): I am grateful to my right hon. Friend for responding in such detail on these issues. He referred to the agreement that the licence fee would be able to go up in line with inflation. Does that mean that, from April next year, the £159 licence fee will increase with inflation or remain the same? If it goes up with inflation, how much will that mean in cash terms?

Sir John Whittingdale: In the licence fee settlement, which is written into the charter, I froze the licence fee for two years and then said that it should return to increasing in line with inflation, but by precisely how much it will increase and when are matters on which the Government will be able to provide my hon. Friend with further information relatively soon—that is not yet determined. The requirement is written into the charter, as I said.

The Government recognise the importance of television to people of all ages, particularly older people who value television as a source of entertainment and companionship and as a way to stay connected. We remain committed to ensuring economic security for people at every stage of their life. We believe that the BBC has a duty to ensure that it uses its substantial licence fee income to support older people. As the hon. Member for Ellesmere Port and Neston (Justin Madders) suggested, the BBC has informed the Government that no enforcement action has been taken against over-75s at this stage.

Philip Davies: My hon. Friend the Member for Christchurch (Sir Christopher Chope) asked about inflation and the income that the BBC needs, which is, of course, leading to the end of the benefit for over-75s, but the one factor that I hope the Minister will not ignore in all this is the number of new houses being built. It seems to me that the Government and main Opposition parties are determined to build more and more houses—the Labour party has proposed building 1.5 million—and when all these houses are built, it will mean more income for the BBC. I hope that house building targets will be taken into consideration when it comes to how much money the BBC needs.

Sir John Whittingdale: I can assure my hon. Friend that those will be taken into account. He is right that that is a factor that increases the income of the BBC. However, it has to be balanced against other factors, about which I will say a little more, that result from a change in the way in which people access television, which is leading to a reduction in the number of people paying the licence fee.

The proposal of my hon. Friend the Member for Christchurch in his Bill would be to decriminalise TV licence evasion for the over-75s. It would be very difficult to make it a criminal offence not to pay the licence fee up to a certain age, after which it would no longer be a criminal offence. Our view is that the law needs to apply equally to offenders, regardless of their age. It is right that our justice system is fair and just to all people, regardless of their characteristics.

The more general issue of decriminalisation is one that we have considered on a number of occasions. In fact, when I was Secretary of State in 2015, I came into the job supporting decriminalisation, because I shared the views expressed by a number of my hon. Friends. We commissioned a review of the matter, conducted by Mr Perry, which came out firmly against decriminalisation. Subsequently, in February 2020, when I was a Minister in the Department for a second time, a further consultation received a large number of responses—over 150,000—the majority of which were against decriminalisation.

The reasons for that were several. The BBC argued strongly that it would lead to an increase in evasion, which it estimated would cost it in the order of £300 million. It was also pointed out that if it became a civil offence, and people were taken to court for failure to pay as a civil matter, that could lead to significantly higher fines and costs, if they were found guilty. It highlighted significant impacts in terms of the cost and implementation. The current system works relatively efficiently in the magistrates courts, but moving it over to be a civil matter would result in a considerable increase in costs.

For those reasons, the Government decided that we would keep decriminalisation under review, but we would not proceed to decriminalise at that time. It is more important that we address the whole issue around the future of the licence fee, which is becoming harder and harder to sustain.

Justin Madders: It seems to me that we are effectively in a situation where the BBC has decided to decriminalise for over-75s but has just not declared that that is the position. That certainly seems to be the case from its actions, at the very least. We are in a slightly bogus situation where the law says one thing and the BBC continues to send out letters indicating that it will enforce that, when it has no intention of doing so. Given the distress of people when they receive those letters, it is important for us to get clarity from the BBC about its position.

Sir John Whittingdale: If people fail to pay their licence fee, it is a matter for criminal prosecution, but as the BBC is responsible for the collection of the licence fee, it is a matter of choice as to whether or not it wishes to prosecute. In response to our request that it addresses the matter with sensitivity, the BBC has assured us that it has not, to date, sought to prosecute anyone over 75.

[Sir John Whittingdale]

I want to say a little more about the challenge to the licence fee going forward. When it was reviewed in 2015, it was recognised that there were a number of drawbacks. In some ways, it is a flat-rate charge for which there is no means-tested assistance, and therefore it is highly regressive. At that time, it was concluded that there was no better system of funding the BBC and that it was the most appropriate. For that reason, it was agreed that the licence fee would continue for the remaining period of the current charter.

As the media landscape has changed in the way that I have described, that has had a consequence. Despite the point made by my hon. Friend the Member for Shipley (Philip Davies) about housebuilding, the number of TV licences held has declined by 1.9 million since 2017-18. That is because, probably for the first time, a large number of people are genuinely saying that they do not watch live television and that they are perfectly adequately entertained by watching streaming services, on demand and catch-up TV. Under the current rules for the licence fee, they are not required to have a licence.

On top of that decline of 1.9 million, estimated TV licence evasion has now risen to its highest level since 1995, standing at about 10.3%. If the trends taking place continue, that represents a significant challenge to the sustainability of the licence fee, and that comes on top of the concerns about the fairness of the model and, indeed, about whether it is right to continue to enforce it through a criminal sanction.

Already we have seen the House of Lords Communications and Digital Committee suggest that the drawbacks to the current licence fee model are becoming more salient. It called for a comprehensive review of the licence fee system. In response, the Government have established the BBC future funding review, with the purpose of examining the options for alternative means of funding the BBC after the end of the current settlement.

Philip Davies: The Minister, as always, is making a very coherent argument. Would he agree with me that, not least for reasons of impartiality, it would be completely unacceptable for the BBC's income to be paid by a Government out of general taxation?

Sir John Whittingdale: It has always been said that if the BBC were funded directly from the Treasury out of general taxation, that would make it susceptible to political pressure, and it would reduce the distance of the arm's length relationship between the BBC and the Government. There may be some truth in that. I have never entirely bought the argument that the licence fee protects it from political interference. It just means that the opportunity is slightly less regular in that it must wait until the next licence fee settlement.

However, the relationship between the Government and the BBC, particularly over the funding settlement, is one of negotiation, and it is right that the Government should ultimately decide the level of licence fee. There have been suggestions by some—I do not believe my hon. Friend the Member for Shipley would be among them—that the licence fee should be set by some independent committee or by Ofcom, and that the Government should not have a say. That is not something that I believe would be right. I think the Government have a duty to take account of the pressures on household budgets more widely, and the Government are also accountable for that decision. Therefore, I see no chance of that aspect changing, but there are options that will become available over time for alternative means of funding.

Andrew Bridgen: Will the Minister give way?

Sir John Whittingdale: I will give way, perhaps for the last time.

Andrew Bridgen: I thank the Minister for his generosity. Does he share my concern that the BBC is actually using the licence fee to fund some controversial projects, which might dissuade people from supporting the BBC by paying the licence fee? I am thinking, for instance, of BBC Verify, whereby the BBC has effectively set itself up as a Ministry of Truth, recently with rather disastrous results.

Sir John Whittingdale: I will take advantage of the hon. Gentleman's intervention to make two points. First, he will be aware—and it is a cast-iron principle—that the Government do not interfere in the editorial decisions of the BBC. It is not for Government to tell the BBC what they can and cannot broadcast, but that does not mean that the Government do not have views.

Secondly, I will take this opportunity to say from the Dispatch Box that the Government are very disappointed at the attitude taken by the BBC to the coverage of events in Israel and Gaza. The BBC's refusal to describe this as a terrorist act is something the Government profoundly disagree with. My right hon. Friend the Secretary of State, while reiterating that we do not tell the BBC what to do, has made it clear that the Government's view is that the BBC should describe it as what it is: terrorism. The suggestion that, in doing so, the BBC would somehow be in breach of the Ofcom broadcasting code is clearly not the case. Ofcom has made it clear that it is an editorial matter for the BBC. There are plenty of previous examples where the BBC has called terrorism "terrorism", and our view remains that it should do so in this case.

James Sunderland (Bracknell) (Con) *rose—*

Andrew Bridgen *rose—*

Sir John Whittingdale: I will give way to my hon. Friend the Member for Bracknell (James Sunderland), who has not yet had a chance to speak.

James Sunderland: Given that the Government are effectively choosing to enforce the licence fee in law by not decriminalising over-75s, does the Minister agree that the BBC has an equivalent duty to raise its own standards of impartiality and to justify the licence fee?

Sir John Whittingdale: I agree with my hon. Friend. The issue of impartiality is central to the BBC's reputation, and it is in the top line of the public purposes of the BBC contained in the charter. It is a matter that the Government have kept under review. When the charter was set back in 2017, it was agreed that there should be a mid-term review of its delivery by the BBC and, in

particular, the governance arrangements, which include impartiality. We have since had a number of internal BBC reviews. In particular, there was the review conducted by the senior independent board member, Nick Serota, which agreed to strengthening the impartiality requirements.

However, the Government have considered what more could and needs to be done. In the next few weeks we will also publish the outcome of the mid-term review, which will look at this point. My hon. Friend the Member for Bracknell is completely right that the BBC's reputation for impartiality is paramount, in justifying the need to pay the licence fee and in protecting its reputation, and not just in this country but around the world. We will say more about that in due course.

For the reasons I have described, I do think that in future the licence fee will become harder to maintain and that we now need to start thinking about the alternatives. That is linked to the way in which people receive television. There will probably come a time when television is delivered exclusively via the internet. That will first require everybody to have access to ultrafast broadband in order to receive it—that is another of my present responsibilities—and the technology will need to develop a little more, but we already have internet protocol television becoming more widely spread. Of course, once we get to that moment, subscription becomes viable. We cannot currently have subscription services on Freeview, but we can on the internet, which is why an awful lot of people who have access to that choose to subscribe to Netflix, Disney, Amazon and the rest.

These issues will therefore become more important and more possible as we move towards that future, but we have not got there yet. However, the Government have started to think about those options through the future funding review. Therefore, while I am afraid that we are not in a position to support the Bill, my hon. Friend the Member for Christchurch does touch on extremely relevant points where we think more thought will need to be given in time. I thank him for giving us the opportunity to debate the matter today.

12.33 pm

Barbara Keeley (Worsley and Eccles South) (Lab): For 100 years, our country has benefited from the world-class content provided by the BBC. It is responsible for creating great TV programmes that we all enjoy and for screening the sport and live events that we all care about. But its reach goes much further than that, from providing local news to broadcasting internationally through the World Service, and from educating our children to underpinning creative industries across the UK.

The BBC is also the biggest commissioner of music, and one of the biggest employers of musicians in the country. From the Proms to the programming of Radio 3, to the world-class musicians in the BBC Singers and the BBC orchestras, the BBC is highly regarded for its music, both here and around the world. I have raised a number of issues with the BBC about protecting the position of our world-class musicians, and I think their strengths are now understood.

The value that the BBC provides is immense, and for every pound put into the BBC, it delivers back £2.63 of direct economic impact. Importantly, 50% of those benefits are to regions outside London. As a Salford MP, I appreciate the work that the BBC does from its Salford base. To fund a universal service with such breadth and impact, some sort of payment model must exist, and for many years the licence fee has served that purpose.

As we have been hearing, however, for many over-75s, paying for a TV licence is a relatively new experience. Under the previous Labour Government, the licence fee was covered for that age group, making them exempt from payment. In 2015, the BBC was handed responsibility for the policy, and following a consultation with nearly 200,000 responses, it found that it simply could not afford to absorb the £745 million that it would cost to maintain free licences for all over-75s. As a result, since 2020 free licences are restricted to over-75s in receipt of pension credit, costing the BBC a smaller, but still significant sum of £250 million a year.

For those over-75s who must now pay the fee, support in making that change has been crucial. The BBC informed all over-75s personally of the change of policy, ran a public information campaign on the availability of pension credit, phased the payment system in, and offered specialised payment plans for those moving from a free to a paid licence. Decriminalising the non-payment of the fee for that age group is not a suitable support measure. In fact, decriminalisation could make matters worse both for those in that age group, and for the BBC.

Let me look further at the issues around enforcement that we have touched on in this debate. No one wants pensioners to be put in prison for not paying their fee, and fortunately nobody—nobody at all—is imprisoned for licence-fee evasion in England and Wales. The maximum sentence for evasion alone is a fine, and custodial sentences would be imposed only in rare cases where a fine was not paid. Indeed, as the Minister has said, data shows that there are no over-75s in prison for failing to pay a TV licence fine, and prosecution of any kind is an absolute last resort, taking place only after every measure to retrieve payment has been tried. Prosecutions can take place only when it is in the public interest to do so.

As we have heard, under the alternative of the civil system, the enforcement regime has the potential to be harsher. Indeed, the current system allows the court to apply discretion by ensuring that any fines are within what is affordable for an individual to pay. A fine under the civil system would be fixed at a higher rate, and it would not be possible to take income into account, leaving the most vulnerable at risk of being unable to pay. Likewise, the current system means that over-75s leave with no criminal record and no impact to their credit score, and never see a bailiff at their door to collect the fines. Under a civil system, those protections would be lost. Therefore, although decriminalisation may present itself as a supportive measure, it would fundamentally not result in a fairer system for the over-75s.

The Minister said that he will keep enforcement under review, and I think I heard him agree that this is not always done with sensitivity. My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) will appreciate that, given that his constituents have raised such issues with him, and I hope we can hear more about that. Enforcement for that age group should be done sensitively, and if it is not, we should be doing something about it.

[Barbara Keeley]

Decriminalisation would also be worse for the BBC—the Minister has already made a similar point. It would send a message that it is okay not to pay the licence fee, and possibly lead to more people avoiding paying the fee. The BBC would then be left with no choice but to absorb the cost by cutting programmes and services, and reducing investment in the UK's creative economy. The BBC has already faced a 30% real-terms cut to its funding in the past decade, and must make further savings of £285 million a year by 2027. By further starving the BBC of resources, we would all lose, from the 10-year-old on "BBC Bitesize" to over-75s keeping up with their local news through BBC local channels. We all rely on the BBC and its continued success.

The licence fee model might not be perfect—Labour would look at alternative public funding models when the end of the charter period approaches—but any successful funding model must be fair and it must ensure that the BBC can continue to do what it does best. Decriminalising the licence fee, as I have touched on, is not fairer than a civil system and it would come at the cost of substantial detriment to the BBC and therefore to us all. It is on that basis that Labour must oppose the Bill today.

12.40 pm

Sir Christopher Chope: With the leave of the House, I would like to thank my right hon. Friend the Minister for his comprehensive response to this debate, based on his wide knowledge and experience. It was interesting to see the contrast between his command of this subject and the relatively light touch applied by the Opposition spokesperson today. My right hon. Friend really understands this subject and I hope that he will be able to stay in his position and bring forward the media Bill, following the King's Speech. I hope that we will be able to come back to this subject again, perhaps with a new clause to that Bill—who knows?

What is encouraging is that the market is working, with 1.9 million fewer licence fee payers—that is great, is it not?—and evasion has gone up to 10.3%. The licence fee is now £159. I am very concerned that if it goes up by inflation next April—it may be 15% or 20% since it was last increased—there could be another £20 on the licence fee at a time when there is a cost of living crisis. Who knows? From what my right hon. Friend was saying, it sounds as though the Government will do something to prevent such an increase taking place in April—just before the local elections, in the year of a general election—but we will have to wait to find out more about that in due course. In the meantime, let us be grateful for the fact that there is, in effect, a de facto decriminalisation, rather similar to the situation in relation to shoplifting, so that is something that we can take into account.

Philip Davies: Did my hon. Friend note that the Minister said that he did not agree with decriminalising it for a particular age group, and that the policy should be the same for all age groups? Given that my hon. Friend was uncharacteristically modest with his proposal in this Bill to just decriminalise it for the over-75s, will he reflect on what the Minister said and come forward with a proposal next time to decriminalise it altogether?

Sir Christopher Chope: My hon. Friend makes an excellent suggestion. It was only because I sometimes believe in salami slicing. I thought that we would start off with the over-75s—that is without declaring any personal interest in this. As with the previous debates, this is a subject that will continue to be of interest to Members, and for that reason I will ask that this debate be adjourned.

Ordered, That the debate be now adjourned.—*(Scott Mann.)*

Debate to be resumed on Friday 27 October.

Madam Deputy Speaker (Dame Eleanor Laing): I am sure that the Minister has that date firmly in his diary.

Regulatory Impact Assessments Bill

Second Reading

12.43 pm

Sir Christopher Chope (Christchurch) (Con): This Bill has not had the benefit of being discussed previously, but I think it is a very important issue and I am delighted that we have the opportunity to give it a bit of airtime.

Regulatory impact assessments lie at the core, or should lie at the core, of policymaking and public legislation. If the tool if a regulatory impact assessment is not properly applied, the quality of the legislation suffers. We have seen a large number of examples of that. Perhaps one of the most telling is that we have legislated for net zero without ever really going through the full implications of what it will entail. I have the privilege of serving on the Environmental Audit Committee. It is willing to discuss almost everything on the environment, but it is not prepared to engage in an inquiry into an audit of the costs and benefits of net zero. The Government should have introduced an audit of the costs and benefits of net zero before the legislation was passed. The same is true of the Climate Change Act 2008. It is also true of HS2. There was never a proper cost-benefit analysis regulatory impact assessment of HS2.

More recently, the Renters (Reform) Bill—which I see, much to my horror, is having its Second Reading on Monday—was published in May. It was the subject of severe criticism by the Regulatory Policy Committee because no proper impact assessment was produced at the time the Bill was introduced. It was introduced by Ministers who had not gone through the process of thinking through the implications of what they were doing. That is what the Bill before us is about. I had the privilege of being a Minister for six years or so—some time ago now, Madam Deputy Speaker—and it was very important, when introducing legislation, to think about the implications and consequences. That should be done in the first instance internally by Ministers with officials before it is exposed to public debate. A well organised regulatory policy framework should ensure that that is what happens.

The Bill is based on the fact that, too frequently, that is not what happens. Even more frequently recently than in the past, the requirement for impact assessments to be produced prior to a Bill being published has not been complied with. The consequences, to which I have referred, are that Bills come forward that are badly formulated and unnecessarily contentious. Was it not extraordinary that two or three weeks back, we had a statutory instrument in relation to the implementation of the Windsor framework? The Windsor framework agreement was back in spring. We were told that there had been insufficient time for the Government to produce an impact assessment of its contents. How ridiculous is that?

The Bill basically says that we have rules in place, but there is no point in having a command without a sanction. Clause 1 sets out in plain language a requirement that the

"Government must, on or before the appointed day, lay before Parliament a qualifying regulatory impact assessment for—

(a) any Bill introduced to Parliament by a Minister;

(b) any draft statutory instrument laid before Parliament by a Minister that may not be made unless it is laid before and approved by a resolution of each House of Parliament; and

(c) any statutory instrument made by a Minister and subject to annulment in pursuance of a resolution of either House of Parliament."

Clause 2 is the sanction:

"If His Majesty's Government fails to comply with the duty under section 1, subsection (2) applies."

We cannot have a proposal requiring that the Minister be locked up, suspended from the House or whatever, so I did the best I could, which is basically to say that the Minister would be embarrassed into action. That embarrassment will require the Minister responsible for the Bill or the statutory instrument in question to

"make a statement to the relevant House…as soon as reasonably practicable, and…on every third sitting day until a qualifying regulatory impact assessment has been laid before Parliament."

If that had happened in relation to the Renters (Reform) Bill, we would not be where we are now, with a totally inadequate impact assessment that has been produced late and much amended; at one stage it was given the red pencil treatment.

My Bill would enable this House, and the Members of this House who take legislation seriously, to be properly informed. Quite often, it is impossible to get answers to questions about Bills; there are questions that should have been raised during the impact assessment process, but have not been raised; and Ministers are ignorant of the implications of what they are doing. That is why I suggest that this is a sensible way forward. I do not often say this in relation to a Bill of mine, but I cannot see why anybody would be against it—except a Minister who does not want to comply with the normal rules. This is a short Bill, but I think it would be revolutionary in improving the quality of legislation.

Philip Davies (Shipley) (Con): This is not written into the Bill, but if the cost-benefit analysis in a Minister's impact assessment shows that the cost outweighs the benefit, what does my hon. Friend feel should happen as a result? He will remember that when the Labour Government introduced the Bill that became the Climate Change Act 2008, they had done an impact assessment and a cost-benefit analysis. By their own admission, the costs were twice as big as the benefits, yet they pressed on with the Bill anyway. Is my hon. Friend saying that where the costs outweigh the benefits the Government should do something about it, or is it enough just to publish the analysis?

Sir Christopher Chope: I think it is sufficient to publish it. It is then for Members of Parliament to look at what it contains, including the costs. My hon. Friend and I were two of the five people who voted against the Climate Change Bill on Third Reading. Why did we vote against it? Because we could see that the costs would far outweigh the benefits. We had read the impact assessments—well, I cannot remember reading them at the time, I must say, but I had the very strong feeling that we were entering unknown territory and the costs would be very significant. I am not saying that we should not bring forward legislation when the costs are greater than the benefits; I am saying that Members of Parliament should be able to take responsibility and say to Ministers, "Why are you bringing forward legislation whose costs will be far greater than the benefits?"

[Sir Christopher Chope]

This debate takes place just after the Government have changed the rules on business impact targets, the provision on which has been repealed. Despite the Government's policy of zero increase in the total costs of regulation on business in this Parliament, the Regulatory Policy Committee, which is responsible for looking at better regulation, has stated:

"When combined with the figures for the previous two years, the total increase for the parliament to date is £14.3 billion."

That was in February 2023; I think there has since been an update. Having said that they would not increase the costs on business in this Parliament, and that we would have better regulation and an independent scrutiny process for holding them to account on that, the Government have found themselves on the wrong side of their own rules—so what have they done? They have decided to change the rules. They are now saying that for the last period, they will no longer calculate the cost of Government regulation to business.

If one starts with from a cynical viewpoint, one becomes even more sceptical after looking at the detail. I do not think that, at heart, the Government really want to be held to account by the House for their measures. They would much prefer measures to be nodded through with no questions to be answered: they would like everyone to be nodding donkeys. However, if that is not the Government's view, I hope they will accept the Bill.

12.55 pm

Esther McVey (Tatton) (Con): I congratulate my hon. Friend the Member for Christchurch (Sir Christopher Chope) on his Bill. As he suggested, it focuses all our minds, including that of the Minister, on the impact of the rules, regulations and laws that we make in the House.

I want to look at the Bill with a view to reforming the Public Health (Control of Disease) Act 1984 to provide the democratic checks and balances that would allow better decision making in future emergencies. As my hon. Friend said, there was, from the very start, a failure to weigh up the potential benefits of, for example, lockdowns and closing schools and balance them against the costs, which have proved catastrophic. Robust benefit and cost-benefit analyses should have been carried out, and should have played a crucial role in getting the balance right when it came to what rules, regulations and laws were to be introduced.

Whatever views may be held on such far-reaching measures, it should be completely uncontroversial to want to conduct an analysis of potential policy consequences—and experts did predict that the lockdown measures would have dire consequences. In fact, the Government said themselves, in a report published in July 2020, that more than 200,000 lives could be lost as a result of lockdown. Cost-benefit analyses, impact assessments and benefit-versus-benefit analyses of health and mental health education should have been carried out, and politicians should have carried out a 360° review of the lockdown measures.

Only this week, the covid inquiry heard evidence from Professor Mark Woolhouse in which he described lockdowns not as a public health policy, but as a failure of public health policy. They were, in fact, a failure that could only have been implemented under the Public Health Act. Do Members really want to risk allowing such a failure of public health policy to occur again in the future by leaving in place an Act that will allow a Government to shut down society without scrutiny or debate—without looking at the impact of the measures being taken—or do they want to take simple precautions that would prevent that? If we are being honest, we must conclude that this was not just a public health policy failure, as Professor Mark Woolhouse said; our entire democratic system failed us, just when we needed it most.

Some of us raised concerns at an early stage about the removal of parliamentary oversight, feeling that the Government were using loopholes in the Public Health Act to regulate without being held responsible. There were precious few opportunities to hold Ministers to account. In normal times, if a Minister is unable to present a persuasive case for his or her actions we have a chance to vote down the regulations involved, but that important due process all but collapsed in March 2020.

We discussed this topic earlier in the year at a session of the all-party parliamentary group on pandemic response and recovery, during which we heard from Lord Sumption., a former Supreme Court judge. He described the way in which Parliament had been effectively rendered impotent under the Public Health Act, which had allowed Ministers to avoid the proper debate and scrutiny that we would previously have expected. For example, the first lockdown order was made on 26 March 2020, but was not considered in this place until 11 May. Is it really appropriate for policies that have such a severe impact on every bit of people's daily lives to be implemented without such scrutiny, and some sort of scrutiny afterwards?

The Public Health Act was designed to authorise bans on mass gatherings, isolate infectious people and close infected premises. There is nothing in it about locking down an entire nation, whether infected or not, in their own homes. The Act should be amended to make sure that any future emergency measures are debated before they come into effect. If the situation is too urgent, measures should be provisional for, say, seven days, with Parliament being recalled if necessary to give the proper approval.

We cannot have the threat of such far-reaching measures hanging over society, ready to be imposed by a Minister with no notice, without having to defend their decisions at the Dispatch Box. That threat is made very real by the spectre of the World Health Organisation pandemic treaty and the amendments to the International Health Regulations 2005, both of which the UK will be asked to adopt next May.

It seems likely that lockdown will be considered as a public health intervention in future, with the Public Health Act as it stands. We must make sure that we have debate and scrutiny and that we do this impact assessment before lockdowns happen again, because they cause such disruption to livelihoods, education, healthcare and life itself. We all have constituents with heartbreaking stories of not being able to share the joy of a child being born or not being by the side of a dying loved one; of children who now have severe mental health issues or who have lost education; and of livelihoods and futures that have been ruined.

Of course, Parliament must have access to emergency powers in extreme situations, but their use must be limited to when they are truly needed. Surely that is the only way to proceed. We must be able to have scrutiny in the House—it must not be missing; it must not be avoided. We have scrutiny to ensure that laws and regulations are the best they can be. Surely this is the only way to proceed without such significant breaches of personal life.

Amending the Public Health Act will help us to make better, more confident decisions in the event of any future crisis. I commend what my hon. Friend the Member for Christchurch is doing about an impact assessment to make sure that Ministers truly understand what they are putting in place before they do it—something that was lacking during the covid lockdown.

1.2 pm

Sir Edward Leigh (Gainsborough) (Con): I welcome this Bill. In the light of recent experience, it seems to be an excellent idea. It gives Parliament more power to scrutinise what is going on. A Conservative Government surely, above all, is about low taxes and deregulation, but unfortunately—maybe for reasons beyond our control, and we all know what those reasons are—we have had too many taxes and too much regulation. I will not deal in detail with the whole covid saga, because my right hon. Friend the Member for Tatton (Esther McVey) has dealt with that powerfully, but the fact is that we all now know that there should have been far more consideration within Government of not just regulatory impact but every other kind of impact.

In terms of ensuring scrutiny of Government, we have the other place, and it does its job. We should be very wary of meddling with the structure of that place, because it seems to be able to scrutinise legislation more effectively than we do in this House. In recent weeks and months, I have been particularly involved with a lack of impact assessments in terms of my own constituency. If we look at all the borders Bills and the recently passed Illegal Migration Bill, we can see that some sort of impact assessment would have been very useful in determining whether that Bill was going to achieve what it set out to. I am particularly interested in how illegal migrants are going to be dealt with when they arrive on these shores, whether or not the Government win their Supreme Court case. There is an understanding that they will be illegal and that they will be detained, but the Government have now determined that they are going to send 2,000 illegal migrants to the former RAF Scampton base in my constituency. We are still awaiting any clear idea of when they will arrive.

Have serious impact assessments been carried out on the pollution levels that naturally remain at this base, which was originally the home of the Dambusters, for a long time was used by Vulcan aeroplanes carrying nuclear bombs and was used latterly by the Red Arrows? Surely there should be a proper, published impact assessment of environmental pollution and of security arrangements.

Apparently, these 2,000 migrants will not be detained and will be able to come and go, so what is the security impact on the 700 residents who live there? Interestingly, Scampton Parish Council has put in a freedom of information request to the Home Office about a community impact assessment, but the FOI request has been turned down by the Government. Astonishingly—the House will be amazed at this language coming out of government— it was turned down with the excuse that the Government need to have, "A clear space, immune from exposure to public view, in which it can debate matters internally with candour and free from the pressures of public political debate." That is a reply to Scampton Parish Council, which is only trying to do its job; 700 people have put their life savings into buying a house on this base and the Government say that they need a clear space free from public scrutiny. The Minister who is sitting on the Front Bench, the Under-Secretary of State for Business and Trade, my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), knows all about this issue because he went through all this with a proposed migrant camp in his constituency, which is not now happening because it was a victim of the Conservative leadership campaign.

Sir Christopher Chope: Will my right hon. Friend explain what he has just said?

Sir Edward Leigh: I will not go further into former grief.

We are simply saying that, when it comes to housing illegal migrants, it should be done on the basis of, for instance, value for money. We have conclusively proved that, because there has not been any properly published impact assessment, it will cost the taxpayer more money to put migrants into the former RAF base at Scampton than to put them into hotels, because a 2-mile long runway has to be maintained and there are 100 buildings, many of them listed, including the office of Guy Gibson and the ones relating to the Dambusters. I have made the point about the impact on the local community.

I believe in transparent government and what I fear about this whole RAF Scampton episode is that this is not being done to save money or to look after migrants properly—obviously, it is not in their interest to have 2,000 migrants in one place, overwhelming local social services, the police and everybody else. It is being done because the Government simply want to make the statement, "Sadly, we have not managed to stop these people coming over in boats and therefore we are going to put them in former military bases, rather than in hotels." But of course this has no deterrent value at all. We cannot do an impact assessment on what is going on in the minds of people fleeing various hellholes in the world, but I can tell the House one thing: someone fleeing Iraq, Syria or Afghanistan is not going to be deterred from coming to these shores because they might end up in a comfortable room in a former RAF base. So this provides no value for money or deterrence, there are worries about security, pollution and community impact, and no assessment has been made, yet the Government just carry on.

The worst thing is that I keep emailing, writing to or texting Ministers, but I never get a serious response. The parish council and West Lindsey District Council are treated with contempt and given generic replies. As the environmental enforcement authority, West Lindsey District Council put a stop notice on the Home Office a few weeks ago, and the Home Office simply ignored it and carried on working, presumably because it thinks the land is Crown land. If the Home Office were a

[Sir Edward Leigh]

private sector employer, it would be taken to court and made to pay huge fines, but the Government think they can get away with it.

My constituents and I are victims of a lack of candour by the Government—a lack of proper impact assessments in a variety of fields. We have seen that with the whole covid saga, of course, and above all, we have seen it with High Speed 2. We need not go on about HS2, but it is probably the biggest waste of public money that any Government have ever indulged in. It is ludicrously over-engineered and we are still facing the consequences of it. For years, I have been arguing for us to have a through train from Grimsby and Cleethorpes through Market Rasen and Lincoln to London, which would cost £1 million. I have been told, "No, no, there's no money, but we're quite happy as a Government to spend £100 billion on HS2."

Sir Christopher Chope: Will my right hon. Friend give way?

Sir Edward Leigh: I am not going to go on and on about this, but I will give way to my hon. Friend if he wishes.

Sir Christopher Chope: I do not want my right hon. Friend to go on and on about HS2, but does he agree that one of the issues now is that there is no impact assessment of the revised proposals, and there has not even been a fresh instruction to the Committee of this House that is dealing with it?

Sir Edward Leigh: Above all, there has been no impact assessment for the poor people living north of Birmingham who live on the line, whose farms have been taken and who have perhaps been forced to give up a place that they have farmed for generations.

Esther McVey: I do not think there will ever be enough scrutiny of what went on with HS2. Is my right hon. Friend concerned at all that the cost went up from about £36 billion to—if Lord Berkeley, the Labour peer in the other place, is to be believed—£180 billion? Thankfully, it was stopped, but is my right hon. Friend concerned that an impact assessment was not done on those staggering changes of cost?

Sir Edward Leigh: It is just amazing how we walked into this disaster: how no one questioned why HS2 was so ludicrously over-engineered, with the trains running far faster than they do on the continent, for instance.

Before I end, I want to deal with a matter very close to where we are now standing: this building. The whole restoration and renewal saga of Parliament is an HS2 in bricks and mortar. There has never been any proper assessment of what we have been doing. I sat on the sponsor board and I have been dealing with this matter in various Committees for years. I am now on the programme board, which reports directly to Mr Speaker. Hundreds of millions of pounds have been sunk into making ever more complex and over-engineered plans for restoring and renewing this building. We should just have got on with it six years ago, but we still have not come to a final decision.

We are meeting on Tuesday—yet another meeting in which we are going to be asked, believe it or not, whether we should have a full decant. I have been arguing about this for years. We are still talking about going to Richmond House, if the House of Commons ever voted for a full decant, which is totally unsuitable. We would have to rip out the courtyard and knock down bits of a listed building. There would be years of argument, another public inquiry and more delays. This decant will not affect anybody who is now sitting in the House of Commons. It will not happen for years, but still we are returning to the same arguments. The delivery authority keeps returning to this; it keeps saying that it is cheaper, more cost-effective, and all the rest of it to have the full decant. However, we have got on with repairing Speaker's House and Elizabeth Tower, and we are going to work on Victoria Tower. We should just get on with the work.

Sir Christopher Chope: I am grateful to my right hon. Friend for raising the R and R issue. This week, there was a meeting of the Procedure Committee to which representatives came along and in response to questions they told us that, if there was to be a complete decant, it would probably take between five and seven years to build the building into which the decant would go, so the works could not begin until 2029 at the earliest.

Sir Edward Leigh: As a former Chairman of the Public Accounts Committee, what I hate so much in politics is that people are so casual with the expenditure of taxpayers' money. I loathe that attitude. If it was their own affairs in dealing with restoration and renewal, they would just get on with the job. They would get various estimates and do what was necessary—the minimum necessary—to make this building safe. But because it is public money, we set up committees and create these huge bodies such as the one running HS2 and the one running R and R, with people paid huge salaries and making endless, over-engineered plans. It is frankly disgraceful.

Esther McVey: Does my right hon. Friend share my concern that, should the House decant somewhere else, it may be to an inferior Chamber? It may be not as secure or safe. In such an inferior Chamber, everything we are talking about here—full scrutiny, proper debates and being held to account—might be overlooked, just as how we were not holding the Government to account during the lockdown period, when we missed some debates and some votes.

Sir Edward Leigh: We all know how a Chamber is so important. We saw that through the extraordinarily anaemic debates we had during the whole covid period, when there was, frankly, an appalling lack of scrutiny of the Government.

The Bill is extremely timely. Like my hon. Friend the Member for Christchurch, I cannot understand why the Government will not accept it, but I am sure that in a few moments this eminently sensible Minister will give it the green light.

1.17 pm

Philip Davies (Shipley) (Con): The Government would do well to listen to the former Chairman of the Public Accounts Committee, my right hon. Friend the Member for Gainsborough (Sir Edward Leigh), who I think was

in that role for nine years, particularly about how we should better protect and better care about precious taxpayers' money, which seems to be frittered away willy-nilly by politicians across the House—that is not a party political point.

I am conflicted. On the face of it, this seems like such an obvious thing to do. At face value, the Bill seems to be one of those where we think, "How on earth could anyone object to a Minister having to bring forward a cost-benefit analysis and impact assessment for any legislation they introduce?" But I am not sure that it is quite as simple as that. I will try to explain why and give some examples.

We have heard some examples, which are all interesting case studies about the pros and cons of what my hon. Friend the Member for Christchurch (Sir Christopher Chope) is proposing, and perhaps some of the reasons why, even if it were introduced, it would end up being completely pointless and meaningless and serve no purpose at all. The first example is about covid, as mentioned by my right hon. Friend the Member for Tatton (Esther McVey). She was right to do so, and it is good for my welfare to say that she was absolutely right in everything she said—I would not dream of saying otherwise. It was astonishing that the Government not only did not do a cost-benefit analysis of the most draconian restrictions on our freedoms that anyone can remember, but freely admitted that they had not done so. They looked at any Member of Parliament who asked for a cost-benefit analysis as if they had three heads—as if that was the most ridiculous thing in the world to ask for. Of course they should have done a cost-benefit analysis. Had they done so, with an impact assessment, they certainly would not have concluded that locking down the country for two years would be a good thing to do, not only because of the effect of locking down schools on children's education, mental health and all the rest of it, which my hon. Friend the Member for Christchurch mentioned, but because of the impact on the economy.

All the problems that we have seen in the economy since the pandemic have been because of the lockdown. The consequences of lockdown, and of coming out of it, are the main reasons why we have such high inflation. All of that was easily predictable, but neither the Government nor the Opposition seemed interested in what might come afterwards. Nobody could see beyond the end of their noses. That is basically the issue: nobody was prepared even to have the debate about what long-term impact the lockdown would have on the economy, on people's finances, on NHS waiting times—the list goes on. Nobody was interested. Anybody who raised those concerns—even worse, some of us voted against the restrictions and lockdowns—was vilified for doing so. Everything that we predicted has come to pass, but Ministers were not interested.

It is even worse in many respects. The so-called experts on whom the Government were relying, who modelled how many people would die if we did not have lockdowns, and came out with all that absolute tripe at the time, have been giving evidence to the covid inquiry. It seems from what has been said that, in all that modelling, they did not even take into account how Government advice would change people's behaviour without the need to introduce a law to force that change. They had not even looked at that. How on earth can we get to the point where supposedly intelligent experts did not even consider the impact on people's behaviour of the Government saying, "We will not introduce any laws, but we think you should avoid close contact with elderly people and keep a two-metre distance"? In that sense, of course it would be right for the Government to conduct robust cost-benefit analyses and impact assessments when they come to decisions. We might hope that, if they did so, they would not come up with such ridiculous decisions as locking down the country for two years.

That also lies at the heart of my reservations about the Bill, which I relayed in my intervention on my hon. Friend the Member for Christchurch when I asked whether, if a Government introduced a cost-benefit analysis and the cost was seen to outweigh the benefit, they would therefore be obliged not to bring forward that measure. My hon. Friend said that, no, they would still be free to bring forward that measure and it would be up to Members of Parliament to take that analysis into account. Somewhere therein lies the flaw in my hon. Friend's plan, for a number of reasons that I will touch on.

The first is that, based on my covid analysis, the cost-benefit analysis would presumably have been done by the so-called experts, but they would not even have taken some costs into account anyway. Their cost-benefit analysis would not even have factored in whether or not the Government just advising people to do something would have changed behaviour—they had not thought about that—so how on earth could they be involved in a cost-benefit analysis? It would have been flawed in that sense. How much trust could we put in it? I do not really know. I think that my hon. Friend is, in effect, placing greater confidence in cost-benefit analyses than perhaps they deserve. He seems to be hanging his hat on them.

Esther McVey: Will my hon. Friend give way?

Philip Davies: I had better.

Esther McVey: Surely, if a cost-benefit analysis came forward in one way or another and was scrutinised on the Floor of the House, people could probe it and point out the failures within it. Without one, there is no opportunity to do even that. Would it not at least be a step in the right direction to make sure there is an impact assessment and cost-benefit analysis, because at least then we could have debated those for lockdown on the Floor of the House?

Philip Davies: My right hon. Friend makes a fair point, but I am not entirely sure that that necessarily follows, and I will give another example as to why.

I should say in passing that I cannot for the life of me understand why any Minister would not want to do a cost-benefit analysis of any proposal they were bringing forward. It seems to me extraordinary that a Minister would want to bring forward a proposal and not say, "Can somebody do a cost-benefit analysis of this, or an impact assessment?" Why on earth they would not want to do that Lord only knows, but that is a slightly different point. My point is this: what benefit does it have for the decision-making process?

Sir Christopher Chope: Before my hon. Friend goes on to his next example, may I say that there is no reason why an impact assessment should not look at the

[Sir Christopher Chope]

behavioural consequences of a particular policy measure? One of my gripes has been that the Renters (Reform) Bill does not give any account of its consequences for reducing the number of people who will be making their houses and homes available to let.

Philip Davies: My hon. Friend is absolutely right, and I agree wholeheartedly. That is why, as I say, for the life of me I cannot see why a Minister would not want to do that impact assessment.

The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake): May I suggest an instance where we might not want to do an impact assessment? My hon. Friend makes a good point, and of course the default position is that we should, but in a situation earlier this year the economy faced being ground to a halt because of industrial action—strikes—across the country. Does he think that sometimes the Government have to legislate quickly and may not have time to go through the processes that he and I would normally like to see?

Philip Davies: The Minister makes a fair point. Perhaps it is one of the reasons that I am perhaps not quite as persuaded as I would normally be by one of the Bills from my hon. Friend the Member for Christchurch. I want to come back to the point made by my right hon. Friend the Member for Tatton.

Esther McVey: I am not sure whether I could have intervened on the Minister there, but there should have been a cost-benefit analysis of industrial action, so that the public knew exactly how detrimental those strikes were, particularly on the railways, with the drop in productivity of the whole country. I do not agree that there are times when we should not do a cost-benefit analysis.

Philip Davies: If I have to choose between the Minister and my wife, I know who I am going to agree with, and the Minister is on a loser here. Unusually for me, there might be a compromise option, which is that a cost-benefit analysis should be done, but it may not necessarily need to be done before the original decision is made. Perhaps that could be a fair compromise and be considered subsequently.

I want to come back to the reason why what my right hon. Friend the Member for Tatton said earlier might not flow, though it logically should. She said that if we have a cost-benefit analysis, MPs can scrutinise things and make sensible decisions on whatever. I guess in an ideal world that would happen, but it seems to me that in the real world that does not happen. The House should not just take my word for it, because it did not happen during the passing of the Climate Change Act 2008.

As I touched on briefly in my intervention, when the Labour Government brought forward the Climate Change Bill, they did a cost-benefit analysis, as my hon. Friend the Member for Christchurch would have urged them to do. These were not meaningless numbers—we were talking serious money, and literally hundreds of billions of pounds were in the credit and debit columns on this cost-benefit analysis. It was not one with a few hundred thousand here or a few million there.

The Labour Government at the time brought forward the Climate Change Bill with a cost-benefit analysis, as my hon. Friend the Member for Christchurch would have wanted. The original impact assessment showed that the potential costs of introducing the Climate Change Bill were almost twice the maximum benefits, as calculated by the Government who were bringing forward the legislation. One would think that when a Government bring forward a Bill where the potential costs are twice as high as the maximum benefits, Members of Parliament would be fighting over themselves to vote it down. How on earth could anybody support such a ridiculous notion, let alone why a Government would bring forward such a Bill? However, on Second Reading just five MPs voted against it, when a cost-benefit analysis showed it was a non-starter.

What then happened was that Lord Lilley—at that time he was my right hon. Friend the Member for Hitchin and Harpenden—kicked up a fuss. I must add that during the passage of the Bill the potential cost barely came up—none of the Front Benchers from any party raised the cost, even though it was going to be hundreds of billions of pounds. However, Lord Lilley seized on the fact that the costs were twice the benefits and asked how on earth that could be, so the Government went away with a flea in their ear. But—would you believe it, Mr Deputy Speaker?—they came back having recalculated the cost-benefit analysis and having discovered hundreds of billions of pounds of new benefits that they had not identified when the Bill started its passage through this place. It was miraculous that they found hundreds of billions of pounds of benefits that they had not even thought about.

Either we should believe they were utterly incompetent and had not fully thought through the implications of their Bill before they brought it forward, or, if we are more cynical—I probably fall into that camp—we might believe they redid the figures and came back with some dodgy figures to make it look as if the Bill had a greater benefit than cost.

I am not sure the Bill succeeds on any level. The Climate Change Act 2008 showed me two things. First, the Government will come back with any figures they want just to prove there is a bigger benefit than cost, even if that is dubious, to say the least. Secondly, Members of Parliament are not even interested in cost-benefit analysis. If they were, more than five of us would have voted against the Bill on Second Reading. I am not being funny, Mr Deputy Speaker, but if you go into the voting Lobby and ask people what we are voting on, half the time they do not know, let alone know the cost-benefit analysis of what they are voting on, so I am not sure that a cost-benefit analysis would serve the purpose that my hon. Friend the Member for Christchurch thinks it would. Therefore, I think the Climate Change Act 2008 represents an argument against his Bill.

My right hon. Friend the Member for Gainsborough was absolutely right to mention a third Bill, which was about HS2. Everybody has known for years that HS2 was a catastrophic waste of money that was not even intended to benefit the north. History has been rewritten to say that it was going to be some great thing to benefit the north. The last Labour Government envisaged HS2 in order to try to reduce short-haul flights from Leeds Bradford and Manchester airports to Heathrow. It was

never intended to benefit the north—that was not the purpose of HS2. History was rewritten and if we listen to Andy Burnham it was going to be the saviour of the north. What an absolute load of tripe. The cost went up and up. As my right hon. Friend the Member for Tatton said, it went from £37 billion until it eventually got to £180 billion, and pretty much all the people who were arguing for it when it was £37 billion were still arguing for it when it was £180 billion.

In many regards, the only person to have a sensible approach to HS2, in terms of cost-benefit analysis, has been the Prime Minister. He said, not unreasonably, that he supported HS2 when the cost was £37 billion, but he could not support it when the cost reached £180 billion. That is a sensible decision for somebody to make, having looked at a cost-benefit analysis. The Leader of the Opposition will not be interested in a cost-benefit analysis—he opposed HS2 when it was £37 billion and supported it when it was £180 billion. How on earth are we expected to make sense of that? The decision making is absolutely ludicrous.

Politicians do not tend to make logical or financially sensible decisions; they make political decisions. They are not really interested in the cost-benefit analysis. They are interested in what it might look like in a headline in a paper, or in a campaign in a by-election. In many respects, the reason why HS2 goes against what my hon. Friend is trying to achieve here is that actually the Government had done a cost-benefit analysis of HS2. They just kept it quiet, because it did not deliver what people wanted it to deliver. Andrew Gilligan, who was the transport adviser when Boris Johnson was Prime Minister, revealed that, even before the latest increase in cost, the Treasury's cost-benefit analysis had shown that for every pound spent on HS2, it would deliver only a 90p return. Although that was the Government's official cost-benefit analysis, they were still pressing ahead with it at the time, until the costs became even more astronomical.

Although my hon. Friend is right that cost-benefit analyses should be at the forefront of decision making by Government and by Members of Parliament when they are scrutinising legislation, I just wonder, really and truly, how often people care that much about it. I can only conclude that they do not really care that much at all.

Sir Christopher Chope: Going back to the HS2 example, I was one of those supporting the objectors who wanted more of the track to go in tunnels. I was supporting them because I thought that it would push up the costs so much that the project would become unviable. That never materialised. Essentially, though, is my hon. Friend not arguing for additional impact assessments during the course of the project?

Philip Davies: My hon. Friend is highlighting how shrewd a politician he is and what shrewd decision-making skills he has. Ultimately, he was successful in getting the project stopped, but I cannot speculate on whether that was due to the number of tunnels. However, perhaps he helped, and more power to his elbow, because in places like Shipley we support the Prime Minister in wanting better connectivity across the north. The bit that works is north to south; it is across the north that it does not work, and the Prime Minister is absolutely right to focus his money on that. Whether it was down to the cost of the tunnels, I do not know, but it cannot have done much harm.

Finally, the other element of the Bill that I am nervous about, even though it is logical, is how much extra power it gives to what my hon. Friend described in a previous debate today as "the blob". If we were to be, in effect, governed by cost-benefit analyses in the way that he envisages and in the way that I would like things to be done, I do not think that it is beyond anybody's imagination that the civil service would, if it was particularly keen on the Government adopting a policy, miraculously produce figures that showed a tremendous benefit and not much of a cost. I am pretty sure that it is not beyond people's imagination to think that, were the blob, as he described it earlier, particularly determined to block a proposal from the Government, its advice to the Government would be that the cost far exceeded the benefit. I am rather nervous about giving civil servants more power over Government decisions than they already have.

Kevin Hollinrake: I think the hon. Member raised that point earlier in his remarks. I am sure that he is aware that whatever figures the Government produce, they are then scrutinised by an independent body, the Regulatory Policy Committee, to make sure that those figures hold water. Is he not reassured by that?

Philip Davies: No, I am not. I know the Minister well—he is a very good man—and I know he would not be swayed by what the blob was trying to tell him to do or not do. He is a man of his own mind and a very talented Minister, and I have no doubts about his decision-making skills. However, I am afraid that the idea that I should be reassured at the Government, in effect, handing over more decision making to some unelected body of the great and the good of the elite, and that I should put all my trust in them, does not give me any reassurance. To be perfectly honest, it somewhat horrifies me that the Government are farming out these things to the great and the good of the establishment.

Sir Edward Leigh: I am rather confused by my hon. Friend's speech. Normally, he is a sunny chap who looks on the positive side of life, but from what he is saying, it does not matter whether or not we have a serious impact assessment and whether or not it is worked on, because Governments of all persuasions at all times are so hopeless that nothing is ever going to improve, and we are going to have as many cock-ups in the next 100 years as we have had in the last 100 years. Is that really what he is saying?

Philip Davies: I think that is a pretty fair summary. If my right hon. Friend wants me to give a summary, that is not far off the mark. Yes, I am pretty sure that that will be the case.

I am afraid to say that, frankly, that is not going to change until Members of Parliament raise their game, to be perfectly honest. I am not particularly pinning the blame on the Government. They do their thing and their job is to get through what they want to get through. The people who should be holding the Government to account are us—those on these Back Benches and on the Opposition Benches. Our solemn duty is to hold the Government of the day to account,

[Philip Davies]

yet my point is that we are absolutely hopeless at doing so. As I have said, during the passage of the Climate Change Act, nobody was interested in the cost-benefit analysis. They were just voting for it like sheep because they thought it would be popular, or because there had been an email campaign encouraging them to do so. They were not doing the job they were paid to do, which was to scrutinise the legislation.

This comes back to the other flaw in the Bill. My hon. Friend the Member for Christchurch said that the Government should have to bring forward a cost-benefit analysis, and Members of Parliament could then scrutinise it and make a decision. I have to say to him that, if the Government refuse to bring forward an impact assessment or cost-benefit analysis, Members already have the power to say, "Actually, we're not going to support this until you do bring forward a cost-benefit analysis." The solution to the problem he is seeking to solve already lies in the hands of Members on the Back Benches and on the Opposition Benches if they are simply prepared to assert themselves and make it clear to Ministers, "We're not just going to rubber-stamp something because you tell us it's a good thing to do. Until you bring forward the evidence that shows it's a good thing to do, we're not going to support it."

How many times do Members of Parliament ever say that to the Government? They do not say that; they just nod and go along with it. I do not think the Government are actually the biggest problem. I think it is Members of Parliament on the Back Benches and on the Opposition Benches who are the biggest problem, because we do not need this legislation. Members of Parliament should assert themselves and force Ministers to do this anyway.

A cost-benefit analysis brought forward by the Government in effect amounts to Ministers marking their own homework in that, when they bring forward a Bill, they also bring forward the cost-benefit analysis. I am not persuaded at all by the Minister that some body of the great and the good is rubber-stamping what the Government have come up with, no doubt after being appointed by the Government to do that job. What use is that? We want people who have not been appointed by the Government to scrutinise the Bill, not people who have been appointed by them.

Of course, we know that this is the case because it goes back to what George Osborne said at the time he set up the Office for Budget Responsibility. The reason he set it up, as colleagues will remember, is that he was fed up of the previous Government coming up with bogus forecasts to justify their policies and decisions at Budgets and autumn statements. They had, in effect, manipulated the figures to stick within the arbitrary rules they had set for themselves, which they then perhaps no longer wanted to keep. They were in charge of the forecasts and the figures, and they manipulated the figures for their own political advantage. George Osborne's stated reason for introducing the Office for Budget Responsibility was, in effect, that the Treasury could not be trusted to come up with honest figures that we could all rely on, all the figures were dodgy and we needed an independent body to do it.

If the Bill passes and my hon. Friend the Member for Christchurch says, "I want the Minister to come up with a cost-benefit analysis," all we are doing is handing the cost-benefit analysis to the Treasury, which previous Chancellors have said cannot be trusted to come up with accurate forecasts and figures. I am not entirely sure what use it would be to the decision-making process if we ever got to the point where a Member of Parliament was actually interested in what the cost-benefit analysis said.

I feel slightly conflicted. On the basis of what my hon. Friend the Member for Christchurch and my right hon. Friends the Members for Tatton and for Gainsborough said, this seems, at face value, a very obvious, simple thing to do. I repeat that I cannot understand why any Minister who wanted to make decisions would not want to go through this process. But I fear that, despite the best intentions of my hon. Friend the Member for Christchurch, it would not deliver the outcome that he seeks or, in the end, particularly improve decision making in this House.

Mr Deputy Speaker (Sir Roger Gale): I call the shadow Minister.

1.45 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I thank the hon. Member for Christchurch (Sir Christopher Chope) for introducing this Bill. This has been a wide-ranging debate that has covered a whole range of topics, but it is, at heart, about accountability for Government decisions, and it is clear that there are concerns about that.

It is worth drawing the House's attention to the report of the House of Lords Secondary Legislation Scrutiny Committee of 10 October 2022, entitled "Losing Impact: why the Government's impact assessment system is failing Parliament and the public". I know that minds were probably elsewhere around that time last year, but it is a very important report, and it draws on many of the points that have been raised today. The executive summary of the report said:

> "In 2017, we noted that there had been some improvement in the quality of Impact Assessments (IA) provided with secondary legislation. Unfortunately, this improvement has not survived the dual challenges of Brexit and the pandemic, during which time the speed of legislating meant that corners were cut. We had hoped that the return to more normal working would provide an opportunity not just to reinstate the previous IA system but to improve it: this has not happened."

To pick up on the points raised by the right hon. Member for Tatton (Esther McVey), as the shadow Health Minister at the time I spent an awful lot of days on the Committee corridor opposite the right hon. Member for Charnwood (Edward Argar). Unfortunately, he is not here now, but I am sure he will recall fondly a number of occasions on which we drew to his attention the fact that many of the regulations introduced under the Public Health (Control of Disease) Act 1984 had no impact assessment and very little information to back up the decisions that had been made. We understood at the start of the pandemic why that was not always possible, but as time moved on, it felt that that was a pattern that did not have any justification. This matter is not limited to public health regulations.

Esther McVey: Does the hon. Member agree that we need to change the 1984 Act so that we do not bypass the House and go into lockdowns without full scrutiny by all Members of this House?

Justin Madders: I would like to wait and see what the inquiry says about the way that that was handled. An awful lot of evidence has been given about Government decision making at the time, which it makes clear was less than ideal. It is probably best for us to wait and see what comes out of the inquiry on how we as a Parliament can best deal with these issues in future. Hopefully that situation will never repeat itself, but the hon. Member for Shipley (Philip Davies) made the point that the solution to many of these challenges lies in Members robustly challenging Government when opportunities arise.

The House of Lords Committee said that an impact statement

"should not just be treated as an item on a 'to do' list but be an integral part of the policy formulation process… One of our major concerns is that IAs which are published late, or that appear to have been scrambled together at the last minute to justify a decision already taken, may undermine the quality of the policy choices that underpin the legislation."

Again, that theme has been picked up in the debate.

Kevin Hollinrake: Reflecting on that particular statement, does the hon. Gentleman think his party was wrong to call for longer lockdowns on the basis of no evidence in cost-benefit analysis?

Justin Madders: That is a bit rich from a Minister of a Government who did not introduce any impact assessments when they first brought in the lockdowns or various restrictions. I can recall on numerous occasions asking Ministers why people were limited to being in groups of six or why pubs had to close at 10 o'clock. We never got a satisfactory answer to any of those questions, so for the Government to try to put that on us is a little rich.

Esther McVey: The hon. Member has just said to the House that he did not have sufficient answers for the rule of six and the 10 pm curfew. Does he not think it curious that Members, except for a handful of us here, still voted for them? Even he went along with it and voted for them.

Justin Madders: We are not going to relitigate the entire pandemic here, but it is very important to say that the Opposition's position was to support the Government in trying to get on top of the pandemic. I think it is fair to say that, while we did that, we were concerned there was not always the evidence to support some of the Government's policies. We took it on trust that they had those conversations with the Scientific Advisory Group for Emergencies and so on, but again, I think those things—the level of detail and the consideration taken before recommendations came forward—will come out during the inquiries.

To pick up on another point from the Lords Secondary Legislation Scrutiny Committee recommendations, it said:

"Our concern is that the number of qualifying instruments which have not followed the IA"—

impact assessment—

"procedure has increased and, given that no sanctions appear to be applied where a department fails to comply, there would seem to be little incentive for departments to improve."

Obviously, the Bill would create an incentive in the sense of bringing a Minister here every three days to answer for the lack of an impact assessment when one is not produced. As much as I enjoy seeing the Minister, I do not think it would be a particularly good use of parliamentary time to have him come here every three days to explain why an impact assessment had not been prepared. It would probably create an unnecessary pressure to produce one in a rushed manner that might not actually be fit for purpose. On that point, the Minister referred to the Regulatory Policy Committee, which does a kind of audit of impact assessments. It has said itself that around a quarter of all impact assessments are not fit for purpose. If we are to rely on the RPC for approval of the way impact assessments are delivered, we ought to listen to its recommendations a little bit more. They are not always as glowing as we would like.

I will not detain the House any longer, but some important points have been raised.

Sir Christopher Chope: On the hon. Member's last point, if he accepts that the system is not working, what does he think should be the sanction for failing to ensure that it does work?

Justin Madders: The answer lies in Members' own hands. It is up to Parliament itself to object to or vote against legislation if it does not think the impact assessments support the policy direction. The powers have always been there. Members can turn up to any secondary legislation Committee if they wish to. I understand the thrust of what the hon. Member is saying with this private Member's Bill, but I am not quite sure it is the right method to deliver it. What needs to happen is for the Government to instil from day one a commitment to evidence-based decision making. There have, I am afraid, been too many examples recently where that has not happened.

1.54 pm

The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake): I congratulate my hon. Friend the Member for Christchurch (Sir Christopher Chope) on his important Bill. I very much agree with his sentiments about ensuring that we have good financial justifications for our policies as soon as they are introduced to this House, although—as I said in an intervention on my hon. Friend the Member for Shipley (Philip Davies)—I think there are occasions on which we must be able to set those things aside.

What my hon. Friend the Member for Christchurch seeks to do through his Bill is to formalise a process that should happen anyway, by making impact assessments a statutory requirement as soon as primary or secondary legislation is introduced. Currently, this is a process that happens through collective agreement.

As I always do when speaking in this House, I will try to put myself in the shoes I was in when I was in business. This place is not always that businesslike; I think it should be more businesslike. When someone in business is about to spend some money or invest in a new policy area, they will look at the costs and benefits of the interventions they are likely to make. However, I do not think that any business will simply bind itself to its own process. This legislation is itself a form of regulation, so I think it is right that we look at outcomes rather than processes. The Government are strongly committed to ensuring proper assessment of our policies, assessing the impacts and seeking to ease the burdens. That is the principle behind my hon. Friend's Bill.

[Kevin Hollinrake]

On my travels around the business community, I talk to many businesses. The principal issue raised by small and medium-sized enterprises is access to finance, but for the large businesses operating in our economy, which are clearly hugely important, the principal concerns are about the impact of regulation and sometimes about the slowness of the regulatory framework; I will come on to that point in a second. Importantly, we are making changes right now that I think my hon. Friend will approve of and that will meet his objectives.

There has been much speculation about the role of Parliament. My hon. Friend asked whether we are simply nodding donkeys. He certainly is not one, and neither is anybody who has spoken in this debate. Parliamentarians across the House can always make changes if they can apply enough pressure to the Government of the day. In my seven and a half years on the Back Benches, I certainly did not feel that I was a nodding donkey.

My hon. Friend wants impact assessments to be carried out prior to legislation even being tabled. He is absolutely right. That point feeds into something even more important, which is that we will ensure we introduce only legislation that is fit for purpose and will have a positive effect on our economy. With the better regulation framework we are introducing, our intention is that consideration of the impact assessment and the cost-benefit analysis will happen even before the legislation has been drafted. That is the principle.

Before a Department decides to legislate, it must first consider other routes that would achieve the same end. If it ultimately decides to legislate in a certain area, a key moment is the write-round, which is where a Minister or Secretary of State writes to other Departments to say that they want to legislate. At that point, the impact assessment should be made available to other Ministers. Hopefully, that will prevent unnecessary legislation resulting from other measures being brought forward that would have the same effect.

I think our recent reform to the better regulation framework meets the intent of my hon. Friend's Bill. I do not want to put words in his mouth, but I am sure he agrees that the intent is to reduce business burdens. Reducing burdens on business means supply-side reform and more competition, and we know that more competition is the best regulator.

We are focusing on three things within the framework. The first is the existing stock of regulation on our statute book; the second is the flow of new regulation and the need to ensure that anything we introduce has the right purpose and the right effect; and the third, which has not really been discussed in today's debate, is regulatory practice. What do our regulators actually do in practice when they are carrying out their regulatory duties?

On the existing stock of regulation, for the purposes of the Retained EU Law (Revocation and Reform) Act 2023, we have been hunting out bits of regulation that can be removed or amended now that we have the ability to amend what were previously EU requirements. However, the programme covers a wider area than retained EU law; we are looking for other areas in which we can streamline regulation. My right hon. Friend the Member for Gainsborough (Sir Edward Leigh) was right to say that, as a Conservative Government, we should be in favour of low tax and low regulation, and that is certainly our intention. My right hon. Friend referred extensively to his local RAF base, and we have had many discussions about that because we have had similar experiences over the last couple of years. He may be reassured to know that future impact assessments will look beyond purely economic impacts, and may include some of the measures to which he alluded.

We have already reformed or revoked more than 1,000 pieces of legislation, and 1,000 more reforms and revocations are under way. We have, for instance, either reformed or revoked 500 measures in the Financial Services and Markets Act 2023 and the Procurement Bill. We have also consulted on reforming retained EU employment law, such as the working time directive recording requirements and wine sector reforms, and consultations are currently taking place on the product safety review and the fire safety of domestic upholstered furniture. The latter two consultations will future-proof our approach to product regulation, alongside our proposal to extend recognition of the CE mark indefinitely.

A number of observations have been made about the work of parliamentarians and its effect on regulation. I congratulate my right hon. Friends the Members for Chipping Barnet (Theresa Villiers) and for Chingford and Woodford Green (Sir Iain Duncan Smith) on their work on the taskforce on innovation, growth and regulatory reform, which made 69 recommendations for the easing or simplification of regulations. We have already implemented 10 of those recommendations, and are in the process of implementing a further 49. They involve key issues such as grid connections and reform of our clinical trials process.

We have simplified or scrapped many other regulations. Our reform of the nutrient neutrality rules will potentially release 150,000 previously stalled homes into the marketplace. The reform of the GDPR requirements will save businesses about £1 billion, and the reform of the working time directive recording requirements will have similar benefits. There are also pension and Solvency II reforms and changes, the setting aside of the requirement for small and medium-sized enterprises to provide insurance cover and audited accounts when bidding for public sector contracts in advance of those contracts—that should make it much easier for SMEs to secure such contracts—and changes relating to gene editing, holiday requirements and listing rules for the London Stock Exchange. My hon. Friend the Member for Christchurch mentioned the increase in the number of burdens placed on businesses over the last few years. I cannot comment on the figure that he mentioned—I think it was £14 billion—but regulation does, of course, have its purpose at times. We cannot have clean rivers without regulation. However, I am happy to write to my hon. Friend. I thought he might also mention smart meters, which are included in those figures, because I have heard him mention them in the Chamber before. As we know, the roll-out of smart meters is important to reducing energy use. We have also reformed measures on climate-related reporting in large companies, the energy efficiency of buildings and electric vehicle charging, so that we can have charging stations all around the country. I declare my interest here: as an electric vehicle driver for the past six and a half years, I welcome that, because I know all about range anxiety. The telecoms

measures relating to national security—that alone was £2.4 billion—resulted from concerns raised in the House the security threat from foreign actors.

To complement the work that we are doing on the existing stock of regulation, we are working on controlling the flow of new regulation. The better regulation framework, about which I will say more shortly, has been reformed to make it more effective at putting a downward pressure on that flow.

Philip Davies: Back in the dim and dark past—when David Cameron was Prime Minister, I think—the Government introduced a "one in, one out" rule for regulations, and then increased that to a "one in, two out" rule. Does that still apply to the Government?

Kevin Hollinrake: No, that does not currently apply to the Government. As I say, there are reasons why we regulate, and I have pointed out some of those reasons; I am very happy to write to my hon. Friend regarding some of the reasons we do need to regulate. That is not necessarily the right way to go about it: looking at costs and benefits across the piece is important. In his speech, which I listened to very carefully, he cast some doubts on our ability to properly analyse costs and benefits, so I think it is right that we look at this issue across the piece. Our policymaking should be more nuanced than that.

I have mentioned the landscape of regulators. The third important part of our smarter regulation agenda relates to ensuring we have a well-functioning landscape of independent regulators. These have a significant footprint on the economy, and it is essential that they work well for the United Kingdom. They should operate in an agile and outcome-driven fashion, helping to drive economic growth while protecting consumers and ensuring that markets work as well as they can.

We have launched a series of consultations aimed at improving the outcomes that independent regulation delivers, including a strategic steer for the Competition and Markets Authority and a strategy and policy statement for energy regulation. We have also published findings of an independent review into the Civil Aviation Authority as part of the Cabinet Office's public bodies review programme. Most recently, we consulted on extending the existing growth duty to Ofgem, Ofcom and Ofwat.

We have launched a call for evidence on the regulatory landscape as a whole, seeking views from businesses, consumers and regulators on what works well and what could be improved on to deliver for the sectors they serve. That call for evidence also seeks views on any further steps we can take to reform the stock of regulation to remove unnecessary burdens, so I can assure my hon. Friend the Member for Shipley that this Government are completely committed to doing everything possible to keep the impacts on business to an absolute minimum. Those impact assessments play a key role when it comes to controlling the flow of new regulation. They set out the conclusions of evidence-based processes and procedures that assess the economic, social and environmental aspects of public policy for businesses and wider society.

My hon. Friend the Member for Christchurch mentioned some of the legislation that has not necessarily been accompanied by an impact assessment. He may want to ask questions of the different Ministers responsible for the policy areas concerned: net zero, HS2, and renters' reform. For something as strategic as net zero, for example, it is hugely complex to identify both costs and benefits: there are some things that we simply do not know. While listening to my hon. Friend speak about those issues, a famous quote from the former Chinese Premier Zhou Enlai came to mind: in 1972, he was asked about the impact of the French revolution, and he said, "It's too early to tell." There are so many things that we just do not know, which I think was a point raised by my hon. Friend the Member for Shipley. As I used to say in our boardroom, "You can make anything look good on a spreadsheet", so we have to cast a critical eye over any cost-benefit analysis.

The other thing I would say about more parliamentary scrutiny is that we hear from businesses all the time that they are crying out for us to get on and deliver certain key infrastructure projects, so I do not think it would be helpful to extend the time they take to deliver. One example is the East Anglia pylon project, which is 112 miles of electricity cable going through the east of England. I realise that that project is very controversial, but stopping these things from happening has a cost to business, too. There are different dynamics going on in this conversation.

Impact assessments have evolved into an important and valuable component of the UK's better regulation system. They have added transparent accountability to the work of supporting policy development. As I have said, independent scrutiny by the Regulatory Policy Committee should offer some reassurance to Ministers, parliamentarians and other stakeholders that the impacts have been considered rigorously. The UK's approach is already highly regarded internationally, and we continue to score highly in impact assessments and post-implementation reviews compared with the other 38 OECD members. We should be justifiably proud of our world-leading reputation in this area.

The reforms to the better regulation framework deliver on the intent set out in May in the "Smarter regulation to grow the economy" document, and will put downward pressure on the flow of new regulation. The reforms require policymakers across Government to think even more carefully about alternative approaches, before concluding that regulation is the best answer. They will also encourage impact assessments, supporting proposals to focus on a wider range of impacts than was the case under the old system that had a narrow focus on impacts on business. The reforms encourage earlier consideration of how to evaluate whether regulations have achieved what was intended, so they can be revised or removed where they are not working as intended.

To support that, our new approach brings independent scrutiny by the independent advisory body, the RPC, to earlier in the policy cycle. That means that the RPC's opinion can better inform Ministers' decisions at an earlier stage on whether proceeding with regulation is the right approach, and whether the impacts are proportionate. All that should further improve the quality and value of the impact assessments that will reach Parliament, and help to ensure that the Government are regulating only where necessary, and designing regulation that is both proportionate and future-proof. We want this to drive the best regulatory environment, and ensure that UK businesses can grow and consumers stay safe.

My right hon. Friend the Member for Tatton (Esther McVey) raised the issue of covid and the Public Health Act, and she is right to say that we must learn from our

[Kevin Hollinrake]

experiences during that time. There is always a price for acting and a price for not acting, and it is right that we look at policy decisions that were taken to ensure that we make better decisions in future—not that we ever want to suffer from the same experiences again.

My hon. Friend the Member for Shipley spoke about the Government frittering money away, and suggested that both parties do that. I am not saying that money is not wasted sometimes. I come from Yorkshire and that is not something we do on an everyday basis—we are keen to avoid it. However, in my eight and a half years in Parliament, and even though we are guilty of it at times, it has always occurred to me that those on the Opposition Benches have an awful lot of money to spend. Time after time, they have voted for tax cuts, or against tax increases, while at the same time calling for increased spending. It simply does not add up.

To conclude, although the Government are not minded to support the Bill, we recognise the vital role that regulatory impact assessments play both in ensuring that Government consider the need for, and likely impact of, new regulations to support legislative change, and in informing decision making and parliamentary scrutiny. The Government do not think the Bill is necessary because there are already proportionate requirements around impact assessments. The framework has always evolved to target regulatory impact assessments where there is the greatest benefit, and we believe our recent reforms move further in that direction.

In the spirit of smarter regulation, which I trust I have shown I very much care about, we should not create new legislation about impact assessment requirements unless it is essential to do so. Our recent changes to the better regulation framework seek to reinforce the processes used in Government, while removing regulation rather than adding to it. We believe that is the correct approach. I again thank my hon. Friend the Member for Christchurch for his contributions to this debate, as well as everyone who has worked hard to raise awareness of the vital role that regulatory impact assessments play when legislative or policy changes are made.

2.13 pm

Sir Christopher Chope: This has been an excellent debate, and I thank everybody who has participated in it. In the Minister we have somebody who actually believes in his brief, and it is refreshing to hear him bring his knowledge and experience to this important subject. It was also interesting to hear the hon. Member for Ellesmere Port and Neston (Justin Madders) make it clear that the Labour party supports this as an important tool in ensuring that we have proper scrutiny and good legislation.

I am grateful to my right hon. Friend the Member for Tatton (Esther McVey) for dwelling on the amendment of the Public Health Act, and the abuse of power to which that gave rise. I will finish in a moment with a quote from Lord Sumption, who has a phrase that encapsulates our concerns. My right hon. Friend the Member for Gainsborough (Sir Edward Leigh) spoke eloquently about the problems he has at Scampton. On the basis of what he said, I am almost prepared to come along with my banner and help him to persuade the Government to relent and allow his constituents to continue as they have been.

My right hon. Friend made a good point about restoration and renewal, which made me think about a question I asked at the Procedure Committee about how, when the cost-benefit analysis is done, we are going to evaluate the benefit to our democracy of having the House of Commons continuing to sit within the Palace of Westminster and not being decanted. The answer I got was that that is not something they can do. All they can do is tell us what various options will cost, but they are not prepared to evaluate the benefits of staying in this Palace and not decanting. That is an example of the issue that we have.

That was expanded on by my hon. Friend the Member for Shipley (Philip Davies), who as always brought an independent mind to these debates. He gave me a nightmare by reminding me of the Climate Change Act 2008 and the extent of that legislation. You will recall, Mr Deputy Speaker, that we were in opposition at the time. The leader of the Conservative party, David Cameron, felt so strongly about it that those of us who voted against it—my hon. Friend and I, along with Peter Lilley, Ann Widdecombe and Andrew Tyrie—have never been forgiven by him. Indeed, my noble Friend Lord Tyrie was told expressly by David Cameron that, as a result of his voting against that Bill's Third Reading, he would never have office on the Front Bench either in opposition or in government under his leadership. That is the pressure that MPs are often up against in having an independent mind and not being a nodding donkey.

I finish by quoting from "Canary in a Covid World: How Propaganda and Censorship Changed Our (My) World", in which Lord Sumption reminds us in an essay that

> "Governments have immense powers, not just in the field of public health but generally. These powers have existed for many years. Their existence has been tolerable in a liberal democracy only because of a culture of restraint…which made it unthinkable that they should be used in a despotic manner."

In a sense, that is what this debate is all about—trying to constrain the natural tendency of the Government to want to behave in a despotic manner. Mr Deputy Speaker, this is an issue that will continue to be of interest to hon. Members, so I would like to see whether we can adjourn the debate.

Ordered, That the debate be now adjourned.—*(Mr Mohindra.)*

Debate to be resumed on Friday 27 October.

Green Belt (Protection) Bill

Second Reading

2.19 pm

Sir Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

Let me explain briefly, for those who may have been expecting debates on the other Bills, that unfortunately today's proceedings will finish at 2.30 pm, and it is not possible to debate all these worthy subjects on the Order Paper. However, the quality of the debates we have had today shows that the Leader of the House was mistaken in seeking, at one stage, to change the rules and, in effect, exclude debate on most of the subjects we have been able to enjoy today.

This is the last Bill I have down on today's Order Paper and it deals with a subject that has been close to my heart ever since I was privileged to be a Minister in the Department of the Environment, as it then was, and we were celebrating one of the great anniversaries of the green belt. It was brought home to me how important the green belt is, not just for being green—it is not always green—but for preventing ribbon development across our country. If one travels out of London, as I will later today when going to my constituency by car, one will be able to travel through many miles of relatively green fields and countryside, which is there only because of the green belt. It has been protected over the years against ribbon development. If we contrast what it is like when one goes out of London with what it is like going out of Bangkok, Delhi, Cairo or a lot of other foreign cities, one can see that we have been able to create for our country a much better environment by having green belts around the big conurbations, including that of Bournemouth, Christchurch and Poole. So we want to ensure that we do not erode the green belt.

One of my concerns is that all the talk about the need to erode the green belt is producing dire consequences, because people who own land in the green belt think they are going to be able to sell it for a fast buck at some future stage and may already be negotiating options on it. As the Government no longer seem to be committed to ensuring that the green belt remains sacrosanct, we see things happening in areas such as Dudsbury golf course in my constituency. A fortnight ago, the golf club was told that the golf course is no longer going to be available after next April, apparently because a company called Wyatt Homes has bought it. The company has no planning permission to build on it—it is bang in the middle of the green belt—but it obviously thinks that at some stage in the future if they get rid of the golf course and allow the land to deteriorate, it may be able to get its dream of a massive housing development on that land.

Philip Davies (Shipley) (Con): I spend much of my time trying to stop Bradford Council concreting over the green belt in my constituency. It seems to want to build more and more unaffordable houses on the green belt, and I want it to build more and more affordable houses on brownfield sites in Bradford. Was my hon. Friend, like me, concerned that the Leader of the Opposition recently suggested at his conference that, were he to become Prime Minister, there should be much more building on the green belt and he would want to overrule local objection to that?

Sir Christopher Chope: I think that what the Leader of the Opposition was proposing is a complete nightmare. It will destroy at a stroke all that land, which, as I have said, is protecting the environment of people who live in cities. Why should people who live in cities and towns be prevented from being able to venture outside them to enjoy open air and countryside?

Andrew Bridgen (North West Leicestershire) (Reclaim): Although we have no green belt in Leicestershire, the most loved piece of green open space in the county is the green wedge north of Coalville, which separates Coalville from the villages of Swannington, Thringstone, Coleorton and Whitwick. Will the hon. Gentleman's Bill protect those spaces as well?

Sir Christopher Chope: It is called the Green Belt (Protection) Bill, so I am not sure that protecting areas outside of the green belt will come into its scope, to answer the hon. Gentleman's question directly. Would I in spirit support protecting the sorts of spaces he describes? The answer is very much that I would. The essence of this Bill is just to concentrate on those areas of the country that already have green belt that is subject to pressure from some parts of my own party—and particularly now, it seems, from the Opposition—to have it de-designated. That is why clause 2 states:

> "No local authority in England shall de-designate any land…unless…it has ensured that alternative land within its local authority area has been designated as Green Belt land in substitution for the land to be designated".

That would remove any incentive for local authorities to grant planning permission on one piece of green-belt land, because they would know that they would have to replace it with another bit of green-belt land. That is why this is such an important Bill.

Esther McVey (Tatton) (Con): Going back to the point on taking away local concerns and local opposition, which the Opposition want to do, the green belt is cherished by the public. To take away the voice of the public should surely be concerning. If the Opposition will take away the voice of the public from something like this, what else will they be taking it away from?

Sir Christopher Chope: In essence, my right hon. Friend is right. This is an issue of local democracy, and it should be for local people to decide the quality of the environment in which they live, but there should also be some national rules. The green-belt policy was originally for the metropolitan green belt, because on a cross-party basis people thought, "We can't allow our towns and cities to expand exponentially without any control." There was always an argument for saying, "The next field in the countryside is one on which we should build to deal with the housing crisis." Why not build some more new settlements?

Philip Davies: I know that time is against us, so I am grateful to my hon. Friend for giving way. One of the flaws in his Bill, as I see it, is the proposal to allow local authorities to de-list green belt so long as they substitute it with something else. Is the danger of that not that we

[Philip Davies]

devalue the green belt and, in effect, local councils give up plum green-belt sites and replace them with land that is not what most people would consider green-belt land, therefore devaluing the whole essence of the green belt and making it easier for future politicians to come along and concrete over that too?

Sir Christopher Chope: My hon. Friend is right, but the problem is that local authorities already can de-list green-belt land and, indeed, are encouraged by the Government to do so. It is because of that reality that I thought, "Let us try to introduce a deterrent against that de-listing." The Government go around saying, "You won't be able to build on the green belt, but you can apply for that piece of land to no longer be designated as green belt," thereby avoiding the protection that this House decided to give when it introduced the green-belt legislation. That erosion is already taking place, but the Bill is designed to try to limit the effects of that.

I take my hon. Friend's point, however, that for years and years people sitting on green-belt land, perhaps with a big offer from a building firm to give them large sums of money if they get planning permission, have thought, "Let us put pigs on the land, or allow Travellers or squatters to get on the land" so that in the end people say, "It would be much better to build on it than have to put up with these ghastly antisocial activities that are already on there." That has been the strategy by many people who own green-belt land to try to persuade people that it is a good idea to get rid of it. Green-belt land does not have to be green; it has to be land that is undeveloped and is a breathing space for people who are otherwise confined to living in our towns and cities.

I am not expecting the Government to approve the Bill, because they have already said that they are against it—indeed, throughout this Session they have objected to this and all my other Bills—but that does not mean that we should give up. We have to keep on trying to protect that which is worth protecting. For the reasons that I have set out, I believe that it is worth protecting the green belt, as I think do most people in the country. They should be reminded when they visit London that it would not be such a green and pleasant land outside it but for the green belt.

2.30 pm

The Deputy Speaker interrupted the business (Standing Order No. 11(2)).

Bill to be read a Second time on Friday 27 October.

Business without Debate

PLASTICS (WET WIPES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

WORKING TIME REGULATIONS (AMENDMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

BRITISH GOODS (PUBLIC SECTOR PURCHASING DUTY) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

CONSUMER PRICING BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

BROADCASTING (LISTED SPORTING EVENTS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

EMPLOYMENT (APPLICATION REQUIREMENTS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

PUPPY IMPORT (PROHIBITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

PUBLIC SECTOR WEBSITE IMPERSONATION BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

ARMENIAN GENOCIDE (RECOGNITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

HOUSE OF LORDS (HEREDITARY PEERS) (ABOLITION OF BY-ELECTIONS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

CORONERS (DETERMINATION OF SUICIDE) BILL [*LORDS*]

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 27 October.

Trends in Excess Deaths

Motion made, and Question proposed, That this House do now adjourn.—(*Mr Mohindra.*)

2.32 pm

Andrew Bridgen (North West Leicestershire) (Reclaim): We have experienced more excess deaths since July 2021 than in the whole of 2020. Unlike during the pandemic, however, those deaths are not disproportionately of the old. In other words, the excess deaths are striking down people in the prime of life, but no one seems to care. I fear that history will not judge this House kindly. Worse still, in a country supposedly committed to the free and frank exchange of views, it appears that no one cares that no one cares. Well, I care, Mr Deputy Speaker, and I credit those Members in attendance today, who also care. I thank the hon. Member for Lincoln (Karl McCartney) for his support, and I am sorry that he could not attend the debate.

It has taken a lot of effort, and more than 20 rejections, to be allowed to raise this topic, but at last we are here to discuss the number of people dying. Nothing could be more serious. Numerous countries are currently gripped in a period of unexpected mortality, and no one wants to talk about it. It is quite normal for death numbers to fluctuate up and down by chance alone, but what we are seeing here is a pattern repeated across countries, and the rise has not let up.

Philip Davies (Shipley) (Con): I commend the hon. Member for the tenacious way in which he has battled on this issue; I admire him for that. I wonder where he found the media were in all this. During the covid pandemic, every day the media—particularly the BBC—could not wait to tell us how many people had died on that particular day, without any context for those figures whatsoever, but they seem to have gone strangely quiet over excess deaths now.

Andrew Bridgen: I thank the hon. Gentleman for his intervention. He is absolutely right: the media have let the British public down badly. There will be a full press pack going out to all media outlets following my speech, with all the evidence to back up all the claims I will make, but I do not doubt that there will be no mention of it in the mainstream media.

One might think that a debate about excess deaths would be full of numbers, but this speech does not contain many numbers, because most of the important numbers are being kept hidden. Other data has been oddly presented in a distorted way, and concerned people seeking to highlight important findings and ask questions have found themselves inexplicably under attack.

Before debating excess deaths, it is important to understand how excess deaths are determined. To understand whether there is an excess, by definition, we need to estimate how many deaths would have been expected. The Organisation for Economic Co-operation and Development uses 2015 to 2019 as a baseline, and the Government's Office for Health Improvement and Disparities uses a 2015 to 2019 baseline, modelled to allow for ageing. I have used that data here. Unforgivably, the Office for National Statistics has included deaths in 2021 as part of its baseline calculation for expected deaths, as if there was anything normal about the

[Andrew Bridgen]

deaths in 2021. By exaggerating the number of deaths expected, the number of excess deaths can be minimised. Why would the ONS want to do that?

There is just too much that we do not know, and it is not good enough. The ONS publishes promptly each week the number of deaths registered. While that is commendable, it is not the data point that really matters. There is a total failure to collect, never mind publish, data on deaths that are referred for investigation to the coroner. Why does that matter? A referral means that it can be many months—or, given the backlog, many years—before a death is formally registered. Needing to investigate the cause of a death is fair enough, but failing to record when the death happened is not.

Because of that problem, we have no idea how many people died in 2021, even now. The problem is greatest for the younger age groups, where a higher proportion of deaths are investigated. This data failure is unacceptable and must change. There is nothing in a coroner's report that can bring anyone back from the dead, and those deaths should be reported. The youngest age groups are important not only because they should have their whole lives ahead of them. If there is a new cause of excess mortality across the board, it would not be noticed so much in the older cohorts, because the extra deaths would be drowned out among the expected deaths. However, in the youngest cohorts, that is not the case.

There were nearly two extra deaths a day in the second half of 2021 among 15 to 19-year-old males, but potentially even more if those referred to the coroner were fully included. In a judicial review of the decision to vaccinate yet younger children, the ONS refused in court to give anonymised details about those deaths. It admitted that the data it was withholding was statistically significant. It said:

"the ONS recognises that more work could be undertaken to examine the mortality rates of young people in 2021, and intends to do so once more reliable data are available."

How many more extra deaths in 15 to 19-year-olds will it take to trigger such work? Surely the ONS should be desperately keen to investigate deaths in young men. Why else do we have an independent body charged with examining mortality data? Surely the ONS has a responsibility to collect data from coroners to produce timely information.

Let us move on to old people. Most deaths in the old are registered promptly, and we have a better feel for how many older people are dying. Deaths from dementia and Alzheimer's show what we ought to expect: there was a period of high mortality coinciding with covid and lockdowns, but ever since, there have been fewer deaths than expected. After a period of high mortality, we expect and historically have seen a period of low mortality, because those who have sadly died cannot die again.

Those whose deaths were slightly premature because of covid and lockdowns died earlier than they otherwise would have. That principle should hold true for every cause of death and every age group, but that is not what we are seeing. Even for the over-85-year-olds, according to the Office for Health Improvement and Disparities, there were 8,000 excess deaths—4% above the expected levels—for the 12 months starting in July 2020. That includes all of the autumn 2020 wave of covid when we had tiering and the second lockdown and all of the first covid winter. However, for the year starting July 2022, there were more than 18,000 excess deaths in this age group—9% above expected levels. That is more than twice as many in a period when there should have been a deficit and when deaths from diseases previously associated with old age were fewer than expected. I have raised my concerns about NG163 and the use of midazolam and morphine, which may have caused—and may still be causing—premature deaths in the vulnerable, but that is, sadly, a debate for another day.

There were just over 14,000 excess deaths in the under 65-year-olds before vaccination from April 2020 to the end of March 2021. However, since that time, there have been more than 21,000 excess deaths, ignoring the registration delay problem, and the majority of those deaths—58% of them—were not attributed to covid. We turned society upside down before vaccination for fear of excess deaths from covid, but today we have substantially more excess deaths, and in younger people, and there is a complete eerie silence. The evidence is unequivocal. There was a clear stepwise increase in mortality following the vaccine roll-out. There was a reprieve in the winter of 2021-22 because there were fewer than expected respiratory deaths, but otherwise the excess has been incessantly at this high level.

Ambulance data for England provides another clue. Ambulance calls for life- threatening emergencies were running at a steady 2,000 calls a day until the vaccine roll-out. From then, they rose to 2,500 daily, and calls have stayed at that level since. The surveillance systems designed to spot a safety problem have all flashed red, but no one is looking. Claims for personal independence payments from people who have developed a disability and cannot work rocketed with the vaccine roll-out and have continued to rise ever since. The same was seen in the US, which also started with the vaccine roll-out, not with covid. A study to determine the vaccination status of a sample of such claimants would be relatively quick and inexpensive to perform, yet nobody seems interested in ascertaining this vital information. Officials have chosen to turn a blind eye to this disturbing, irrefutable and frightening data, much like Nelson did—and for far less honourable reasons. He would be ashamed of us.

Furthermore, data that has been used to sing the praises of the vaccine is deeply flawed. Only one covid-related death was prevented in each of the initial major trials that led to authorisation of the vaccines, and that is taking the data entirely at face value, whereas a growing number of inconsistencies and anomalies suggest that we ought not to do this. Extrapolating from that means that between 15,000 and 20,000 people had to be injected to prevent a single death from covid. To prevent a single covid hospitalisation, more than 1,500 people needed to be injected. The trial data showed that one in 800 injected people had a serious, adverse event, meaning that they were hospitalised or had a life-threatening or life-changing condition. The risk of this was twice as high as the chance of preventing a covid hospitalisation. We are harming one in 800 people to supposedly save one in 20,000. That is madness.

The strongest claims have too often been based on modelling carried out on the basis of flawed assumptions. Where observational studies have been carried out,

researchers will correct for age and comorbidities to make the vaccines look better. However, they never correct for socioeconomic or ethnic differences as that would make vaccines look worse. That matters. For example, claims of higher mortality in less vaccinated regions of the United States took no account of the fact that this was the case before the vaccines were rolled out. That is why studies that claim to show that the vaccines prevented covid deaths also showed a marked effect of them preventing non-covid deaths. The prevention of non-covid deaths was always a statistical illusion and claims of preventing covid deaths should not be assumed when that illusion has not been corrected for. When it is corrected for, the claims of efficacy for the vaccines vanish with it.

Covid disproportionately killed people from ethnic minorities and lower socioeconomic groups during the pandemic. In 2020, deaths among the most deprived were up by 23% compared with 17% for the least deprived. However, since 2022 the pattern has reversed, with 5% excess mortality among the most deprived compared with 7% among the least deprived. These deaths are being caused by something different.

In 2020, the excess was highest in the oldest cohorts, and there were fewer than expected deaths among younger age groups. However, since 2022, the 50 to 64-year-old cohort has had the highest excess mortality. Even the youngest age groups are now seeing a substantial excess, with a 9% excess in the under-50s since 2022 compared with 5% in the over-75 group.

Despite London being a younger region, the excess in London is only 3%, whereas it is higher in every more heavily vaccinated region of the UK. It should be noted that London is famously the least vaccinated region in the UK by some margin. Studies comparing regions on a larger scale show the same thing. Studies from the Netherlands, Germany and the whole world each show that the highest mortality after vaccination was seen in the most heavily vaccinated regions.

So we need to ask: what are people dying of? Since 2022, there has been an 11% excess in ischemic heart disease deaths and a 16% excess in heart failure deaths. In the meantime, cancer deaths are only 1% above expected levels, which is further evidence that this is not simply some other factor that affects deaths across the board, such as failing to account for an ageing population or a failing NHS. In fact, the excess itself has a seasonality, with a peak in the winter months. The fact that it returns to baseline levels in summer is a further indication that this is not due to some statistical error or an ageing population alone.

Dr Clare Craig from HART—the Health Advisory & Recovery Team—first highlighted a stepwise increase in cardiac arrest calls after the vaccine roll-out in May 2021. HART has repeatedly raised concerns about the increase in cardiac deaths, and it has every reason to be concerned. Four participants in the vaccine group of the Pfizer trial died from cardiac arrest compared with only one in the placebo group. Overall, there were 21 deaths in the vaccine group up to March 2021, compared with 17 in the placebo group. There are serious anomalies about the reporting of deaths in this trial, with the deaths in the vaccine group taking much longer to report than those in the placebo group. That is highly suggestive of a significant bias in what was supposed to be a blinded trial.

An Israeli study clearly showed that an increase in cardiac hospital attendances among 18 to 39-year-olds correlated with vaccination, not with covid. There have now been several post-mortem studies demonstrating a causal link between vaccination and coronary artery disease leading to death up to four months after the last dose. We need to remember that the safety trial was cut short to only two months, so there is no evidence of any vaccine safety beyond that point. The decision to unblind the trials after two months and vaccinate the placebo group is nothing less than a public health scandal. Everyone involved failed in their duty to the truth, but no one cares.

The one place that can help us understand exactly what has caused this is Australia, which had almost no covid when vaccines were first introduced, making it the perfect control group. The state of South Australia had only 1,000 cases of covid across its whole population by December 2021, before omicron arrived. What was the impact of vaccination there? For 15 to 44-year-olds, there were historically 1,300 emergency cardiac presentations a month. With the vaccine roll-out to the under-50s, this rocketed to over 2,172 cases in November 2021 in this age group alone, which was 67% more than usual. Overall, 17,900 South Australians had a cardiac emergency in 2021 compared with only 13,250 in 2018, which is a 35% increase. The vaccine must clearly be the No. 1 suspect for this, and it cannot be dismissed as a coincidence. Australian mortality overall has increased from early 2021, and that increase is due to cardiac deaths.

These excess deaths are not due to an ageing population, because there are fewer deaths from the diseases of old age. These deaths are not an effect of covid, because they have happened in places that covid had not reached. They are not due to low statin prescriptions or undertreated hypertension, as Chris Whitty would suggest, because prescriptions did not change, and any effect would have taken many years and been very small. The prime suspect must be something that was introduced to the population as a whole, something novel. The prime hypothesis must be the experimental covid-19 vaccines.

The ONS published a dataset of deaths by vaccinated and unvaccinated. At first glance, it appears to show that the vaccines are safe and effective. However, there were several huge problems with how it presented that data. One was that for the first three-week period after injection, the ONS claimed that there were only a tiny number of deaths—the number the ONS would normally predict to occur in a single week. Where were the deaths from the usual causes? When that was raised, the ONS claimed that the sickest people did not get vaccinated and therefore the people who were vaccinated were self-selecting for those least likely to die. Not only was that not the case in the real world, with even hospices heavily vaccinating their residents, but the ONS's own data show that the proportion of sickest people was equal in the vaccinated and the unvaccinated groups. That inevitably raises serious questions about the ONS's data presentation. There were so many problems with the methodology used by the ONS that the statistics regulator agreed that the ONS data could not be used to assess vaccine efficacy or safety. That tells us something about the ONS.

Consequently, HART asked the UK Health Security Agency to provide the data it had on people who had died and therefore needed to be removed from its

[Andrew Bridgen]

vaccination dataset. That request has been repeatedly refused, with excuses given including the false claim that anonymising the data would be the equivalent of creating it even though there is case law that anonymisation is not considered the creation of new data. I believe that if this data was released, it would be damning.

Some claim that so many lives have been saved by mass vaccination that any amount of harm, suffering and death caused by the vaccines is a price worth paying. They are delusional. The claim of 20 million lives saved is based on now discredited models which assume that covid waves do not peak without intervention. There have been numerous waves globally now that demonstrate that is not the case. It was also based on there having been more than half a million lives saved in the UK. That is more than the worst-case scenario predicted at the beginning of the pandemic. For the claim to have been true, the rate at which covid killed people would have had to take off dramatically at the beginning of 2021 in the absence of vaccination. That is ludicrous and it bears no relation to the truth.

In the real world, Australia, New Zealand and South Korea had a mortality rate of 400 deaths per million up to summer 2022 after they were first hit with omicron. How does that compare? With the Wuhan strain, France and Europe as a whole had a mortality rate of under 400 deaths per million up to summer 2020. Australia, New Zealand and South Korea were all heavily vaccinated before infection, so tell me: where was the benefit? The UK had just over 800 deaths per million up to summer 2020, so twice as much, but we know omicron is half as deadly as the Wuhan variant. The death rates per million are the same before and after vaccination, so where were the benefits of vaccination?

The regulators have failed in their duty to protect the public. They allowed these novel products to skip crucial safety testing by letting them be described as vaccines. They failed to insist on safety testing being done in the years since the first temporary emergency authorisation. Even now, no one can tell us how much spike protein is produced on vaccination and for how long—yet another example of where there is no data for me to share with the House.

When it comes to properly recording deaths due to vaccination, the system is broken. Not a single doctor registered a death from a rare brain clot before doctors in Scandinavia forced the issue and the Medicines and Healthcare products Regulatory Agency acknowledged the problem. Only then did these deaths start to be certified by doctors in the UK. It turns out the doctors were waiting for permission from the regulator and the regulator was waiting to be alerted by the doctors. This is a lethal circularity. Furthermore, coroners have written regulation 28 reports highlighting deaths from vaccination to prevent further deaths, yet the MHRA said in response to a freedom of information request that it had not received any of them. The systems we have in place are clearly not functioning to protect the public.

The regulators also missed the fact that in the Pfizer trial, the vaccine was made for the trial participants in a highly controlled environment, in stark contrast to the manufacturing process used for the public roll-out, which was based on a completely different technology. Just over 200 participants were given the same product that was given to the public, but not only was the data from these people never compared to those in the trial for efficacy and safety but the MHRA has admitted that it dropped the requirement to provide the data. That means that there was never a trial on the Pfizer product that was actually rolled out to the public, and that product has never been compared with the product that was actually trialled.

The vaccine mass production processes use vats of Escherichia coli and present a risk of contamination with DNA from the bacteria, as well as bacterial cell walls, which can cause dangerous reactions. This is not theoretical; this is now sound evidence that has been replicated by several labs across the world. The mRNA vaccines were contaminated by DNA, which far exceeded the usual permissible levels. Given that this DNA is enclosed in a lipid nanoparticle delivery system, it is arguable that even the permissible levels would have been far too high. These lipid nanoparticles are known to enter every organ of the body. As well as this potentially causing some of the acute adverse reactions that have been seen, there is a serious risk of this foreign bacterial DNA inserting itself into human DNA. Will anybody investigate? No, they won't.

Danny Kruger (Devizes) (Con): I am grateful to the hon. Gentleman for giving way; I am conscious that time is tight. I recognise that he is making a very powerful case. Does he agree that the Government should be looking at this properly and should commission a review into the excess deaths, partly so that we can reassure our constituents that the case he is making is not in fact valid and that the vaccines are not the cause behind these excess deaths?

Andrew Bridgen: I thank the hon. Gentleman for his support on this topic. Of course that is exactly what any responsible Government should do. I wrote to the Prime Minister on 7 August 2023 with all the evidence of this, but sadly I am still awaiting a response.

What will it take to stop these products? Their complete failure to stop infections was not enough; we all know plenty of vaccinated people who have caught and spread covid. The mutation of the virus to a weaker variant—omicron—was not enough, the increasing evidence of the serious harms to those of us who were vaccinated was not enough, and now the cardiac deaths and the deaths of young people are apparently not enough either.

It is high time that these experimental vaccines were suspended and a full investigation into the harms that they have caused was initiated. History will be a harsh judge if we do not start using evidence-based medicine. We need to return to basic science and basic ethics immediately, which means listening to all voices and investigating all concerns.

In conclusion, the experimental covid-19 vaccines are not safe and are not effective. Despite there being only limited interest in the Chamber from colleagues—I am very grateful to those who have attended—we can see from the Public Gallery that there is considerable public interest. I implore all Members of the House, those who are present and those who are not, to support calls for a three-hour debate on this important issue. Mr Deputy Speaker, this might be the first debate on excess deaths

in our Parliament—indeed, it might be the first debate on excess deaths in the world—but, very sadly, I promise you it will not be the last.

2.57 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I congratulate the hon. Member for North West Leicestershire (Andrew Bridgen) on securing this important debate. I only have five minutes of this 30-minute debate to respond. I will try to cover all the points if I can.

Can I start by acknowledging that the hon. Member is correct that we have seen an increase in excess deaths in the last year? However, I disagree with his analysis, because the causes that he refers to simply do not bear out the statistics that we have. There has been a combination of factors contributing to the increase in excess deaths, including, in the last year, high flu prevalence, the ongoing challenges of covid-19, a strep A outbreak and conditions such as heart disease, which he touched on, diabetes and cancer. Because we had had virtually a lockdown of routine health services over a two-year period, many people are now coming forward with increased morbidity and mortality as a result.

I will start with winter flu. The number of positive tests last year peaked at 31.8%, the highest figure seen in the last six years. Interim analysis from the UKHSA indicates that the number of deaths in England associated with flu was far higher than pre-pandemic levels, so the excess deaths due to flu last winter are, sadly, part of the answer.

The hon. Member touched on the independent body, the ONS. Its figures show that the leading cause of death in England is still dementia, which accounts for about 10% of all deaths. It also looks at the cause of excess deaths. If we look at the figures as of June this year, the top three causes of excess deaths are respiratory illnesses, dementia and ischaemic heart disease, which is often caused by an increase in cholesterol, smoking or not having a blood pressure check. There are a number of reasons, and they are often chronic conditions that people have had for years, or in some cases for decades; they are not acute illnesses.

In the three minutes I have left to respond, I will touch on some of the points that the hon. Member made. First, on the importance of vaccination, it is very easy to say that there is a prevalence of high rates of covid vaccination in people who have died. That is correct: when 93.6% of the population have had at least one dose of the vaccine, there will be a high rate of vaccination in excess deaths. That is different from causality. I completely agree with the hon. Member that there is a high prevalence rate, but that is not the same as saying that vaccination is the cause of those deaths.

The Office for National Statistics has looked at this, and those who have been vaccinated have generally had a lower all-cause mortality rate than unvaccinated people since the introduction of the booster in 2021. A recent study in Singapore looked at unvaccinated patients who had recovered from covid, and showed that those patients had a 56% higher risk of cardiac complications a year later than those who were vaccinated. There is conflicting data on this issue, and I am not necessarily disagreeing with the hon. Member, but I think we need to have a robust conversation about it, not to assume that one side necessarily has all the answers.

I will touch on a couple of points that the hon. Member made about vaccine safety. The regulator has been taking account of those who report adverse events, and I encourage anyone who has had a side effect from any of the vaccines to use the yellow card system and report it to their GP. When those side effects have been reported, the MHRA has taken action. In April 2021, the MHRA reacted to rare cases of concurrent thrombosis and thrombocytopenia following the AZ vaccine, which resulted in adults under 30 not being offered that vaccine. In May 2021, that was increased to adults under 40. With regard to the mRNA vaccine specifically, following reports of a link between covid vaccines and myocarditis, the Commission on Human Medicines conducted an independent review in June 2021, which found that the incidence of that side effect was rare: between one and two cases per 100,000. When there are concerns, we absolutely must investigate them. There is no doubt about that.

We had a debate earlier this afternoon about those who have experienced rare side effects from the vaccine. We do have the vaccine damage payment scheme, which offers a payment of £120,000 if that is shown to be—

3.2 pm

House adjourned without Question put (Standing Order No. 9(7)).

Written Statements

Friday 20 October 2023

BUSINESS AND TRADE

Post Office: Additional Funding

The Parliamentary Under-Secretary of State for Business and Trade (Kevin Hollinrake): I am announcing that the Government intend to provide additional financial support to Post Office Ltd of up to £150 million, plus any contingency that may be required. This funding will enable the company to meet the costs of participating in the Post Office Horizon IT inquiry and of operating compensation schemes for postmasters.

The final level of funding required is currently being finalised. The Government will confirm to the House the outcome of considerations on financing needs at the earliest opportunity following finalisation.

The Government also intend to provide additional funding to help with the development of the replacement for the Horizon IT system and to ensure that the Horizon system is maintained before that replacement is rolled out.

This funding is subject to compliance with subsidy control requirements, including referral to the subsidy advice unit—part of the Competition and Markets Authority—for review under the Subsidy Control Act 2022, and no award of funding will be made until this is completed. The subsidy advice unit should publish a report within 30 working days, in addition to a preliminary assessment being carried out and a subsequent review period where the outcomes of the review are considered.

[HCWS1081]

EDUCATION

Minimum Service Levels in Education

The Secretary of State for Education (Gillian Keegan): Today I am announcing my intention to pursue minimum service levels in education. In the first instance, I will look to proceed through voluntary agreement. I have written to the teaching unions inviting them to discuss minimum service levels proposals in the hope an agreement can be reached on a voluntary basis.

If we cannot reach an agreement, I will use powers within the Strikes (Minimum Service Levels) Act 2023 which allows the Secretary of State to make regulations to set minimum service levels for schools and colleges in the event of strike action. At such a time I will launch a consultation on how minimum service levels could be implemented. This consultation will build on the consultation in higher education announced on 2 October.

The Government remain committed to ensuring that children and young people are not disadvantaged because of any future strike action. This year's school strikes were part of the biggest outbreak of industrial action in a generation, with far-reaching consequences across the education system. Cumulatively over 25 million school days have been lost over 10 strike days in schools alone. Disruption caused by strike action has only compounded the detrimental impact of the covid pandemic on children's and young peoples' learning.

Either through voluntary agreements or legislation we will introduce minimum service levels to protect children and students from disruption to their education during periods of industrial action.

[HCWS1079]

TREASURY

Draft Finance Bill Legislation: VAT and Excise

The Financial Secretary to the Treasury (Victoria Atkins): The Government are committed to taking full advantage of the opportunities available following EU exit to improve the tax system and have made strong progress in removing, replacing and improving retained EU tax law. This includes disapplying direct EU regulations in relation to customs, VAT and excise and introducing a UK tariff and domestic customs regime, including a range of easements and facilitations that were not available under EU rules.

The Government have also introduced a number of other reforms following EU exit, including: revising and modernising the VAT rules for the importation of low-value parcels; changing the rules of duty-free and tax-free shopping; reforming the rules on VAT on cross-border financial services; introducing a zero rate of VAT for women's period products; expanding the VAT relief for the installation of energy-saving materials and introducing a temporary zero rate; and overhauling the UK's alcohol duty regime to radically reform the way duty is charged on alcohol, the biggest change in 140 years.

The Government remain committed to embedding this approach and continuing to take advantage of the opportunities provided by EU exit to reform and improve the tax system through the established Finance Bill and tax policy-making process. For example, spring Budget 2023 announced that the Government would continue discussions with interested stakeholders on reform of the VAT rules on fund management and possible reforms to simplify the VAT treatment of financial services, with the aim of reducing inconsistencies and providing businesses with greater clarity and legal certainty. On 18 July 2023, the Government published a consultation on legislative reforms to modernise the legislation that underpins the VAT treatment of certain wholesale commodity transactions. This consultation closed on 12 September 2023 and the Government are now considering the responses.

Building on this progress, and in line with the tax policy-making framework, the Government are publishing draft legislation in relation to retained EU law for VAT and excise ahead of potential inclusion in the next Finance Bill. While the final contents of the next Finance Bill will be a decision for the Chancellor, the draft legislation is being published to seek stakeholder views

at this stage. This allows for technical consultation and provides taxpayers with predictability over future tax policy changes.

This legislation clarifies how VAT and excise legislation should be interpreted in the light of changes made by the Retained EU Law (Revocation and Reform) Act 2023 (REUL Act). The REUL Act ends the supremacy and special status afforded to retained EU law in the UK. In relation to VAT and excise, the Government confirm that it will no longer be possible for any part of any UK Act of Parliament or domestic subordinate legislation to be quashed or disapplied on the basis that it was incompatible with EU law. As previously announced, the Government are taking a bespoke approach in relation to UK VAT and excise law so that it continues to be interpreted as Parliament intended, drawing on rights and principles that currently apply in interpreting UK law. This legislation ensures the stability of the VAT and excise regimes and provides legal certainty for business following the changes in the REUL Act taking effect. It mitigates the risk of re-litigating settled interpretation of UK law, protecting billions of pounds of Exchequer revenue—VAT and excise duty from alcohol, tobacco and hydrocarbon oil raise over £200 billion of revenue per year.

The draft legislation is accompanied by a tax information and impact note and an explanatory note. The documentation has been placed in the Libraries of both Houses and can be found at:

www.gov.uk/government/publications/interpretation-of-vat-and-excise-legislation

[HCWS1080]

WRITTEN STATEMENTS

Friday 20 October 2023

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

not later than
Friday 27 October 2023

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

Volume 738
No. 209

Friday
20 October 2023

CONTENTS

Friday 20 October 2023